

# LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>Scrutiny and Overview Committee</b>	
<b>DATE OF DECISION</b>	<b>24 October 2023</b>	
<b>REPORT TITLE:</b>	<b>Annual Complaints Report 2022/2023</b>	
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	<b>Corporate Directors - All</b>	
<b>LEAD OFFICER:</b>	<b>Paul Golland, Interim Chief Digital Officer and Director of Resident Access Kim Hyland, Complaints Manager</b>	
<b>LEAD MEMBER:</b>	<b>Executive Mayor Jason Perry</b>	
<b>CONTAINS EXEMPT INFORMATION?</b>	<b>No</b>	
<b>WARDS AFFECTED:</b>	<b>All</b>	

## 1. SUMMARY OF REPORT

- 1.1 A high level overview of the performance of the Council's complaints that details service level agreements (SLA), number of complaints upheld, themes and learnings.
- 1.2 For Corporate Complaints Croydon operates a two stage corporate complaints policy. The first stage is investigated by the service who the complaint is regarding. The second stage is escalated to an independent investigation by the complaint's resolution team. The policy varies between Local Authorities, some of which operate a 1 stage policy and others a 3-stage policy.
- 1.3 For Children's Statutory Complaints Croydon operates a three stage complaints policy. The first stage is investigated by the service or services who the complaint is regarding. The second stage is an Independent Investigation by an appointed Independent Investigator and Independent Officer. Finally, the third stage is a Review Panel Hearing. Stage 2 and Stage 3 are managed by the Complaints Team. This is standard across all Local Authorities and follows Statutory guidelines.
- 1.4 For Adults Statutory complaints Croydon operates a one stage complaints policy, which is investigated by the service or services who the complaint is regarding. This is standard across all Local Authorities and follows Statutory guidelines.
- 1.5 Ombudsman complaint – When a resident is provided with a final response to their complaint, they are provided with the details they are able to take in escalating their complaint further. The next step of the process is to them to request an investigation into their complaint by the Housing Ombudsman or Local Government and Social Care Ombudsman (LGSCO).

## 2. RECOMMENDATIONS

- 2.1. The Scrutiny & Overview Committee is provided with an overview of the Annual Complaints for 2022-2023, alongside copies of the annual reporting figures, for their information and is asked to consider whether they wish to make any recommendations based on the content of the reports.

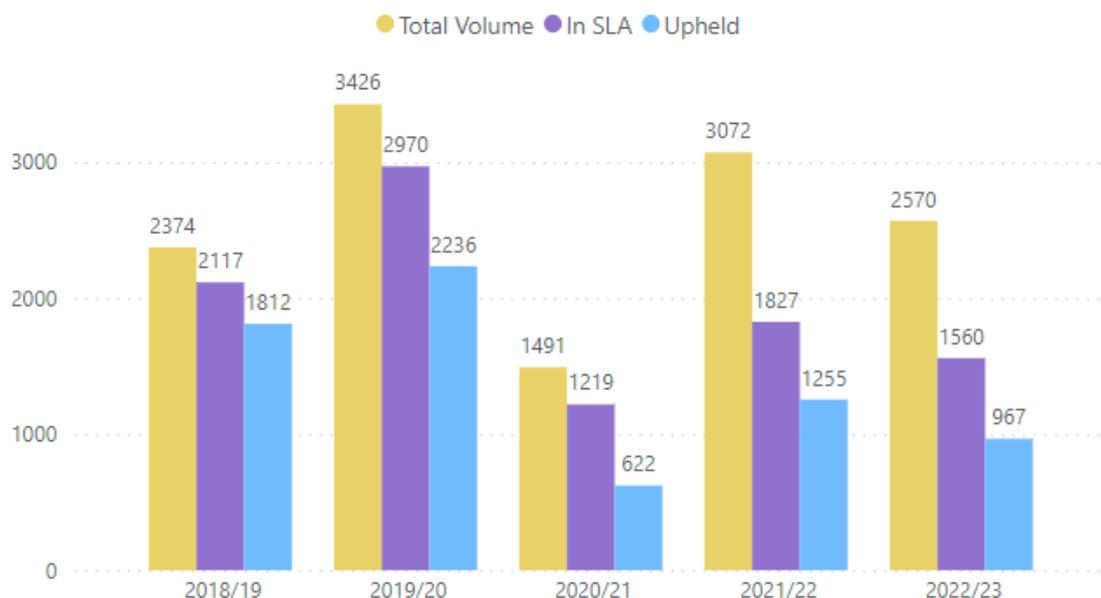
## 3. REASONS FOR RECOMMENDATIONS

- 3.1. The Corporate & Statutory Complaints report is received by the Scrutiny & Overview Committee on an annual basis.

## 4. BACKGROUND AND DETAILS

- 4.1. This report provides a summary position of Corporate and Statutory complaints, 2022/23 (1 April 2022 – 31 March 2023).

- 4.2. The chart below shows a 5 year view: 01 April 2018 – 31 March 2023 which provides an indication of trends in terms of numbers over the period. As the structure of Divisions and Services has changed significantly over the period, the below is shown as an indication of trends over the period.

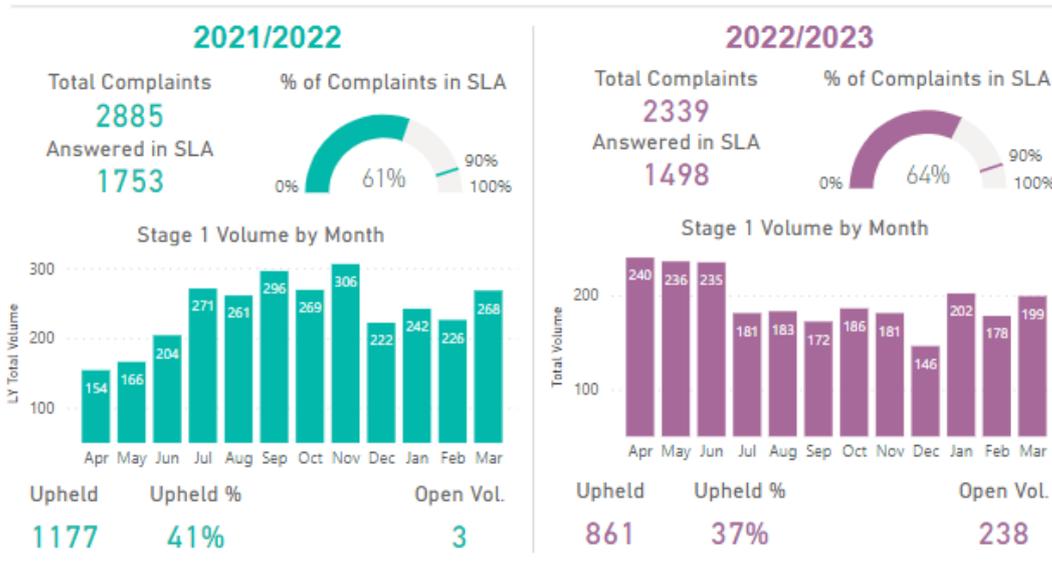


- 4.3. An increase can be seen in the 2019/20 reporting period, which was largely attributed to the roll out of the new bin contract and garden waste subscription issues.
- 4.4. The following year of 2020/21 shows a significant decrease in the number of complaints received as a result of the Covid pandemic. The Covid pandemic saw a pause put on to Council Tax enforcement and recovery, parking charges, non urgent housing repairs and increased resident understanding on the interruption and delay in the delivery of services.

