

## **APPENDIX 3**

### **SECTION 1:**

#### **Children's Services, Adult Services and Public Health Complaints Activity 1 April 2020 to 31 March 2021**

##### **1.0 Children's Services – Complaint Activity**

##### **1.1 Informal Complaints**

The complaint regulations provide an opportunity for young people/children, parents, advocates and carers to raise issues of concern without those matters being treated as formal complaints, as long as they are effectively addressed and resolved in a timely manner. These are referred to as informal complaints; 42 informal complaints were received during 1 April 2020 to 31 March 2021 compared to 48 informal complaints received during 1 April 2019 to 31 March 2020; a decrease of six cases.

##### **1.2 Stage One Complaints**

During 1 April 2020 to 31 March 2021 the council received 33 stage one Children's Services complaints compared to 58 during 1 April 2019 to 31 March 2020, a decrease of 25 cases. The 33 complaints received during this period refer to 12 separate service areas. The highest figure of five cases referred to Fostering Services. In some cases, this has followed extensive but unsuccessful attempts to resolve some of those complaints informally.

##### **1.3 Timescales**

Overall, 33 complaints were logged and investigated during 1 April 2020 to 31 March 2021. One complaint was responded to within 10 working days, 10 complaints within 11-20 working days, and the remaining 22 in just over 21 working days. Cases responded to 21 days or over timescale are due to various reasons for example, complex cases, availability of resources. In these circumstances, complainants are regularly updated on the progress of their complaint and provided with realistic timescales.

- 1.4 Out of the 33 complaints investigated during this period 4 complaints were dealt with in accordance with the Children's Act, with an average timescale of 40 working days; 29 complaints were dealt with in accordance with the corporate complaints policy and procedure (Non-Children's Act) which states complaints should be responded to within 21 calendar days; the average timescale was 30 days. The customer feedback team has worked with Children's Services to improve these response times; improvement strategies have been implemented and are reviewed by the service on a regular basis.

Out of the 33 complaints investigated during this period, no cases were upheld (at fault), 19 cases were partially upheld (partially at fault) and 14 cases not upheld (not at fault).

##### **1.5 Stage Two Complaints**

During this period 1 April 2020 to 31 March 2021, we have received one statutory stage two complaint which has been investigated in accordance with the Children's Statutory complaints procedure; this is in comparison to no cases received during 2019/20. The stage two statutory children's complaint case received is as follows:

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- One complaint for Children and Young People in Care in relation to a young person's experience whilst in foster care and actions of the council; due to the volume and complexities of this case some elements were upheld, partially upheld, not upheld and no findings established. The appropriate remedy, actions and learning have been implemented in line with the outcome of the independent investigator's (IO) complaint report.

During this period 1 April 2020 to 31 March 2021, we have received four children's stage two complaints which were dealt with in accordance with our corporate complaints policy and procedure. This is in comparison to five cases received during 2019/20. Out of the four stage two cases received during this period two cases were upheld and two cases not upheld. The corporate children's stage two complaints received are as follows:

- One complaint for Strengthening Families in relation to actions/process and procedure of Children's Services and child protection conference; outcome not upheld
- One complaint for Strengthening Families in relation to non-attendance at a child protection conference and actions of a social worker; outcome upheld; appropriate remedy, actions and learning have been implemented
- One complaint for Strengthening Families in relation to child protection conference process/procedure, inaccuracies in reports and conduct of social worker; outcome upheld; appropriate remedy, actions and learning have been implemented
- One complaint for Children and Young People in Care in relation to actions and delays within the fostering team and conduct of social worker; outcome not upheld

Several other complaints that could have proceeded down this route were resolved after significant intervention, mediation meetings and problem solving with Children's Services, the complainant and customer feedback team.

### 1.6 Stage Three Complaints

Where a statutory children's stage two complaint investigation has been carried out and the complainant remains dissatisfied, they have the right to request matters proceed to the final stage of the statutory complaint procedure; a stage three Independent Complaint Review Panel. During 1 April 2020 to 31 March 2021 no complaints escalated to a stage three panel during this period; this is in comparison to no stage three cases during 1 April 2019 to 31 March 2020.

### 1.7 Complaint Category

These are the headings under which we register the complaint against, based on the complaint details received – see attached Dashboard.

