

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR – CORE SERVICES

TITLE: BARNSELY COUNCIL ANNUAL CUSTOMER COMPLAINTS AND COMPLIMENTS REPORT – APRIL 2021 TO MARCH 2022

REPORT TO:	CABINET
Date of Meeting	19 October 2022
Cabinet Member Portfolio	Core Services
Key Decision	No
Public or Private	Public

Purpose of report

The purpose of the report is to provide Cabinet with an analysis and overview of the customer complaints and compliments handled under the Council's management of customer feedback procedures during the period 1 April 2021 to March 2022.

Council Plan priority

The Council priority this report relates to is Enabling Barnsley.

Recommendations

That Cabinet: -

1. receive and discuss the information contained in this report as required under the complaint's legislation.

1. INTRODUCTION

- 1.1 The data contained in this report was correct at the time of creation. However, there is a risk to some variation in future reported data due to updates.
- 1.2 The Council's procedures are written as part of our statutory obligations under the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009, and the Children Act 1989 Representations Procedure (England) Regulations 2006. The report will also advise on the compliments received by the Council, and the improvements to service delivery that have arisen as a result of complaints made within this period.
- 1.3 The submission of compliments and complaints is an important means by which

people can let the Council know about their experiences. The number of complaints and compliment received by the Council are a good indicator of how accessible the procedures are for considering complaints rather than an indicator of how well or not a service is performing, it is the outcome of the investigations which tells us if things are working well or not. The aim is to ensure that compliments and complaints are recorded, acknowledged, and appropriately responded to.

- 1.4 It is vital for continuous service improvement to know when our customers are happy with the services they receive and share with us their positive experiences. We refer to these as compliments and each compliment received is shared with the service concerned. However, on those occasions when a customer's experience falls below what they expect and they wish to complain about this, this information is equally as valuable, as it provides an opportunity for the organisation to reflect on its practice and identify where things may have gone wrong, what can be done to learn from this, and offer redress to the customer where required. The complaints procedures enable this and is an alternative dispute resolution process which aims to:
- clearly identify a customer's complaint
 - investigate thoroughly and fairly in partnership with the customer and service
 - reach a swift resolution
 - reflect upon any learning and identify service improvements
- 1.5 Customer compliments and complaints are recorded, received, managed, and facilitated by the Customer Resolution Team which is a part of the Business Improvement, Human Resources and Communications Business Unit.
- 1.6 The Customer Resolution Team also receive contacts where customers are not specifically complaining about the actions of the Council but wish to offer suggestions, ideas or advice, or make requests for services, we refer to these as non-complaints. All non-complaints are acknowledged with the customer, and they are advised why their contact is not being handled as a complaint and which service their contact has been shared with.

2. PROPOSAL

- 2.1 A total number of 414 customer compliments have been received by the Council, with 50% of these being received in the Environment and Transport business unit. It is pleasing to report that this is the fifth year this business unit has received the most compliments across all Council services. However, 2021-22 did see a decrease in the total number of compliments received from the figure reported last year (475). Work will continue to ensure that customers and staff members know how to share positive experiences with the Customer Resolution Team.
- 2.2 712 customer complaints have been registered during 2021-22. This is an increase on last year's total of 320. However, of the 712, 211 of these contacts were later discontinued by the customer either withdrawing their complaint or no longer wishing to engage with the process, bringing the total number of complaints which were resolved to 501. It is disappointing that some of our customers do not continue with their complaints or withdraw them, and this can be for a variety of reasons not always known to us. Whilst these concerns do not continue to be investigated as a complaint the concerns raised should be shared with the service for their attention

and awareness. A review of the process we have in place for the action taken on discontinued complaints has taken place in quarter 1 of 2022-23 with the aim of seeing a reduction in the number of complaints which are being discontinued.

2.3 A comparison table of this year's performance against last year's on complaint numbers and outcomes can be seen in appendix 2.