- 4.5. The following annual period again saw an increase as the Local Authority returned to the implementation of enforcement action and 'service as normal' started to resume. Financial challenges, alongside that of resource in some services have also have a contributing effect to the number and type of complaints received.
- 4.6. During the same 5-year period the Council has also had a significant backlog in both FOI (freedom of Information) and SAR's (Subject Access Request's). The ICO (Information Commissioners Office) served the Council in early 2023 with an enforcement notice directing the Council to resolve this backlog. Council has given this priority and has reduced this significantly, taking the FOI backlog down from 1,900 to 96. Where the Council has had to prioritise these this has had some impacted in the Council's performance in clearing complaints.
- 4.7. We continue to build a working relationship with the Local Government Ombudsman (LGO) and are keen to show that we are a learning organisation.
- 4.8. We can demonstrate that we learn from complaints to continually improve. Complaints should be seen as an indicator of what is right, what is wrong and live feedback through the lens of residents.
- 4.9. Evidence of how we are learning from complaints include:
- Implementation of recommended actions and remedies
  - Regular policy and procedure reviews
  - Annual review of the complaints policy
  - Central learning records
  - Quarterly feedback of themes and numbers to DMT/CMT
  - Reflected in service improvement plans as work streams
  - Training – online and in person
  - Benchmarking with other Local Authorities
- 4.10. We need to ensure that we continue to demonstrate that we are learning from complaints. Our current focus is on re-occurring issues and improving turn around times when responding to complaints.

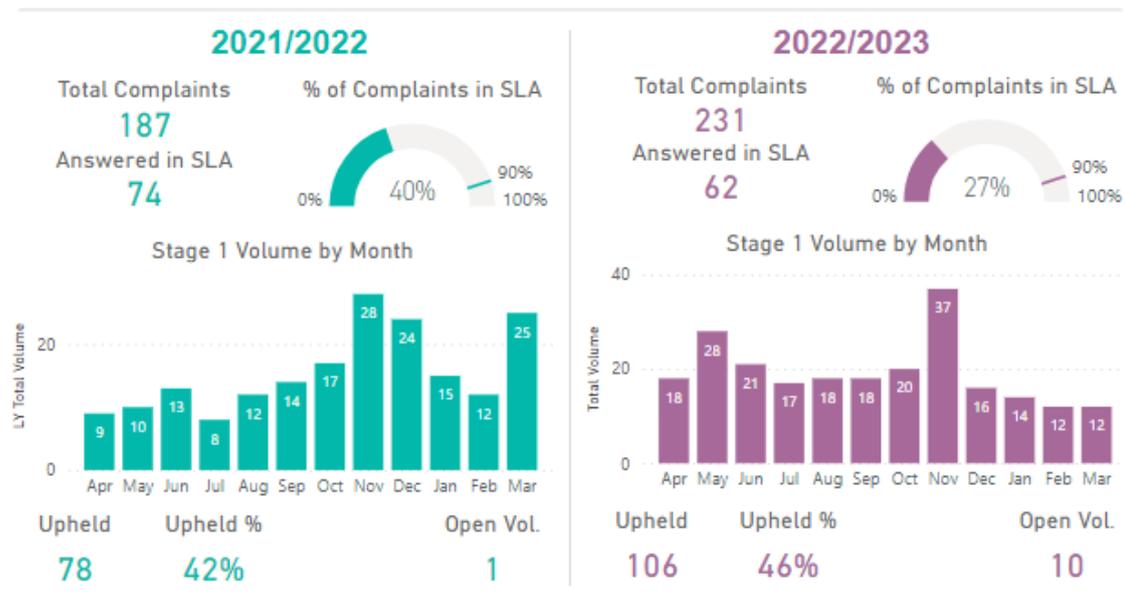
## 5. CORPORATE COMPLAINTS

### Stage 1



- 5.1. The volume of corporate Stage one complaints decreased by 19% or 546 complaints in 2022/2023 compared to 2021/2022.
- 5.2. 64% of corporate Stage one complaints have been responded to within the 20 working day corporate target, an increase of 3% on the previous year.
- 5.3. 37% or 861 corporate Stage one complaints were upheld for 2022/2023. This has reduced by 317 complaints on the previous year.

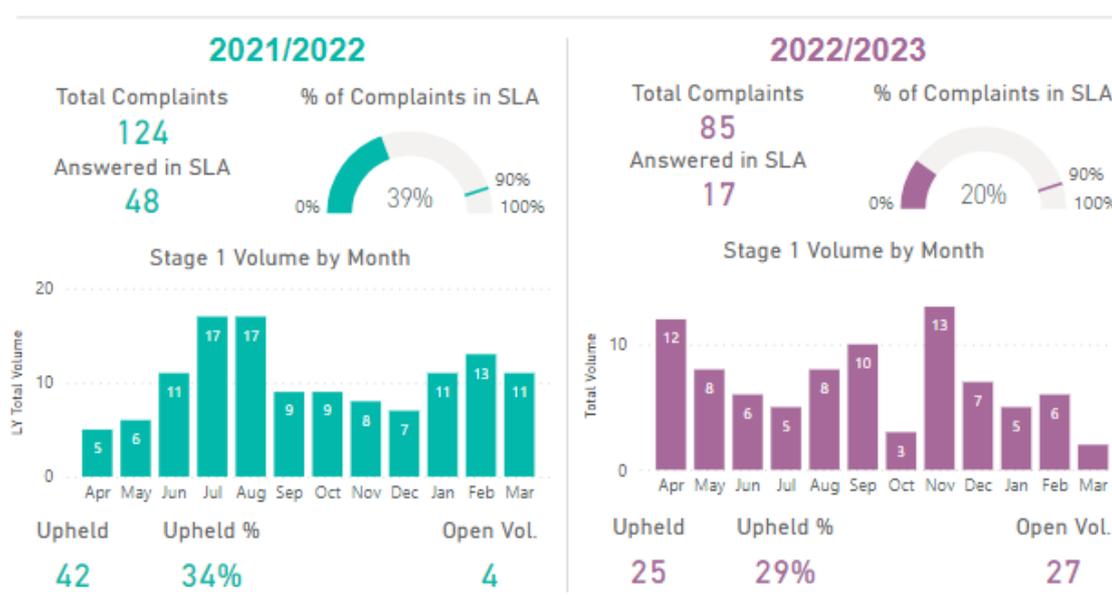
### Stage 2



- 5.4. The volume of corporate Stage two complaints increased by 24% or 44 complaints in 2022/2023 compared to 2021/2022.
- 5.5. 27% of Stage two complaints were answered within the 20 working day target compared to 40% in the previous year.
- 5.6. 46% of corporate Stage two complaints were upheld. This is an increase 4% on the year before.

### **Local Government & Social Care Ombudsman (LGSCO)**

- 5.7. Ombudsman investigations are complaints that have been escalated by residents who have fully completed the complaints process and are not satisfied with the outcome of their complaint. The Ombudsman, should they decide to investigate, send all enquiry correspondence via the Complaints Team who manage all contact and provide all requested information.

