

Report No.

London Borough of Bromley

CEF22047

PART ONE / INFORMATION BRIEFING

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**Decision Maker:** CHILDREN'S SOCIAL CARE PDS COMMITTEE

17<sup>th</sup> November 2022 – information only

**ADULT SOCIAL CARE PDS COMMITTEE**

22<sup>nd</sup> November 2022 – information only

**GENERAL PURPOSES & LICENSING COMMITTEE**

7<sup>th</sup> February 2023

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

**Title:** ANNUAL COMPLAINTS REPORT & LG&SCO LETTER 2021/22

**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

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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 2021/22 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 2022.
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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). 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 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022.
- 3.4 Excluding Environment & Public Protection complaints, which are not overseen nor analysed by the Customer Engagement & Complaints Service, the number of complaints rose by 16% year on year. However, only 38% of complaints were partially upheld or upheld against the Council, which is 6% lower than the previous year. Some 59% of complaints were responded to on time, which is on a par with last year but includes a significant improvement by Education.
- 3.5 The financial consequences of upheld complaints amounted to £20,831.22, a significant 41% decrease on last year's £35,461.57. More than half of this year's figure arose out of Housing and SEN complaints.

#### Local Government & Social Care Ombudsman

- 3.6 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.
- 3.7 The number of referrals made to the Ombudsman rose by 42% this year from 86 to 122, with a notable rise in Planning concerns. However, of those 122 referrals, only 26 became the subject of an investigation by the Ombudsman, a 16% drop in proportion.
- 3.8 Of those full investigations, 18 were upheld against the Council (69%). This continues Bromley's performance at better than the London average. The average upheld rate across London boroughs was 71%, placing Bromley 13<sup>th</sup> out of the 32 boroughs. Measured by referrals *per capita*, Bromley ranked 10<sup>th</sup>, and 3<sup>rd</sup> by upheld complaints *per capita*, meaning that the Council's figures remain competitive.
- 3.9 The Council maintains thoughtful and robust engagement with the Ombudsman, challenging decisions where required. Last year's covering report referred to the prospect of having to serve another pre-action judicial review protocol letter upon the Ombudsman. That was unfortunately required, but again led to the Ombudsman having to withdraw a critical public report and replace it with a standard decision.

- 3.10 Whilst being robust in our considerations of recommendations for some cases, we have retained a 100% compliance rate in implementing recommendations on all cases.
- 3.11 The Ombudsman’s annual review letter provides a breakdown of the upheld investigations and a compliance rate for implementing Ombudsman recommendations.
- 3.12 This year’s letter referred to a public report that was issued in respect of the Council’s handling of a homelessness application. The Ombudsman acknowledged the Council’s proactive response to the complaint but proceeded to issue a public report at least in part because it was of significant topical interest. The Council has completed the agreed resulting action.
- 3.13 Secondly, this year’s letter contains a concern about a delay in the implementation of the agreed remedial action following an upheld complaint. This refers to four specific cases, all of which were in fact decided in the previous financial year (2020-2021). The Council’s compliance in those cases was delayed variously by the long-term absence of a pivotal senior member of staff; the review of a service user’s complex care needs taking longer than anticipated; the availability of specialised training; and the need to draft a new policy with input from in-house legal advisers.
- 3.14 Finally, the letter reiterates the drive led by Michael King, the Local Government & Social Care Ombudsman, for local authorities to recognise the valuable benefits brought by 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 2021/22
- 6.2 Link below to LG&SCO annual review letter 2021/22

<https://www.lgo.org.uk/documents/councilperformance/2022/london%20borough%20of%20bromley.pdf>

<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)	