

Report No.

London Borough of Bromley

CEF21028

PART ONE / INFORMATION BRIEFING

Decision Maker: **ADULT SOCIAL CARE PDS COMMITTEE**
9th September 2021 – information only
CHILDREN’S SOCIAL CARE PDS COMMITTEE
14th September 2021 – information only
GENERAL PURPOSES & LICENSING
21st September 2021 – Part One

Decision Type: Non-Urgent Executive Non-Key

Title: **ANNUAL COMPLAINTS REPORT & LG&SCO LETTER 2020/21**

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

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

Ward: Borough-wide

1. Reason for report

- 1.1 The Council produces an Annual Complaints Report each year setting out statistics on the complaints it receives. The 2020/21 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 2021.
-

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
-

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority Not Applicable:
-

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
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
-

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). Whilst legislation mainly refers to social care complaints, the Council goes further and publishes greater detail about the Council's performance across the divisions.
- 3.2 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. Where possible, lessons are learnt by the Directorates and an internal report is produced so that reflections and improvements can be made to services.
- 3.3 The report at Appendix 1 provides an overview of complaints and all Local Government & Social Care Ombudsman enquiries to the Council between 1st April 2020 to 31st March 2021.
- 3.4 Overall, the Council received 542 complaints during 2020/21, representing a 17% reduction on last year (656). 44% of complaints were partially upheld or upheld against the Council, which is similar to the previous year. 59% of complaints were responded to on time, an improvement on 47% last year and an area of ongoing improvement.

Local Government & Social Care Ombudsman

- 3.5 The Local Government & Social Care Ombudsman ('the 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.
- 3.6 The Ombudsman stopped accepting new complaints for approximately three months from April to June 2020, which was to enable local authorities to divert resources to tackling the pandemic. Bromley Council sustained a business as usual approach to managing complaints throughout pandemic despite complaints staff, including the Head of Service, being seconded to Covid-19 programmes. The Ombudsman's temporary closure goes some way to explain the significant reduction in referrals about Bromley - during the year 2020/21 Bromley was the subject of 86 referrals to the Ombudsman, 63 (43%) less than the previous year. Of those 86 referrals, 38 became the subject of an investigation by the Ombudsman, and from those full investigations, 26 were upheld against the Council (68%). This is better than the London average and in line with Bromley's performance of the previous year (65%).
- 3.7 The average upheld rate across London boroughs was 72%, placing Bromley joint 11th out of the 32 boroughs. Measured by referrals *per capita*, Bromley ranked 6th, meaning that the Council's figures remain competitive.
- 3.8 The Council sustains thoughtful and robust engagement with the Ombudsman challenging decisions where required. Last year's covering report mentioned the Council had served a pre-action judicial review protocol letter upon the Ombudsman, which led to a previous critical decision being withdrawn and the investigation discontinued without findings. A similar action is being considered in another case in this financial year.

- 3.9 Whilst being robust in our considerations of recommendations for some cases, we have retained a 100% compliance rate in implementing recommendations on all other cases.
- 3.10 The Ombudsman’s annual review letter provides a breakdown of the upheld investigations and a compliance rate for implementing Ombudsman recommendations.
- 3.11 This year’s letter contained some commentary that requires context. Firstly, there was a suggestion that some responses to investigations were either late or not complete. During 2020/21 we recorded 259 separate deadlines to the Ombudsman, of which 84% were responded to within the expected timescale. No complaint outcomes have been affected by any such issue.
- 3.12 Secondly, this year’s letter contains a reference to the Council’s occasional practice of requesting a further opportunity to comment on draft decisions. This allows the Council to challenge Ombudsman’s decisions where required, asking them to issue a revised draft, but this is also an opportunity to swiftly implement remedial action for service users before decisions are published.
- 3.13 Finally, there is a reference to a reduction of effective complaint functions in all local authorities. This is a general observation, rather than specific to Bromley, and follows national comments made by Michael King, the Local Government & Social Care Ombudsman, in emphasising the critical importance of a properly resourced and managed complaint handling service.

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 2020/21
- 6.2 Link below to LG&SCO annual letter 2020/21

<https://www.lgo.org.uk/documents/councilperformance/2021/london%20borough%20of%20bromley.pdf>

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