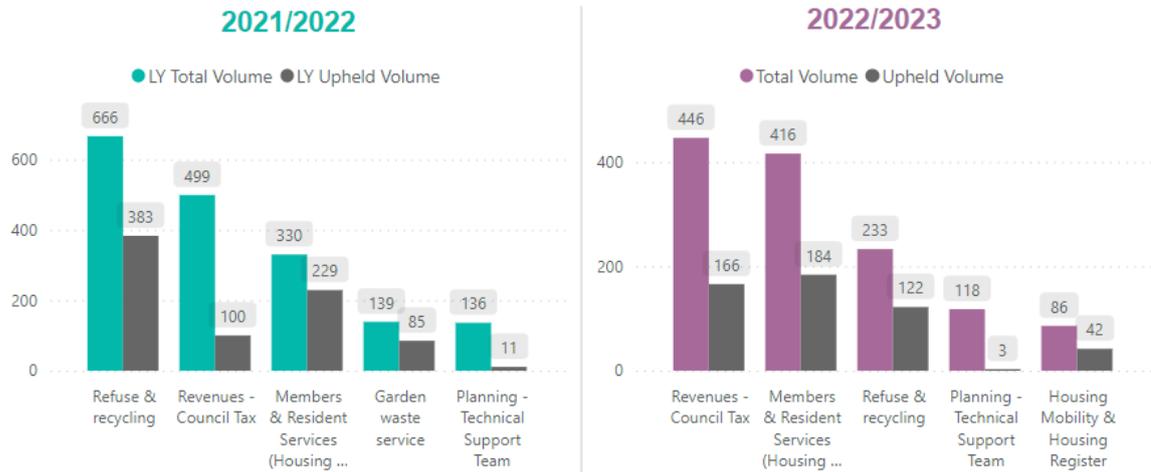


- 5.8. The volume of LGSCO investigations in 2022/2023 decreased by 31% (39 investigations) in comparison to those received in 2021/2022.
- 5.9. 25 LGSCO investigations were upheld for 2022/2023, compared to 42 last year however 27 cases remain undetermined at this time.
- 5.10. The number of Upheld or Partially Upheld cases against Croydon in 2022/2023 in each of the Directorates was as follows:
  - Adults Social Care - 7
  - Children, Families and Education - 7
  - Resources - 5
  - Housing - 4
  - Sustainable Communities, Regeneration and Economic Recovery – 2

### Highest volume areas of complaint Council wide

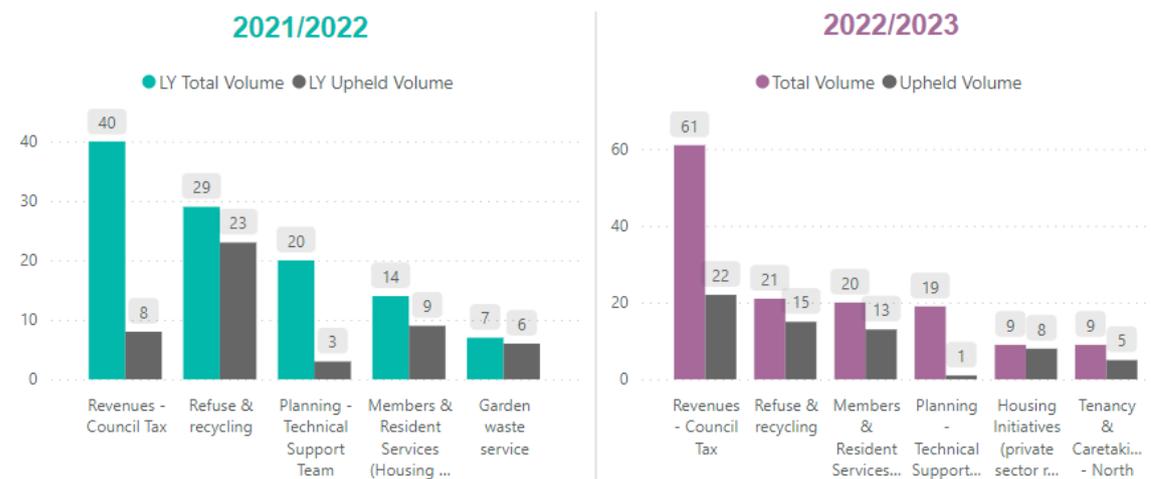
- 5.11. The corporate target is to respond to 75% of complaints within the target of 20 working days.
- 5.12. The services with the highest volume of stage one complaints for 2021/22 and 2022/23 are as follows:

#### Highest Volume Areas – Corporate Stage 1 – 2022/23



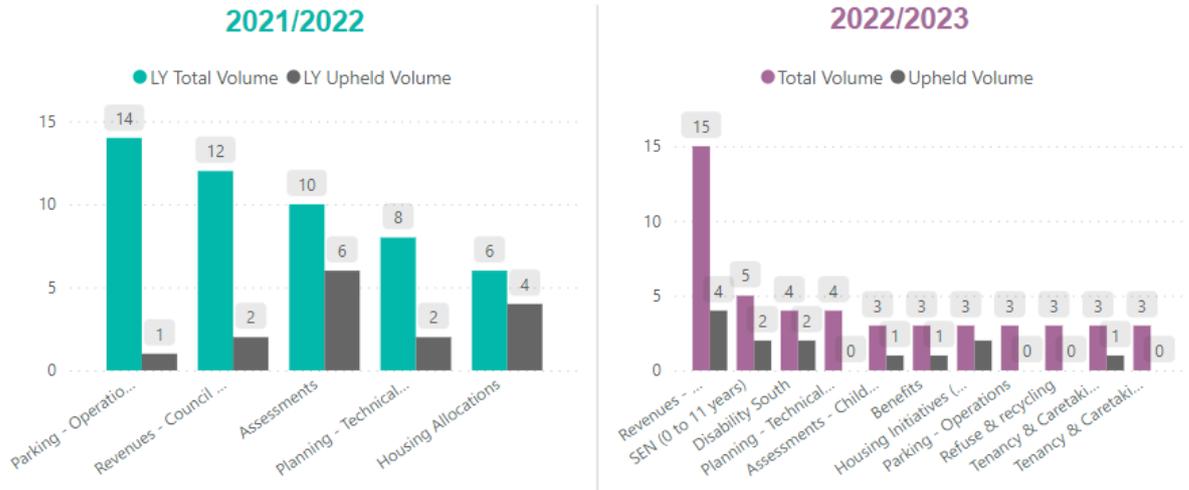
- 5.13. The services with the highest volume of stage two complaints for 2021/22 and 2022/23 are as follows:

#### Highest Volume Areas – Corporate Stage 2 – 2021/22 and 2022/23



- 5.14. The services with the highest volume of LGO complaints for 2021/22 and 2022/23 are as follows:

## Highest Volume Areas – Corporate and Statutory LGO – 2021/22 and 2022/23



- 5.15. Please note that the highest volume LGSCO complaints include both Corporate and Statutory. There are currently 27 open cases awaiting decision.
- 5.16. Further details of the findings and the recommendations can be found in Appendix A.