2.4 There are many different reasons to explain why an increase in complaints has been seen during 2021-22, and it is important that we understand the details of this to ensure that where we are upholding these complaints, services are learning and improving in response. During 2022-23 the Customer Resolution Team will be holding a workshop with those services who have received the most upheld complaints to identify opportunities to improve and learn from the feedback we have received both in the management of complaints and from the complaints themselves. In consultation with services the following reasons have been identified below that go some way to initially understanding where an increase in the number of complaints may have resulted from:

It may be that:

- This is the first full year report on complaints and compliments following the Pandemic and services are still feeling the impact of this in terms of resources.
- People may be more aware of their rights to complain as a result of staff training and internal/external communications.
- Making a complaint is more accessible and easier to do.
- The role of the Council may have changed for people during the Pandemic with more people engaging with us than we have had previously.
- Customers' expectations or perceptions of services may not be possible to meet which is giving rise to them making a complaint.
- Longer term solutions identified as service improvements are not implemented or yet embedded into service delivery

Core Directorate:

- During 2021-22 the Finance business unit have reported that they had a significant increase in workloads as a result of their response to support the borough with various government initiatives such as Business Rate Relief grants, Test and Trace Support and other grants such as the Household Support Grant, supporting residents of the borough in most need. This resulted in an increase in customer contact, more residents and businesses contacting us for help in the midst of a global pandemic, impacting on the number of calls and call waiting times. To put into context this business unit received 59 complaints in 2021-22 of which 29 were upheld. The business unit supports in excess of 114,000 households and 9,000 businesses, whilst they would always aim to deliver the best possible service to our customers, in comparison to the number of customers we deal with on a day-to-day basis the number of complaints upheld is less than 0.25%. The business unit always take on board learning from

complaints, adapting systems and processes to simplify and improve the customer experience and address staff performance through training and support to ensure we deliver a professional, and seamless service.

Place Directorate:

- The Regeneration and Culture business unit acknowledge that they have seen a significant increase in workload for all of its services (in particular the Planning Service) as well as changes to resources within the teams, which has likely impacted on the capacity to respond to the complaints received. This, along with the contentious nature of some of the service provisions in this area, and the increase in applications, are just some of the known reasons for seeing an increase in complaints. The service will continue to use the information from complaints to listen to customers and identify service improvements where required.
- The Environment and Transport business unit acknowledge that during 2021-22 the Pandemic was still very much having an impact upon the service in terms of resources. It is understood that many of the complaints received for services were matters which are easily resolved relating mainly to waste management service delivery. The business unit have been, and continue to, work closely with the Customer Resolution Team to identify opportunities to improve service delivery from the customer complaints received. As services are starting to see the impact of the Pandemic reduce, they are working hard to ensure right first-time collections for residents. A project of in cab technology is to be reinstated and it is anticipated that it will be introduced into service delivery during 2022-23. This solution will have a strong customer focus and allow customers to receive real time updates. The business unit values the customer feedback it receives and can report that during 2021-22 Waste Services successfully collected to schedule 99.92% out of the 8.2 million collections and are anticipating a further 10% reduction of reported missed collections this financial year.

Children's Services Directorate:

- Education, Early Start and Prevention business unit have reported that an increase in the number of people accessing their services has been seen during 2021-22, particularly in the Special Educational Needs service area (SEND) where an increasing number of families are requesting an assessment for an Education and Health Care Plan and an increasing number that have a plan in place. Families in receipt of services can often have a long-standing relationship with SEND services and experience a wide range of services throughout this time. Complaints can often be complex and include actions taken by health and education providers where the Council can influence practice but not always control. There is a system wide SEND Improvement Programme in place governed by the SEND Oversight Board to accelerate sustainable system wide improvements. As well as the business unit investing in the service to ensure timely and effective services to families including decision making, customer service and timely delivery of statutory processes.
- The Children's Social Care business unit recognise that there has been an increase in the number of complaints received during 2021-22, particularly in relation to communication with customers. They acknowledge that this increase

may be an impact from the significant challenges the service has experienced, and is continuing to manage, in relation to staff turnover and lack of practice standards and practice model in place. The services are working hard to improve delivery of services and reduce the impact of these challenges on our customers through development of standards and a practice model, staff training and through working closely with the Customer Resolution Team in the management and resolution of the complaints being received and escalated. The services recognise the importance of learning from complaints and the value of the customers experience is a priority for this business unit.