### 1.8 Compliments

All compliments are recorded by the Customer Feedback Team and reported as part of the team's annual monitoring process. During this period 29 compliments were received for Children's Services, compared to 107 during 1 April 2019 to 31 March 2020. Five compliments were received for Children and Young in Care Team 1, four compliments for Children and Young People in Care Team 2 followed by four compliments received for the Fostering Team.

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### **2.0 Public Health Complaints**

- 2.1 Regionally and nationally councils receive very few complaints in relation to Public Health Services. A typical complaint would be where a council has commissioned a service for local people through a Clinic or GP practice. Complaints in relation to GP's and Hospitals are dealt with through a separate complaint process managed by Health Services. In relation to Public Health complaints, there has been one complaint received during 1 April 2020 to 31 March 2021 regarding WV Active membership fee; this is in comparison for one complaint received during 1 April 2019 to 31 March 2020 in relation to Bert Williams Leisure Centre.

### **3.0 Adult Social Care Complaints**

#### **3.1 Informal Complaints**

The complaint regulations provides an opportunity for adult complaints to be resolved informally utilising a number of resolution methods as long as they are effectively addressed and resolved in timely manner. During 1 April 2020 to 31 March 2021 the council received 29 informal complaints which were resolved at service level without going through the formal route. This was compared to 43 informal complaints received during 1 April 2019 to 31 March 2020, a decrease of 14 cases.

#### **3.2 Stage One Complaints**

During 1 April 2020 to 31 March 2021 the council received 32 formal complaints compared with 53 during 1 April 2019 to 31 March 2020, representing a decrease of 21 complaints during this period. The highest figure of eight cases referred to Adult Locality West Team. The 32 complaints received covered 17 separate service areas. In some cases, this has followed extensive but unsuccessful attempts to resolve some of those complaints informally.

#### **3.3 Complaint Category**

These are the headings under which we register the complaint against, based on the complaint details received – see attached Dashboard.

#### **3.4 Timescales**

Overall, 32 complaints were logged and investigated during 1 April 2020 to 31 March 2021. 12 complaints were responded to within 10 working days, 13 complaints within 11-20 working days and 7 complaints were responded to over 21 working days. The average number of days to respond and close all complaints over the term was 16 days for 29 complaint cases investigated under our statutory adults complaints procedure and 15 days for three complaint cases investigated under our corporate complaints policy and procedure. Cases responded to 21 days or over timescale are due to various reasons for example, complex cases, availability of resources. In these circumstances, complainants are regularly updated on the progress of their complaint. Out of the 32 cases closed and resolved, 6 cases were upheld, 13 cases partially upheld and 13 cases not upheld.

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### **3.5 Compliments**

All compliments are recorded by the Customer Feedback Team and reported as part of the team's annual monitoring process. 142 compliments were received during 1 April 2020 to 31 March 2021 relating to Adult Services compared to 246 during 1 April 2019 to 31 March 2020. 46 compliments were received for Welfare Rights Team, 28 compliments were received for Health and Social Care Team followed by 14 compliments received for the Adult Locality West Team.

### **3.6 Areas of Learning from Complaints**

See Appendix 4 for stage 1 learning.

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### **SECTION 2: Corporate Complaints Activity, Local Government and Social Care Ombudsman and Housing Ombudsman Complaints Activity 1 April 2020 to 31 March 2021**

#### **4.0 Corporate Complaints Activity, Local Government and Social Care Ombudsman and Housing Ombudsman**

##### **4.1 Informal complaint enquiries/service requests**

The customer feedback team works alongside the service involved and the customer complaining to resolve the complaint informally, preventing it becoming a formal complaint. It should be noted that 1,054 informal complaints and service request enquiries were logged with the customer feedback team during 1 April 2020 to 31 March 2021, compared to 1,021 received during 1 April 2019 to 31 March 2020. These types of enquiries are varied, for example, missed bin collection, contaminated bins, appeals, parking, litter or enquiries that fall outside of the complaints procedure jurisdiction. All enquiries were logged and resolved informally or sign posted to the correct process without going through the corporate complaints policy and procedure; this provides a swift outcome and resolution for the customer by resolving concerns at service level.

##### **4.2 Corporate stage 1 complaints**

During 1 April 2020 to 31 March 2021 the council received 256 stage one corporate complaints compared to 185 during 1 April 2019 to 31 March 2020 an increase of 71 cases. Out of the 256 received, 97 were upheld (at fault). The 256 complaints covers 22 separate service areas, the highest figure of 170 complaints for 2020/21 refer to Waste Management; this is in comparison to 56 complaints received for 2019/20. Revenues and Benefits received 19, followed by Environmental Protection receiving 14. In some cases, this has followed extensive but unsuccessful attempts to resolve some of those matters at service level. It should be noted that Waste Management attend approximately 135,000 kerbside properties each week; an average of 585,000 collections each month; both household recycling centres, on average each day, receive between 300-500 visitors. The Customer Feedback Team has worked closely with Waste Management to ensure the areas of concerns are addressed whilst providing the best outcome for the customer.