## 6. CORPORATE COMPLAINT THEMES

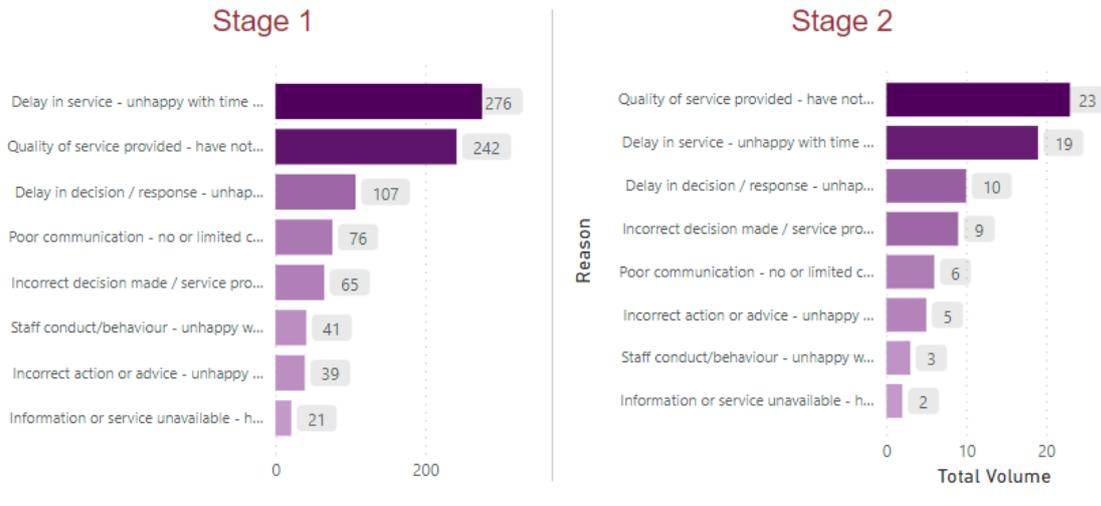
- 6.1. This section aims to show the high-level themes across council departments in the last two years. The below table shows some of the main causes per theme.

Theme	Type of cause
Council error	Admin, process, account or data management, wrong information provided
Delay	Delay in processing or delivering a service, delaying in, or lack of communication
Service failure	Not providing a service
Policy	Council policy
Staff	Staff behaviour, attitude or approach
Quality	Poor standard of service provided
Communication	Lack of updates provided, poor response to emails or answering the telephones

- 6.2. To note the Council launched a new complaint handling system in May 2021 which made the processes of recording and managing complaints much simpler across the organisation. This provides wider access to staff members and increased the monitoring capabilities for individuals and services, as well as increased reporting capabilities.
- 6.3. The Council also launched the Members App to allow all Councillor enquiries to be recorded by the Councillors directly into the Complaint Management System. They are able to view, update and see the current status of their enquiries.
- 6.4. The tables below show the main reasons for Stage 1 corporate complaints across each of the Directorates:

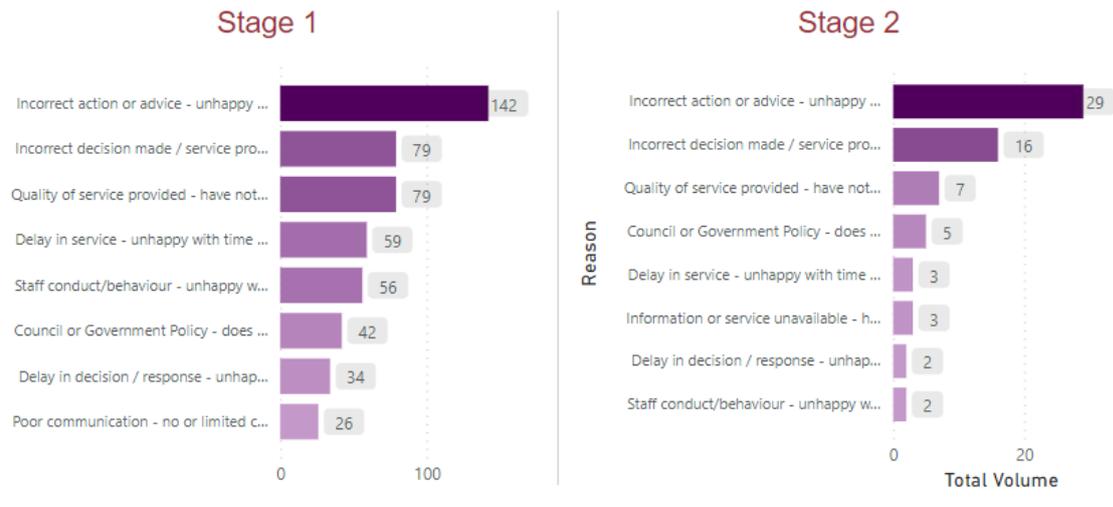
## Housing:

### Housing - 2022/2023



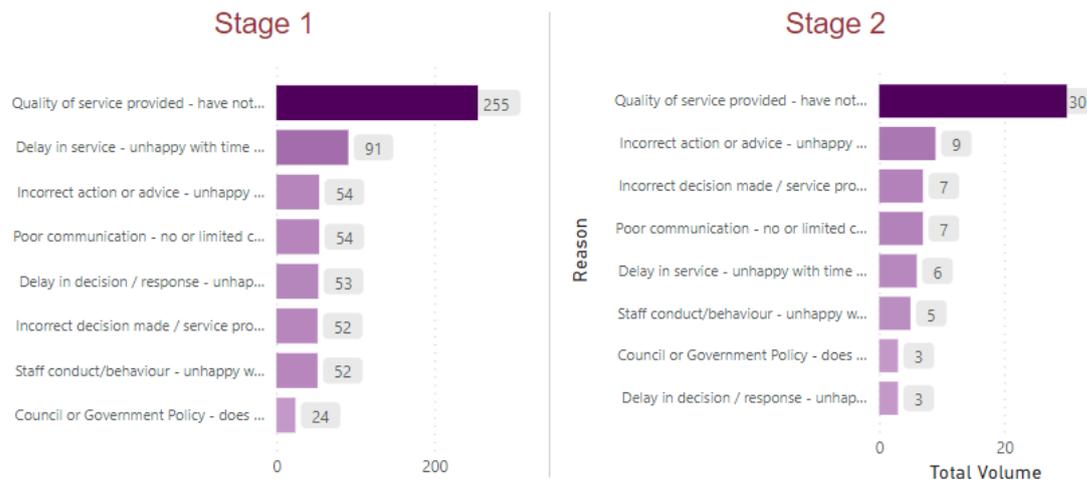
## Resources:

### Resources - 2022/2023



## Sustainable Communities, Regeneration and Economic Recovery:

### Sustainable Communities, Regeneration & Economic Recovery - 2022/2023



## Assistant Chief Executive:

### Assistant Chief Executive Directorate - 2022/2023



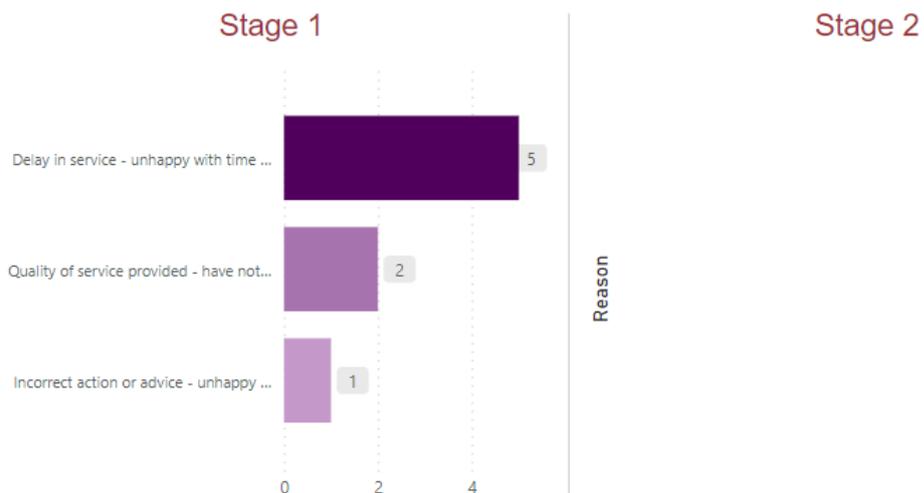
## Childrens, Families and Education:

### Children, Families & Education - 2022/2023



## Adults Social Care:

### Adult Social Care & Health - 2022/2023



## 7. BENCHMARKING

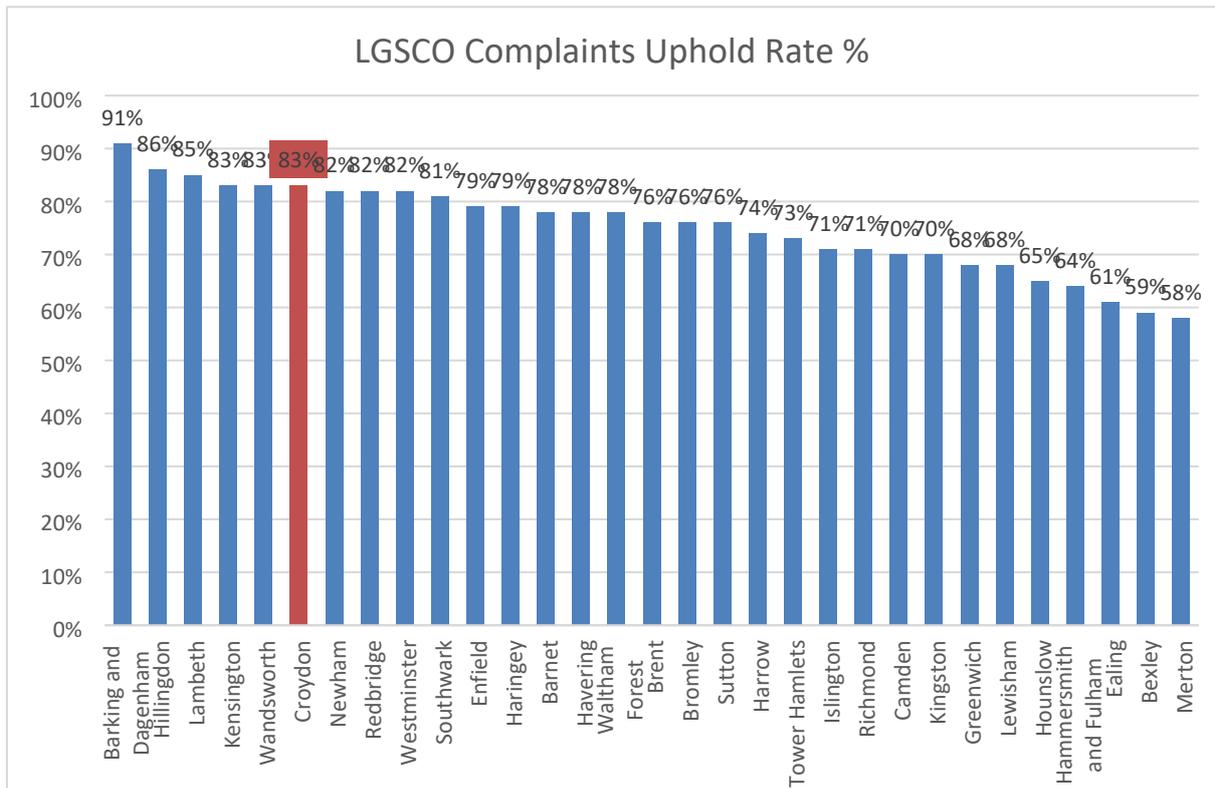
- 7.1. The Complaints team manager attends the London wide complaints forums considering best practice issues and it contributes to the London Complaints Managers Group, which works with the LGSCO.
- 7.2. This group are developing benchmarking statistics across all services, which Croydon have already contributed to. Limited responses have been received in response to requests for comparative data to date. Croydon remains committed to contributing to making the benchmarking data available to all.
- 7.3. The below table is a limited sample of other London Borough's complaints volumes during 2022/2023 that have been obtainable.

Borough	Population*	No of Stage 1 Corporate Complaints	Number of Stage 2 Corporate Complaints	Upheld Stage 1 Complaints	Number within borough SLA.
Croydon	390,800	2,340	231	861 (37%)	1,499 (64%)
Brent	339,800	1,709	252	666 (39%)	1640 (96%)
Merton	215,200	887	103	337 (38%)	532 (60%)

\*population figures as of 2021 census

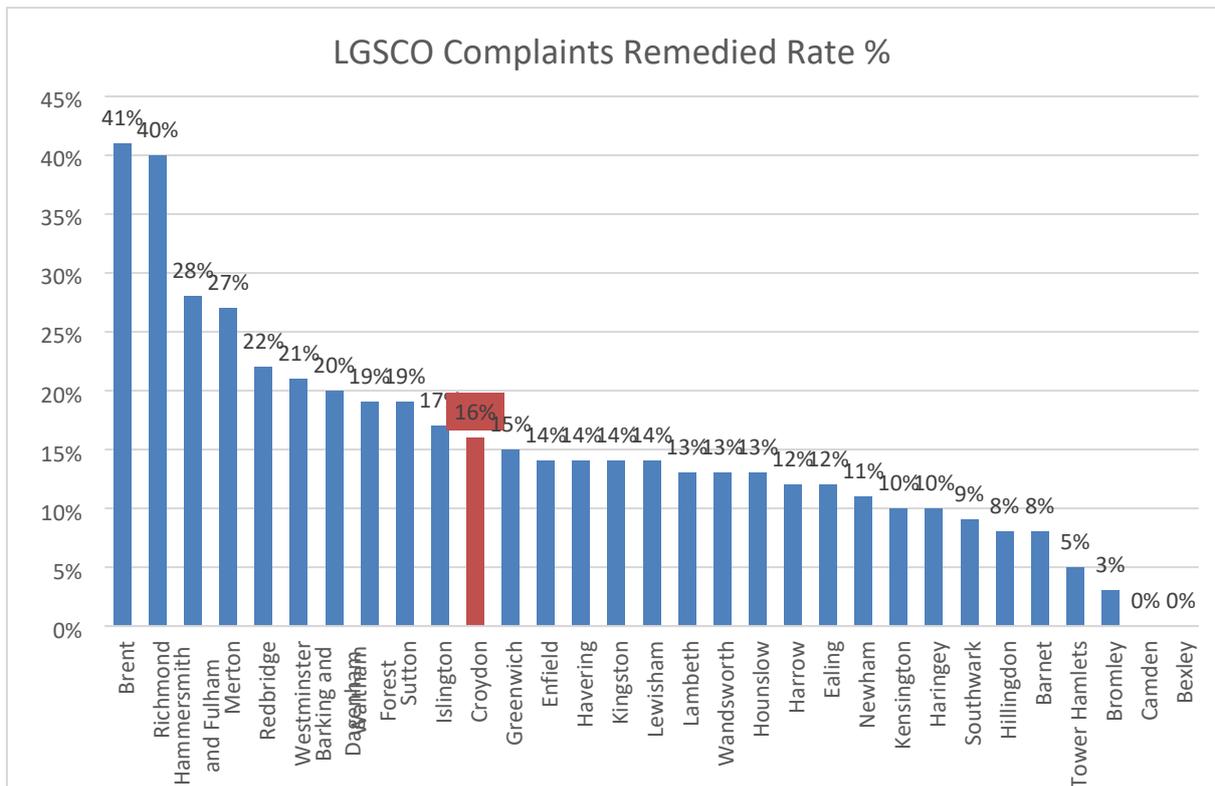
\*\*All boroughs operate different complaints processes. Figures provided by LCMG (London Complaint Managers Group)

- 7.4. The Local Government and Social Care Ombudsman provide an annual review letter to each Local Authority. Some benchmarking data is available online in regards to the performance of other Local Authorities.
- 7.5. Of the detailed investigations undertaken in 2022/2023 the percentage of complaints which were upheld in favour of the resident was 83%. This was above the average for similar organisations of 77%. The graph below demonstrates how we compare to other London Local Authorities.