Adult and Communities Directorate:

- Adults Social Care business unit have explained that they have received an increase in the number of referrals being received by their team which handles first point of contact from customers. In addition to this the services have identified that they have noticed from the complaints they are receiving that there is an expectation of services from customers, based upon information provided by other organisations, which is then causing the customer to challenge assessment decisions made by Adult Social Care. A number of complaints received also relate to cross service concerns attached to delays in financial assessments. The business unit have identified from these complaints that improvements to communication and robust case note recording has been required and they are in the process of delivering training in this area. As well as the Quality Assurance Team regularly reviewing service delivery and working together with the Customer Resolution Team to identify trends and service improvements from the complaints being made.
- The Communities business unit have identified that there was an impact on service delivery as a result of resources and capacity being prioritised necessarily on the pandemic response, and in turn it is recognised that there may be an impact in complaints as a result of this. It is hoped that this will be addressed during this year as the services have returned to pre-pandemic operating models.

- 2.5 It is important to note that not all customer concerns are processed as a complaint. Where a customer has contacted the service direct and their concerns are resolved, there is often no requirement to escalate this through the Council's complaints procedure. However, it is vital that we make sure the customer is informed of their right to make a complaint should their concern remain unresolved, or they remain unhappy. Work continues within the Council to encourage this approach, thus ensuring complaints received are those where there is a real need to focus on investigating where a customer's experience has fallen below expectations.
- 2.6 There is a continuing trend which shows it is the customer in receipt of the service that is making the complaint, and the majority of complaints were made directly to the Customer Resolution Team (59%). In 2021-22, there has been an increase in customers making their complaint online (70% from 53%) and work continues to encourage our customers to access our online services.
- 2.7 99% of customer complaints received were acknowledged within a 5 working day timescale, with 100% Adults Social Care complaints being acknowledged within the statutory 3 working days. Performance in this area has improved when compared to

the figure reported last year for those complaints acknowledged within 5 working days (89%).

- 2.8 97% of complaints met their corporate and/or statutory timescale for completion at all stages in the process. Again, this is a positive increase compared to the figure reported last year, 87%. Furthermore, this year has seen a change in how most complaints have been resolved (501) with most complaints being resolved through early resolution, 329 and 172 requiring formal investigation.
- 2.9 The outcomes from complaints showed 261 cases being upheld, 123 partially upheld, 106 not upheld, 10 inconclusive and 1 pending completion. It is important to note that whilst 211 customers discontinued with their complaint during 2021-22, these concerns should have been shared with services for their awareness. A review of the process the Customer Resolution Team has in place for the action taken on discontinued complaints has taken place during quarter 1 of 2022-23 with the aim of seeing a reduction in the number of complaints which are being discontinued.
- 2.10 In 2021-22, 31 complaints progressed onto the review stage, of which:
- 11 were in Regeneration and Culture
 - 6 were in Environment and Transport
 - 4 were in Adult Social Care
 - 4 were in Education, Early Start and Prevention
 - 3 were in Children's Social Care and Safeguarding
 - 2 were in Stronger, Safer and Healthier Communities
 - 1 was in Financial Services.
- 2.11 There were also 15 complaints which progressed onto the statutory second stage of the Children's Social Care Procedures and 3 of these escalated to the third and final stage of the process.
- 2.12 The total number of complaints progressing to the next stage of the procedures is an increase on the number reported for 2020-21 (9). The purpose of the progression stage is to review our actions and response to the customer based upon what they believe remains outstanding from the first investigation undertaken. Whilst it is positive to note that the number of complaints progressing onto the review stage remains low compared to the number of complaints received (9%). On some occasions those customers who did tell us that they remained unhappy were supported by the Customer Resolution Team to resolve their concerns without the need to progress their complaint onto the next stage of the process.
- 2.13 Our records indicate that we have received 36 contacts from the Ombudsman office in 2021-22, this is an increase from the previous year's reported position (28). However, we believe the reduction in cases escalating to the Ombudsman office in the previous year was a direct result of the Ombudsman not accepting new complaints between March and June 2020, in response to the Covid-19 pandemic.
- 2.14 3 of the contacts originated from the Housing Ombudsman Service (HOS) and 33 from the Local Government and Social Care Ombudsman (LGSCO). 14 of these required the LGSCO to undertake a formal investigation, of which 9 cases identified fault with 8 of these causing an injustice. 7 cases required a form of financial

redress to be made as well as improvements to service delivery. The Council agreed with the Ombudsman's recommendations to resolve and redress these complaints.