##### **4.3 Corporate Complaint Category**

During 1 April 2020 to 31 March 2021 the main issue of complaint involved failure to provide a service (153), followed by dissatisfaction of council policies (37), failure to achieve standards/quality (25), conduct of employees (24), failure to consider relevant matters (9), delays in responding or administrative (7) and bias/unfair discrimination (1).

##### **4.4 Corporate Timescales**

The average response time for responding to each complaint is 14 days for this period; this is in comparison to 14 days for 2019/20 which is consistent. The response timescale for stage 1 complaints responding within 21 calendar days is 89%. Out of the 256 cases received during this period, 229 cases were responded to within 21 calendar days and 27 cases responded to outside of this timescale. The target of 95% response time has therefore not been achieved; the Customer Feedback Team will continue to monitor this

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response time and work with service groups to improve this timescale. Cases responded to outside of the timescale are due to various reasons for example, complex cases, availability of resources. In these circumstances, complainants are regularly updated on the progress of their complaint.

### 4.5 Stage 2 corporate complaints

During 1 April 2020 to 31 March 2021 the council received 20 stage two corporate complaints compared to 19 cases for 19/20, an increase of one case. Out of the 20 cases received, four cases were upheld (at fault), two cases were partially upheld (partially at fault) and 14 cases not upheld (not at fault).

Stage two complaints received as follows:

City Environment received 14 cases as follows:

- One complaint received for Registrars in relation to incorrect death certificate and officer conduct; outcome upheld. An action plan has been compiled and appropriate remedies/ learning has been undertaken with the service
- One complaint received for Waste Management in relation to waste collection; outcome upheld. An action plan has been compiled and appropriate remedies/ learning has been undertaken with the service
- One complaint received for Waste Management in relation to non-collection of purple bin; outcome upheld. An action plan has been compiled and appropriate remedies/ learning has been undertaken with the service
- One complaint received for Customer Services and Customer Feedback in relation to 'My Account' and providing a date of birth; outcome not upheld
- One complaint received for Environmental Protection in relation to flying tipping issues and litter; outcome not upheld
- One complaint received for Environmental Protection in relation to council's newspaper article for energy scheme; outcome not upheld
- One complaint received for Environmental Protection in relation to prohibition notice and subsequent fixed penalty notice; outcome not upheld
- One complaint received for Private Sector Housing in relation to process and procedure; outcome not upheld
- One complaint received for Markets Service in relation to market stall; outcome not upheld
- One complaint received for Transportation in relation to Traffic Regulation Order (TRO) highways plan; outcome partially upheld; appropriate remedies/ learning has been undertaken with the service
- One complaint received for Licensing in relation to conduct of officers and inspection; outcome not upheld
- One complaint received for Parks in relation to anti-social behaviour and request to remove bench; outcome not upheld
- One complaint received for Bereavement Services in relation to parking at a cemetery; outcome not upheld
- One complaint received for Arbor Team in relation to a tree at the front of the customer's property and damage to driveway; outcome not upheld

Finance received two cases as follows:

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- One complaint received in relation to Revenues and Benefits in relation to administration of council tax account; outcome not upheld
- One complaint received for Revenues and Benefits in relation to an appeal and investigation with DWP; outcome not upheld

Regeneration received two cases as follows:

- One complaint received for Planning in relation to planning application at supermarket; outcome not upheld
- One complaint received for Planning in relation to actions of planning department; outcome partially upheld; appropriate remedies/ learning has been undertaken with the service

Chief Executive's Office received one case as follows:

- One complaint in relation to lack of action to correspondence submitted; outcome not upheld

Strategy received one case as follows:

- One complaint received for Projects and Programmes Team in relation to road work noise and disturbance; outcome upheld. An action plan has been compiled and appropriate remedies/ learning has been undertaken with the service

### 4.6 Corporate Compliments

All compliments are recorded by the Customer Feedback Team and reported as part of the team's annual monitoring process. During 1 April 2020 to 31 March 2021 the council has received 221 compliments, a decrease in comparison to 230 received for 2019/20. Planning received 88, followed by Bereavement 50 and Customer Services 26.