7.6. In 98% of cases the Local Authority successfully completed the recommendations set by the Ombudsman.

7.7. Of the detailed investigations undertaken the Ombudsman were satisfied that in 16% of cases a satisfactory remedy had been implemented by the Local Authority in advance. The graph below shows how we compare to other London Local Authorities.



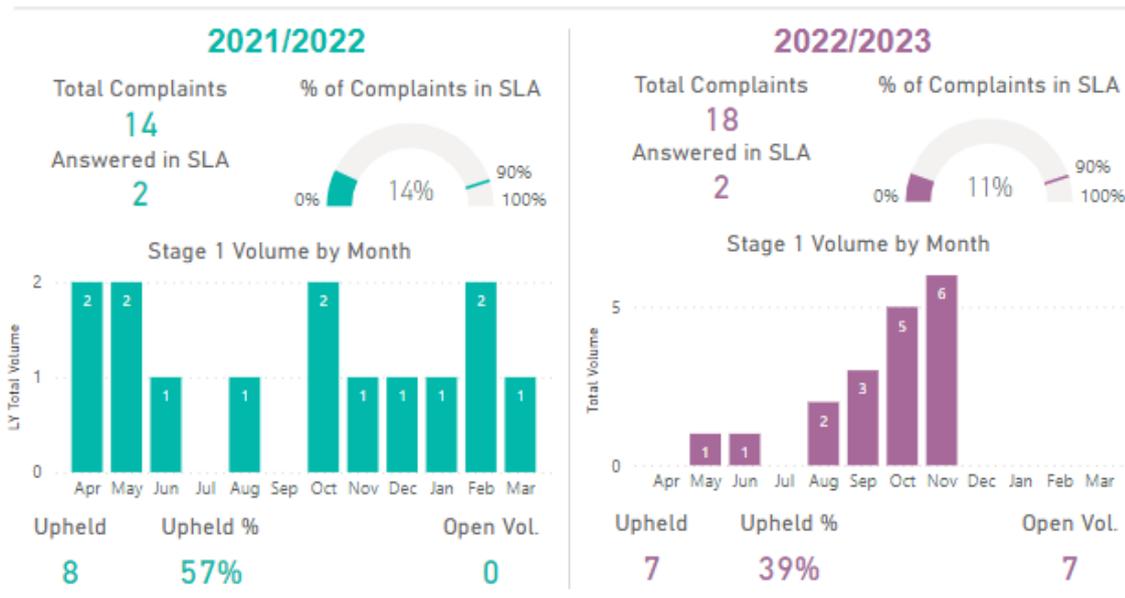
## 8. CHILDREN, FAMILIES AND EDUCATION (CFE) STATUTORY COMPLAINTS

### Stage One



- 8.1. The volume of statutory stage one complaints increased by 34 in 2022/2023 compared to 2021/2022.
- 8.2. 50% of Stage 1 complaints were responded to within the 10 working day SLA's in the annual period 2022/2023. This is an increase of 3% on the previous year. There has been a recent change to the SLA response times to 20 working days in line with corporate Complaints.
- 8.3. 36% of statutory stage one complaints were upheld in 2022/23, a decrease of 20% on the previous year.

## Statutory Stage Two

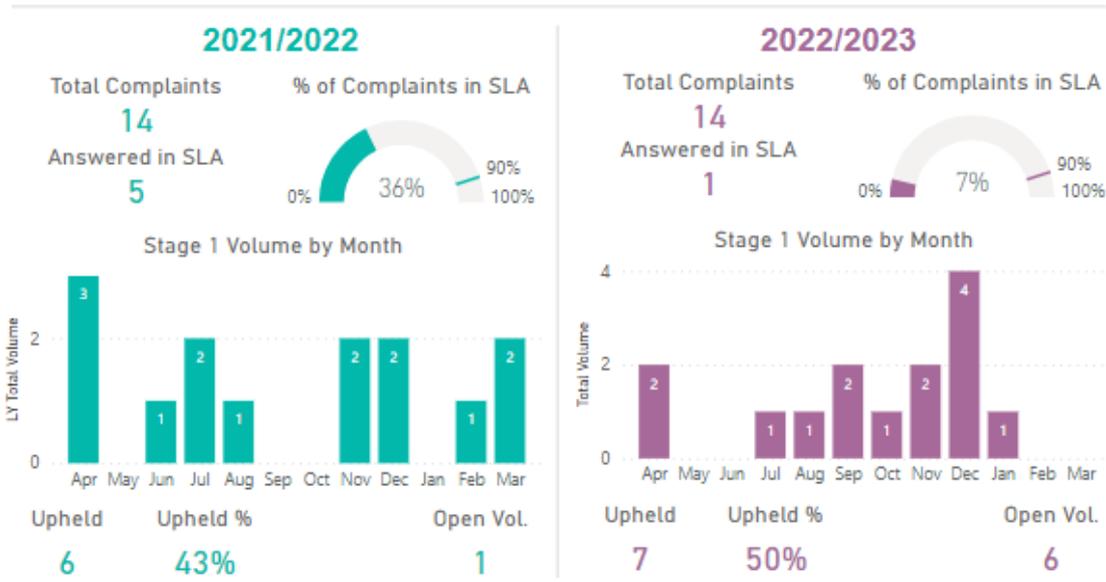


- 8.4. The volume of Statutory stage two complaints increased by 4 complaints in this annual period compared to last year.
- 8.5. 39% of stage two, or 7 complaints were upheld during 2022/2023, compared to 57%, or 8 complaints in 2021/2022.

### Stage Three

- 8.6. In 2022/2023 there were a total of 3 Stage 3 panels, an increase of 1 on 2021/2022.

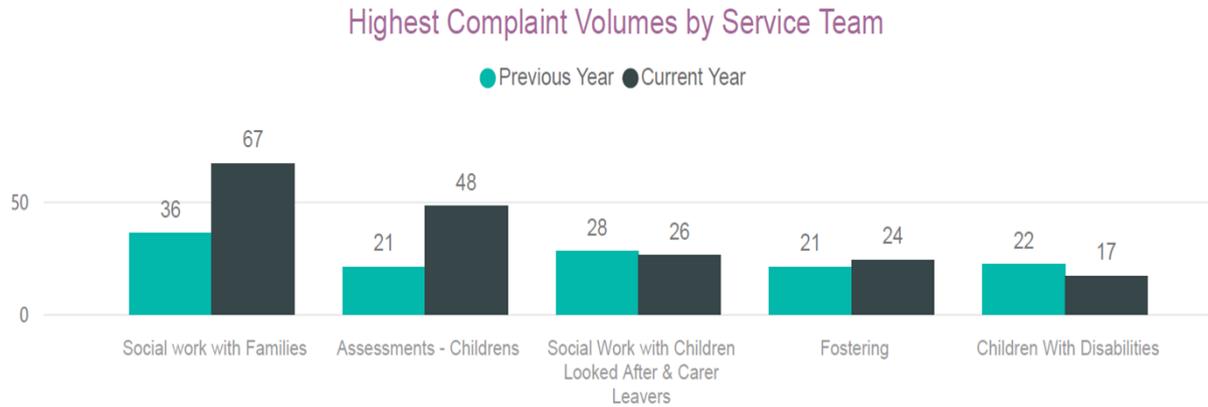
## Local Government & Social Care Ombudsman (LGSCO)