- 2.15 The LGSCO annual review letter was also received by the authority on 20 July 2022. This letter provides details of annual performance statistics on the decisions made by the Local Government and Social Care Ombudsman for Barnsley Metropolitan Borough Council for the year ending 31 March 2022. The letter focuses on the outcomes of complaints and what can be learned from them – considering three key areas:
1. Complaints upheld
 2. Compliance with recommendations
 3. Satisfactory remedy provided by the authority
- 2.16 The Council's performance (based on a total of 13 investigations for the period 1 April 2021 to 31 March 2022) for complaints upheld was 69% which is an improvement on last year's position of (83%) but appreciating the number of complaints received is higher. Our compliance with recommendations continues to be 100% for all cases which is positive to note. In relation to satisfactory remedy, which relates to the number of cases that the Ombudsman considers to be resolved and remedied satisfactorily by the Council before reaching them, remains at 0%. Additional support measures were implemented following this result last year to support services in this area, which unfortunately we have not yet seen an impact in improved performance for during 21-22, work will continue to be undertaken to support services with the aim of seeing an improvement in our performance.
- 2.17 The Ombudsman's letter also makes reference to concerns held in respect of the resources and prioritisation given to complaint functions. We have recently introduced an additional resource into the team which manage our complaints service to ensure that we continue to prioritise complaints, detect early warning signs of problems and offer opportunities to improve service delivery.
- 2.18 As evidenced in the percentages reported, a significant amount of work has been undertaken to improve performance and in doing so, firmly embedding the importance of complaints. During 2020-21 we highlighted that additional work would be undertaken to continue to improve service delivery and we are pleased to report the Customer Resolution Team are:
- Continuing to proactively work with all services in maintaining high performance levels and striving to meet statutory/corporate complaint requirements and timescales
 - Impressing the importance of delivering a robust and effective complaints service; one that prides itself in resolving dispute matters swiftly and ensuring the needs of our customers is of paramount importance
 - Reinforcing this message with attendance at Directorate Management Team and other management meetings to discuss the nature of complaints received, explore where gaps may exist and working collaboratively to get this right next time
 - Undertaking targeted work with services where complaints trends and themes are emerging to understand where change needs to happen

- Ensuring the allocation of each complaint through the performance management system
- Taking customer complaints as an opportunity to learn and forge change in the delivery of our services. Reinforcing the application of our values that will enhance service delivery and the customer experience going forwards
- Learning more from what our customers are telling us and striving harder to get underneath what has gone wrong. Challenge the status-quo to make changes and improvements to how we deliver our services
- Continuing to adopt a 'critical friend' approach with services to support learning from complaints through embedding this in systems and processes

2.19 During 2022-23, we plan to continue to build on the above as well as undertake the following:

- Launch a POD training course on an introduction to complaints for all staff members.
- Hold a workshop with those services who are receiving the highest number of upheld complaints to review processes on how we manage complaints and learn from them.
- Review our online customer complaint and compliment form to improve how complaints and compliments are captured and routed through the organisation.
- Explore the option of creating a child friendly online form for children and young people to complete.
- Review present system for the management of complaints and compliments with a view to implement identified changes which will improve service delivery.
- Work with services to look at developing a wider policy for how unreasonable and persistent customer behaviour will be managed across the Council, not directly attached to a person who is making a complaint.

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).

As part of the complaints process a number of formal resolution methods may have financial costs associated with them such as external investigations, reviews and appointment of mediators and financial settlement (where appropriate). The cost of these dispute resolution options is aligned directly to the business unit budget the complaint relates to.

As a resolution to a complaint, it is important that consideration is given when the Council is required to make improvements and how it can remedy the customer for any impact or injustice caused. This may also on occasions have (limited) financial

implications, again the cost of any remedy is done so in consultation with Legal Services and are aligned directly to the business unit budget the complaint relates to.