### 4.7 Area of Learning for Corporate Complaints

See Appendix 4 for stage one learning.

## 5.0 Local Government and Social Care Ombudsman/Housing Ombudsman

### 5.1 Local Government and Social Care Ombudsman Enquiries (LGSCO)

During 1 April 2020 to 31 March 2021 the council received 13 Local Government and Social Care Ombudsman enquiries.

Children's Services received two complaints as follows:

- Strengthening Families received one enquiry in relation to the council gaining entry to a property without permission, an inaccurate assessment report and actions of a social worker; outcome, not upheld, no maladministration
- Adoption@Heart received one enquiry in relation to a request to register as a potential adopter; outcome upheld, maladministration and injustice. An action plan has been compiled and appropriate learning, remedies and recommendations as outlined in the final report have been put in place

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Regeneration received two complaints as follows:

- Planning Department received one enquiry in relation to a discharge of condition in relation to a planning application; outcome, not upheld, no maladministration
- Planning Department received one enquiry in relation to a planning application for a supermarket; outcome, not upheld, no maladministration

Wolverhampton Homes received one complaint as follows:

- Adaptions Team received one enquiry in relation to disabled adaptations to a property; outcome upheld, maladministration and injustice. An action plan has been compiled and appropriate learning, remedies and recommendations as outlined in the final report have been put in place

City Environment received two complaints as follows:

- Environmental Protection received one enquiry in relation to reports of rat infestations; outcome upheld, maladministration and injustice. An action plan has been compiled and appropriate learning, remedies and recommendations as outlined in the final report have been put in place
- Environmental Protection received one enquiry in relation to noise and fumes from a nearby business; outcome not upheld, no maladministration

Adult Services received three complaints as follows:

- Adults Services and Health Partnerships received one enquiry in relation to reduction in care package; outcome upheld, maladministration and injustice. An action plan has been compiled and appropriate learning, remedies and recommendations as outlined in the final report have been put in place
- Adult Services and Health Partnerships received one enquiry in relation to adult social care concerns for a family member; outcome not upheld, no further action
- Adult Services and Communities received one enquiry in relation to domiciliary care provided by a commissioned service and an outcome of a safeguarding investigation; outcome upheld maladministration and injustice. An action plan has been compiled and appropriate learning, remedies and recommendations as outlined in the final report have been put in place

Chief Executive's Office received one complaint as follows

- Chief Executive's Office/Planning Department received one enquiry in relation to failing to acknowledge correspondence to the Chief Executive, failure to provide an update in relation to an investigation and failure to properly consider the change of use of a property; outcome upheld maladministration and injustice. An action plan has been compiled and appropriate learning, remedies and recommendations as outlined in the final report have been put in place

Strategy received one complaint as follows:

- Projects and Programmes Team received one enquiry in relation to road work noise and disturbance; outcome upheld maladministration and injustice. An action plan has been compiled and appropriate learning, remedies and recommendations as outlined in the final report have been put in place



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Governance received one complaint as follows:

- Democratic Support received one enquiry in relation to an appeal against the refusal of a school place; outcome, upheld, no further action; Ombudsman discontinued their investigation as they considered the offer of a fresh appeal as a satisfactory remedy

### 5.2 Housing Ombudsman Enquiries

During 1 April 2020 to 31 March 2021 the council received seven enquiries from the Housing Ombudsman for Wolverhampton Homes as follows:

- One enquiry received in relation to costs incurred by the complainant as a result of recharge works being carried out; outcome service failure by the landlord. An action plan has been compiled and appropriate review of policy, procedures, remedies/learning has been undertaken with the service
- One enquiry received in relation to landlord's response to the complainant's reports of noise coming from new cladding installed at the property; outcome, no maladministration
- One enquiry received in relation to landlord's decision to add court costs to the complainant's rent account; outcome closed, falls outside of the Housing Ombudsman's jurisdiction
- One enquiry received in relation to landlord's handling of energy billing problems and a heating/hot water outage; outcome awaiting final decision
- One enquiry received in relation to landlord's handling of a repair to the boiler at a property and damage caused to possessions; outcome service failure. An action plan has been compiled and appropriate remedies/ learning has been undertaken with the service
- One enquiry received in relation to landlord's handling of repairs; outcome, falls outside of the Housing Ombudsman's jurisdiction
- One enquiry received in relation to the resident's dissatisfaction that the front communal garden is not included in the Right to Buy; outcome falls outside of the Housing Ombudsman's jurisdiction