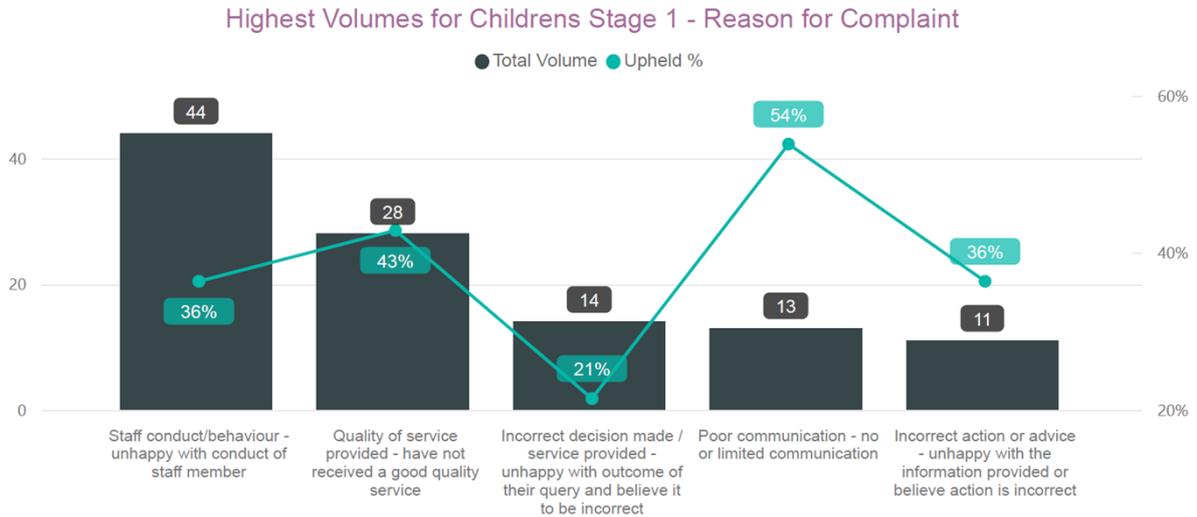
- 8.7. 14 complaints were escalated to the LGSCO in 2022/23, the same number as in the previous year.
- 8.8. 7 complaints, or 50% were upheld by the LGSCO, an increase of 1 complaint on the period 2021/22.

CFE Statutory Stage 1 complaint volumes by Service Team

- 8.9. The below table shows the highest number of complaints received by service teams within the CFE division within the last 2 years.

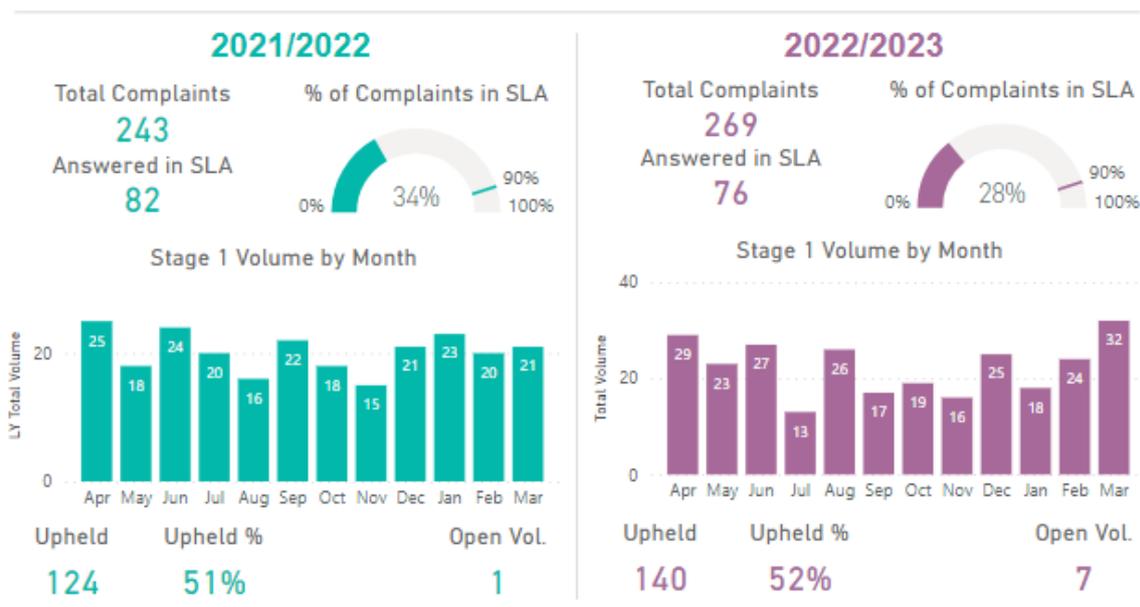


- 8.10. The chart below shows the Stage 1 themes for CFE Statutory complaints in 2022/23, alongside the percentage of upheld complaint for each category.



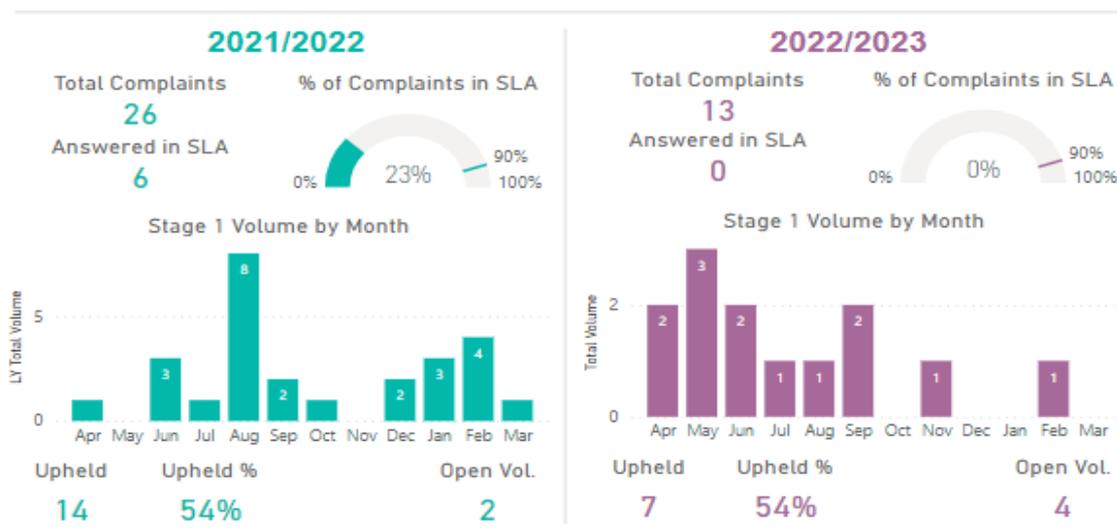
## 9. ADULTS SOCIAL CARE & HEALTH (ASC) STATUTORY COMPLAINTS

### Stage One



- 9.1. Stage one complaints increased by 11% or 24 complaints in 2022/23 compared to 2021/22.
- 9.2. There has been a 1% increase in the number of complaints that have been upheld this year compared to last. For this year it was 52%.
- 9.3. The percentage of Stage 1 complaints that were answered within the 10 working day SLA was 28% in 2022/23 compared to 34% in 2021/22.
- 9.4. *Please note there is no Stage 2 process for Statutory Adults complaints*