The effective resolution of complaints can lead to service improvements and complainant satisfaction.

3.2 Legal

The annual report is written as part of our statutory obligations under the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009, and the Children Act 1989 Representations Procedure (England) Regulations 2006.

3.3 Equality

Full Equality Impact Assessment not applicable as this is a performance report produced as part of regulations.

The Customer Resolution Team has worked in consultation with the Equality Service during 2022 with regards to capturing customer accessibility data in relation to the Council's complaints procedure. Actions arising from this will continue to be developed during 2022-23.

3.4 Sustainability

A decision-making wheel has not been completed as this is a performance report produced as part of regulations.

3.5 Employee

All staff should be aware of the complaint's procedures covering their area of work to enable advice to be given to service users of the options available to them.

Staff resources are needed in order to carry out investigations following a complaint. On rare occasions other procedures such as management investigations may be required following a complaint investigation.

It is recognised that there are a number of complaints each year where the complexity of the complaint can create a high volume of work and commitment for the services they relate to. The reasons for this, whilst individual to the circumstances of the complaint, are often related to dispute resolution, service delivery and procedural requirements (some of which are statutory). It is important to recognise the impact that complex complaints can have upon the workforce in respect of workload and wellbeing. To help mitigate this the Customer Resolution Team provide support to services in the handling of complaints, offer provisions such as training, and welcome staff feedback on our procedures and processes.

3.6 Communications

The report will be made available on the Council's website upon Cabinet approval.

4. CONSULTATION

Discussed at Senior Management Team on 13 September 2022

Circulated to Barnsley Leadership Team members

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Not applicable.

6. REASONS FOR RECOMMENDATIONS

6.1 Not applicable.

7. GLOSSARY

LGSCO – Local Government and Social Care Ombudsman

HOS – Housing Ombudsman Service

8. LIST OF APPENDICES

Appendix A: Barnsley Council Annual Customer Complaints and Compliment Report – 1st April 2021 to 31st March 2022

Appendix B: Comparable performance table on complaint numbers and outcomes

9. BACKGROUND PAPERS

a) Management of Customer Feedback Procedure

b) Management of Children’s Social Care Customer Feedback Procedure

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

10. REPORT SIGN OFF

Financial consultation & sign off	Senior Financial Services officer consulted and date <div data-bbox="608 1541 1412 1861" style="border: 1px solid black; padding: 5px;"><p>Financial Implications/Consultation</p><p>14/09/22</p><p>..... (To be signed by senior Financial Services officer where no direct financial implications)</p></div>
Legal consultation & sign off	Legal Services officer consulted: Sukdave Ghuman Service Director for Law and Governance

	<i>20th September 2022</i>
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Report Author: Claire Dobby
Post: Customer Resolution Manager
Date: September 2022

PERFORMANCE REVIEW TABLE

Directorate	Business Unit	Complaints Total			Complaint Outcomes	
		Total number of complaints reported in 2020-21	Total number of complaints reported in 2021-22	Increase/decrease	Total number of complaints upheld (full or in part) 2020-21	Total number of complaints upheld (full or in part) 2021-22
Core	Finance	28	59	Increase	13	29
	Business Improvement, Human Resources and Communications	3	4	Increase	1	1
	Customer Information and Digital Services	9	8	Decrease	9	2
	Business Support and Governance	2	4	Increase	0	2
	Legal Services	0	1	Increase	0	1
	Total	42	76	Overall Increase	23	35
Place	Regeneration and Culture	29	63	Increase	12	29
	Environment and Transport	128	339	Increase	73	224
	Total	157	402	Overall Increase	85	253
Adults and Communities	Adult Social Care	30	49	Increase	14	25
	Stronger, Safer and Healthier Communities	13	23	Increase	3	7
	Total	43	72	Overall Increase	17	32
Children's Services	Education, Early Start and Prevention	12	40	Increase	7	17
	Children's Social Care and Safeguarding	55	116	Increase	19	47
	Total	67	156	Overall Increase	26	64
Public Health and Regulation	Public Health (0-19)	3	1	Decrease	0	0
	Regulation Services	8	5	Decrease	1	0

	Total	11	6	Overall Decrease	1	0
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