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**Decision Maker:** ADULT CARE AND HEALTH PDS COMMITTEE  
CHILDREN EDUCATION AND FAMILIES PDS COMMITTEE  
GENERAL PURPOSES & LICENSING COMMITTEE

**Date:** ACH: 21 November 2023  
CEF: 22 November 2023  
GP&L: 6 February 2024

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

**Title:** ANNUAL COMPLAINTS REPORT AND LOCAL GOVERNMENT  
AND SOCIAL CARE OMBUDSMAN LETTER 2022/23

**Contact Officer:** Mark Smeed, Head of Service, Customer Engagement & Complaints  
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**Chief Officer:** Naheed Chaudhry  
Assistant Director, Strategy, Performance and Corporate Transformation

**Ward:** Borough-wide

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1. Reason for decision/report and options

- 1.1 The Council produces an Annual Complaints Report each year setting out statistics on the complaints it receives. The 2022/23 Annual Report is presented in Appendix 1.
- 1.2 The report also provides oversight of the Local Government & Social Care Ombudsman's Annual Review letter which summarises Ombudsman complaints/enquiries received, and the decisions made about, the London Borough of Bromley for the year ending 31 March 2023.

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2. **RECOMMENDATION**

- 2.1 The Adult Care and Health PDS Committee, Children, Education and Families PDS Committee and General Purposes and Licensing 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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## Transformation Policy

1. Policy Status: Not Applicable
  2. Making Bromley Even Better Priority – all apply :-
    - (1) For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
    - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
    - (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
    - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
    - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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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: Not Applicable: No Executive decision.
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## Procurement

1. Summary of Procurement Implications: Not Applicable
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## Property

1. Summary of Property Implications: Not Applicable
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## Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
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## Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
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## Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Not Applicable

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Customer Impact

1. Estimated number of users or customers (*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
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### **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 2022 to 31st March 2023.
- 3.4 The Council received 465 complaints during this year (excluding E&PP). 46% were fully or partially upheld against the Council, a 7% increase on the previous year.
- 3.5 62% of complaints were responded to on time, which is a 3% improvement on last year.
- 3.6 The Head of Customer Engagement & Complaints continued his ongoing quarterly Complaints Handling inhouse training courses over the business year, to approximately 10-15 attendees each time. The quality of first drafts to complaints has improved, with timeliness also improving, despite the increase in the number of complaints. The majority of complaints are themed around the quality of service and a perceived lack of action.
- 3.7 The total financial consequences of upheld complaints amounted to £57,340.65, a significant increase on last year's £20,831.22. However, £41,681.56 of that was attributable to one case, a Children's Social Care complaint which required the Council to review payments made over a five-year period. When considering that one case as an outlier, the subtotal of all remaining compensation would equal a reduction and as such an improvement on the year before.

#### Local Government & Social Care Ombudsman

- 3.8 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.
- 3.9 The Ombudsman has published a commentary to accompany the issuing of this year's annual review letters to all authorities. In short, they advise that resource pressures have meant they are being more selective about the complaints they choose to investigate, prioritising those where it appears to them to be most in the public interest to do so. They themselves observe that as a result, their average upheld rate for all investigations has increased this year and the increase is not therefore solely down to the nature of the cases that are being referred to them. It follows that by prioritising the more serious cases, they are identifying more fault overall. This means in turn that a little less should be read into comparisons with previous years.

- 3.10 The number of referrals made to the Ombudsman remained in line with the previous year, 122 increasing to 123. Of those 123 referrals, only 38 became the subject of an investigation by the Ombudsman, amounting to 31%.
- 3.11 Of those 38 full investigations, 29 were upheld against the Council (76%). This maintains Bromley's performance at better than the London average. The average upheld rate across London boroughs was 77%, placing Bromley joint 14<sup>th</sup> out of the 32 boroughs.
- 3.12 Measured by referrals per capita, Bromley performed better than the London average, and by upheld complaints per capita, marginally over the London average, so overall the Council's figures remain competitive.
- 3.13 The Council manages its relationship with the Ombudsman through thoughtful engagement which is robust where appropriate. This involves not just seeking clarifications but challenging decisions where required.
- 3.14 The need to consider judicial review against an LGSCO decision did not arise this year. Whilst being robust in our considerations of recommendations for some cases, we have retained a 100% compliance rate in implementing recommendations for all cases.
- 3.15 The Ombudsman's annual review letter provides a summary of the year both for the Ombudsman and the individual Council concerned. These letters traditionally focus on the concerns more than the positives. The one area of concern for LB Bromley this year was the drop in performance when it came to meeting the deadlines for responding to the Ombudsman in particular instances. There is no one explanation for this, nor is it unique to this Council. It can certainly be ascribed in no small part to both the increasing workloads on Council officers and the escalating complexity of many of the cases that go to the regulator.

#### Internal Audit

- 3.16 An internal audit of the Council's Corporate Complaints policy and procedures was conducted during this financial year. The outcome was presented to the Audit & Risk Management Committee on 4<sup>th</sup> July 2023. The report identified a number of positives including :-
- Having a sound system of control in place
  - Good availability of detailed information both internally and externally
  - The ongoing training
- 3.17 Two Priority two recommendation were made that affected the Customer Engagement & Complaints Service. The first was the introduction of an electronic task on the system to monitor the timeliness of acknowledgement. This has been added and will be retrospectively applied to the beginning of the business year.
- 3.18 The second related to the importance of timeliness of complaint responses. CE&CS staff were reminded to ensure that holding replies were sent out when required, whilst colleagues involved in drafting the responses are reminded during every complaint about the timescales applicable. They are supported by both automated reminders by the system and individual prompts from Customer Relations Officers. The Chief Executive reinforces this message to CLT and Managers' Briefing from time to time.

<b>Non-Applicable Headings:</b>	Impact on Vulnerable Adults and Children; Transformation and Policy/ Financial/Personnel/Legal/Procurement/Property/Carbon Reduction and Social Value Implications; Impact on the Local Economy/Health and Wellbeing; Customer Impact; Ward Councillor Views.
Background Documents: (Access via Contact Officer)	<p><b>Appendix 1</b> Annual Complaints &amp; Compliments Report 2022-23</p> <p><b>Link to LGSCO Annual Review letter 2022-23</b></p> <p><a href="https://www.lgo.org.uk/documents/councilperformance/2023/london%20borough%20of%20bromley.pdf">https://www.lgo.org.uk/documents/councilperformance/2023/london%20borough%20of%20bromley.pdf</a></p>