### 5.3 Local Government and Social Care Ombudsman (LGSCO) assessment enquiries

During 1 April 2020 to 31 March 2021 the council received 30 Local Government and Social Care Ombudsman assessment enquiries as follows:

- City Environment received eight enquiries; Environmental Protection received two, Arboriculture received two, Markets received one, Licensing received one, Transportation received one and Waste Management received one
- Children's Services received six enquiries; Children and Young People in Care received one, SEND Team received one and Strengthening Families received four
- Adult's Services received six enquiries; Adults Services and Health Partnerships received two and Adult Services and Communities received four
- Finance received three enquiries; Revenues and Benefits received three
- Governance received three enquiries; Legal Services received two and Democratic Services received one
- Strategy received one enquiry in relation to Project and Programme Team

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- Regeneration received one enquiry in relation to Planning Department
- Wolverhampton Homes received two enquiries

### 5.4 Housing Ombudsman assessment enquiries

During 1 April 2020 to 31 March 2021 the council received seven Housing Ombudsman assessment enquiries for Wolverhampton Homes as follows:

- One enquiry in relation to handling of a communal rodent problem and damage caused; outcome premature complaint, progressed to full investigation
- One enquiry in relation to reports of mould and damp; outcome escalated to stage two of Wolverhampton Homes' complaints procedure
- One enquiry in relation to Wolverhampton Homes' handling of an enquiry; outcome premature complaint, progressed to full investigation
- One enquiry in relation to handling of boiler issues; enquiry actioned and resolved by Wolverhampton Homes
- One enquiry in relation to handling of repair request; enquiry actioned and resolved by Wolverhampton Homes
- One enquiry in relation to various issues with Wolverhampton Homes; complaint investigated at stage two of Wolverhampton Homes' complaints procedure
- One enquiry in relation to pest problem and reports of anti-social behaviour; enquiry actioned and escalated to stage two of Wolverhampton Homes' complaints procedure

### 5.5 Local Government and Social Care Ombudsman Annual Review Letter 2020/21

The Ombudsman publishes annual complaint statistics for each local authority in England. The Ombudsman received 41 complaints and enquiries in 2020/21 in relation to this council; this is in comparison to 61 complaints and enquiries received during 2019/20. This process involves referring complaints back to the council for local resolution, no further action, invalid/incomplete complaints, advice given and detailed investigations. Out of the 41 enquiries received from the Ombudsman, they carried out 11 detailed investigations of the complaints they received about the City of Wolverhampton Council for 2020/21; this is in comparison to 12 detailed investigations received for 2019/20. Out of the 11 detailed investigations carried out, the Ombudsman has recorded six cases (55%) findings of fault (upheld) for the council during 2020/21 (this compares to an average of 72% in similar authorities). The annual report confirms that the council is 100% compliant with carrying out the Ombudsman's upheld remedies and recommendations.

City of Wolverhampton Council's performance for 2020/21 can be compared with neighbouring authorities via the Ombudsman's interactive map; this interactive map shows annual performance data for all councils in England, with links to published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. This interactive tool assists the council to monitor the improvements they agree to make following the Ombudsman's investigations, as well as supporting scrutiny of local services. See link to interactive map as follows: <https://www.lgo.org.uk/your-councils-performance>

The Ombudsman has confirmed that the numbers of cases which they report will not necessarily match the complaints data that we hold as statistics are recorded by the Ombudsman in different annual year business periods.

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### **6.0 Learning/Action Plans**

Customer Feedback Team and Directorates are committed to learning from customer feedback and require the completion of a tracking form/learning log from each complaint investigated at all stages. Where complaints highlight that things have gone wrong, heads of service, managers and the customer feedback team are required to identify these areas, implement remedies and review processes/procedures where necessary.

When a complaint is upheld (council at fault) and the findings of a subsequent investigation is for a financial remedy, change to policy or service delivery, the Customer Feedback Team produce an action plan report. Recommendations within these reports are agreed with appropriate Heads of Service and shared with the relevant Service Manager/Director to ensure appropriate remedies and changes to policy/service delivery are implemented. The Customer Feedback Team also attend regular quality assurance meetings for Adults and Children's Services and scheduled Waste Liaison Meetings to ensure they use the learning from complaints to drive service improvements.

See attached Appendix 4, Learning dashboard