

Report No.

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:** **GPL COMMITTEE**

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** **ANNUAL COMPLAINTS REPORT & LG&SCO LETTER 2019/20**

**Contact Officer:** Mark Smeed  
Head of Service, Customer Engagement & Complaints

**Chief Officer:** Naheed Chaudhry  
Assistant Director, Strategy, Performance and Corporate Transformation

**Ward:** Borough-wide

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1. Reason for report

- 1.1 The Council produces an Annual Complaints Report each year setting out statistics on the complaints it receives. The 2019/20 Annual Report is presented in Appendix 1.
  - 1.2 The report also provides oversight of the annual Local Government & Social Care Ombudsman letter which summarises Ombudsman complaints/enquiries received, and the decisions made about, the London Borough of Bromley for the year ending 31 March 2020.
  - 1.3 Finally, this report takes the opportunity to update Members on other relevant developments including the introduction of a Habitual Contact Policy, presented in Appendix 2.
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2. **RECOMMENDATION**

- 2.1 Members of the Committee are asked to note, consider and comment on the report.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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### Corporate Policy

1. Policy Status: Not Applicable
  2. BBB Priority Not Applicable:
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### Financial

1. Cost of proposal: Not Applicable
  2. Ongoing costs Not Applicable:
  3. Budget head/performance centre: Not Applicable
  4. Total current budget for this head: £Not Applicable
  5. Source of funding: Not Applicable
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### Personnel

1. Number of staff (current and additional): Not Applicable
  2. If from existing staff resources, number of staff hours: Not Applicable
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### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Applicable: Executive decision.
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### Procurement

1. Summary of Procurement Implications: Not Applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

### 3. COMMENTARY

#### Complaints

- 3.1 The publication of annual reports on social care complaints is a statutory requirement under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (for adult social care) and the Children Act 1989 Representations Procedure (England) Regulations 2006 (for children's social care).
- 3.2 Whilst legislation mainly refers to social care complaints, the Council goes further and publishes greater detail about the Council's performance across the divisions. The report at Appendix 1 provides an overview of complaints and all Local Government & Social Care Ombudsman enquiries to the Council between 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020.
- 3.3 The Council has an ethos of continuous improvement and is committed to using feedback from a variety of sources to learn, understand and take action to improve services. Our Performance Management Frameworks recognise customer complaints as a valuable source of qualitative feedback on the performance of our services.
- 3.4 Following the restructure that created the Housing Planning & Regeneration division, the Customer Engagement & Complaints Service agreed to assume responsibility for overseeing complaints concerning the Planning and Regeneration services. The Environment & Public Protection division is now the only division retaining oversight of its own corporate complaints. This report relies on data compiled locally by that department.
- 3.5 Overall, the Council received 656 complaints during 2019/20, representing a 32% reduction on last year (868). 44% of complaints were at least partially upheld, an improvement on the 49% previous year, whilst 47% were responded to on time, steady compared to last year.

#### Local Government & Social Care Ombudsman

- 3.6 The Local Government & Social Care Ombudsman ('Ombudsman') acts as the final stage for complaints about local authorities, adult social care providers (including care homes and home care agencies) and some other organisations providing public services. When the Council responds to a complaint, we are required to signpost the complainant to the Ombudsman if they remain dissatisfied. The Ombudsman analyses each referral to determine firstly whether it meets their criteria and, secondly, whether it merits a full investigation.
- 3.7 The Ombudsman's annual review letter provides a breakdown of the upheld investigations and a compliance rate for implementing Ombudsman recommendations. All authorities' annual review letters are published by the Ombudsman on their own website. Their statistics will usually differ from those held by the Council as the Council is not always informed of approaches to the Ombudsman that are declined.
- 3.8 During the year 2019/20 Bromley was the subject of 149 referrals to the Ombudsman, 10 more than the previous year 2018/19. Of those 149 referrals, only 43 (29%) were the subject of an investigation by the Ombudsman. Of those 43 full investigations, 28 were upheld (65%), a 13% improvement on last year's 78%.
- 3.9 It is also noteworthy that the average upheld rate across London boroughs was 70%. Bromley's strong management of Ombudsman complaints places Bromley 7<sup>th</sup> best (65%) across London. Bromley's figures remain competitive whilst continuing to manage and mitigate escalations from a one-stage internal procedure.

- 3.10 Whilst it is the role of the Customer Engagement & Complaints Service to support, assist and advise both complainants and colleagues during the internal complaint process, when it comes to the Ombudsman their role, and in particular that of the Head of Service, is to support colleagues and defend the Council when regulatory enquiries and investigations are raised. The Head of Service has nurtured a more harmonious relationship with the Ombudsman over the past three years which not only improves the Ombudsman's perception of the borough as a whole but also provides a sound footing upon which to challenge the Ombudsman robustly if it is considered that a wrong decision has been made.
- 3.11 An example includes a case in which the Ombudsman had decided to investigate a set of circumstances where Children's Services issued care proceedings (notwithstanding the Ombudsman's own guidance that indicates that court proceedings are out of their jurisdiction). The Ombudsman ruled unfavourably against the Council. The Council's view was that this was an inappropriate and unjustifiable final decision. For only the second time in 25 years, the Council took legal advice and served a pre-action judicial review protocol letter upon the Ombudsman. Within a week the Ombudsman had withdrawn the decision against the Council and, at the time of writing, has indicated he is likely to agree to discontinue the investigation.
- 3.12 The Council has meanwhile retained a 100% compliance rate in respect of implementing the Ombudsman's recommendations on all other cases.
- 3.13 During 2019/20 the Customer Engagement & Complaints Service recorded 298 separate deadlines to the Ombudsman, of which 92% were responded to within the timescale.

#### Other developments

- 3.14 From time to time the Council receives excessive or unacceptable communication or conduct from customers or residents. A Habitual Contact Policy has been drafted to provide further clarity on the Council's position on such behaviour.
- 3.15 The complaints pages on the website itself have been substantially revised. At the time of writing, these pages are in a build and testing phase before go live during 2020/21.
- 3.16 Customer Engagement & Complaints Service operate a complaints system called Respond. The database was recently updated to move towards a cloud-based version in line with the Council's IT Strategy.
- 3.17 A brand new complaints training programme has been devised and was delivered by the Head of Service on a number of occasions prior to lockdown, with the possibility of it subsequently being presented remotely. The aim is for a greater understanding of complaints to lead in time to higher quality responses straightaway and thus increased timeliness, whilst greater analysis of lessons learnt from complaints may lead over time to a decrease in upheld complaints.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 None for the purposes of this report.

## **5. LEGAL IMPLICATIONS**

- 5.1 Under regulation 18 of the Local Authority Social Services and National Health Service Complaints Regulations 2009 the Council is required to publish an Annual Complaints report.
- 5.2 Under section 5(2) of the Local Government and Housing Act 1989 the Monitoring Officer is expected to produce a periodic report to the Council summarising the findings on all upheld complaints over a specific period.

## 6. Supporting Documents

6.1 Appendix 1. Annual Complaints Report 2019/20

6.2 Link below to LG&SCO annual letter 2019/20

<https://www.lgo.org.uk/documents/councilperformance/2020/london%20borough%20of%20bromley.pdf>

6.3 Appendix 2. Habitual Contact Policy

<b>Non-Applicable Sections:</b>	Impact on Vulnerable Adults and Children, and Policy, Personnel and Procurement Implications.
<b>Background Documents:</b>  (Access via Contact Officer)	