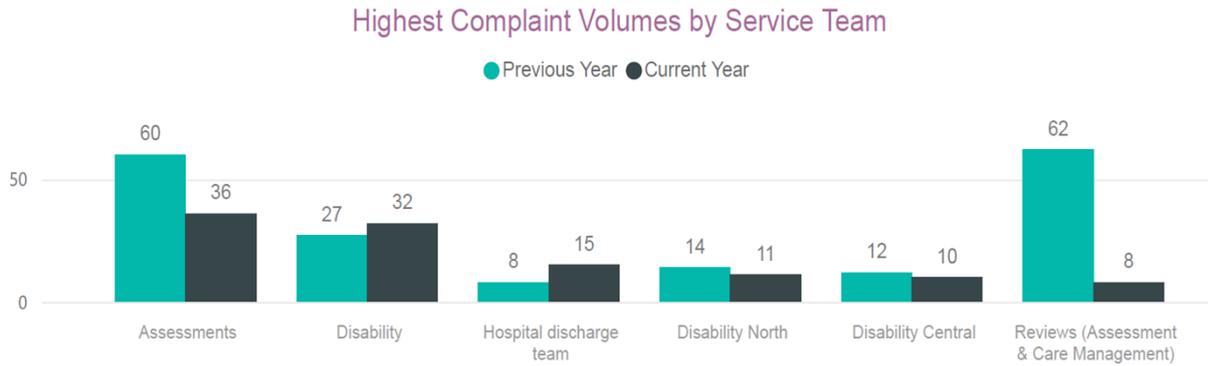
### Local Government & Social Care Ombudsman (LGSCO)



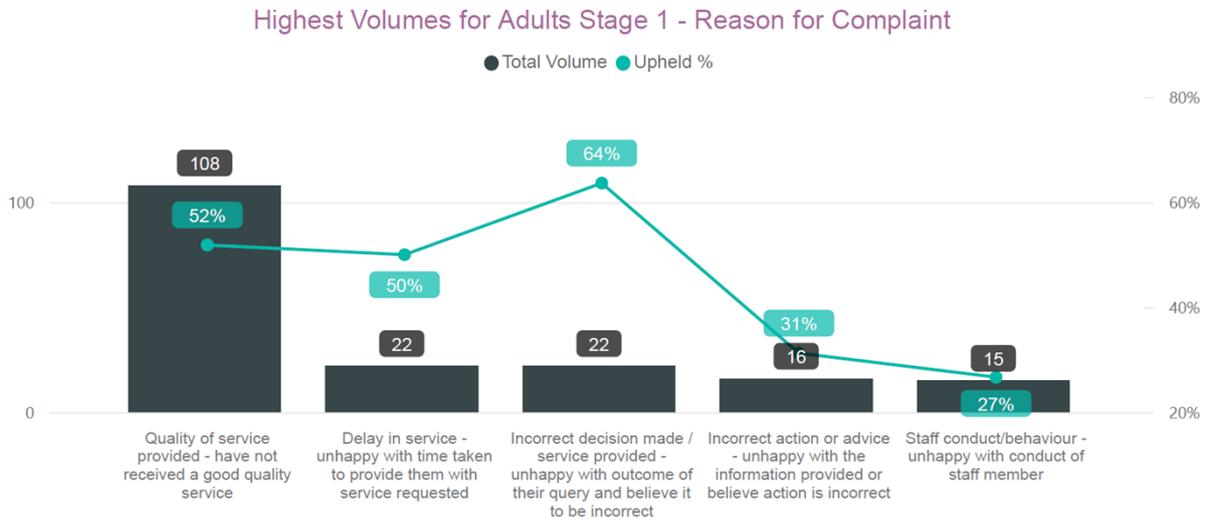
- 9.5. 13 complaints were escalated to the LGSCO in 2022/23, compared to 26 in 2021/22. This is a 50% reduction.
- 9.6. 7 complaints, or 54% were upheld by the LGSCO, a decrease of 7 complaints on the period 2021/22.

ASC Statutory Stage 1 complaint volumes by Service Team

- 9.7. The below table shows the highest number of complaints received by the service teams within the ASC directorate in 2022/23 along with competitive numbers for the previous year.



- 9.8. The chart below shows the Stage 1 Themes for ASC Statutory complaints in 2022/23, alongside the percentage of upheld complaint for each category.



## 10. IMPROVEMENTS MADE AND ACTIONS TAKEN:

10.1. Numerous improvements have been made across the organisation as a result of learning from complaints, and recommendations and orders made by the Ombudsman. Below are some of the actions taken:

- Implementation of a new Childrens, Young people and Education complaints policy.
- Updates made to the Corporate Complaints Policy and amendments to website undertaken.
- Complaints handling videos created and added to the Croydon Learning library for access to all staff.
- In person complaints handling training provided to numerous services across the organisation and to new starter contact centre staff.
- Processes maps for complaints, mayoral enquiries and member enquiries devised and added to the intranet for access by all staff.
- Meetings held and agreement made with Bernardos advocates to agree a protocol for the handling of complaints that cross over between Childrens Services and Housing.
- Training provided to officers dealing with antisocial behaviour so they are aware of the steps they need to take to investigate when concerns are raised.
- Training provided on the community trigger process and when that process should be discussed with those who have raised concerns.
- Community trigger processed publicised on the Local Authority Website.
- Staff reminded of the requirement to review procedures for restricting visitor's contact with service users of the Care Home as set out in its Visitor's Policy.
- Staff reminded of the importance of continuing to ensure the adult's care needs are being met when their care plan is under review, particularly if they are without adequate care during a period of dispute.
- Staff reminded of the needs to involve service users when it proposes to make significant adjustments to their care support.
- Staff reminded of the Council's duty to clearly set out how a person's eligible care needs will be met, particularly where it proposes to reduce someone's care hours.
- A review of the equipment ordering system undertaken to ensure processes are followed through correctly.
- Staff reminded that consideration should be made to placing a hold on accounts with enforcement agents when customers advise they have not received recovery notices.
- Officers reminded of the provisions of the Government guidance on collection of Council Tax arrears to ensure they are willing to negotiate payments at any time

in the process and work with bill payers to agree an affordable and sustainable payment plan to be paid within a reasonable timeframe.

- Staff reminded that when an owner of an abandoned vehicle has been located and the Council has contacted the owner, to wait for the full notice period to lapse before disposing of it.
- Notice letter to owners of abandoned vehicles revised to ensure it is clear what the notice period is and what action it intends on taking.
- A review of the processes for commissioning or arranging occupational therapy provision to ensure it can access assessment and therapy services when children and young people require it
- A review to ensure that providers being commissioned to deliver specialist provisions can meet the educational provision specified in children and young people's EHC (Educational, Health and Care) plans.
- Staff reminded that where NHS OT (Occupational Therapy) advice is sought during the EHC assessment process and that advice is delayed, to consider obtaining advice from private OTs or asking other professionals to cover the issue in their reports.
- A review of the guidance to staff on handling complaints where the complainant is accessing the legal protocol for housing disrepair claims to ensure it is clear to staff when complaints about homelessness applications and housing register applications, including requests by Council tenants to move to different accommodation, should be treated as separable from the legal protocol.
- A review of SEN processes to ensure:
  - Medical advice is sought to support decisions to provide alternative education that is less than full-time.
  - Alternative provision is put in place without delay and kept under regular review, with a view to increasing it where possible.
  - Requests for non-academic or therapeutic alternative provision are properly considered especially where there are special educational needs that may be met by such provision.
  - Special educational provision in an EHC plan is put in place where possible where a child is unable to attend school; the duty under s.42 Children and Families Act remains.
  - Social care advice is obtained during every EHCNA and the need for social care input reviewed when a child is out of school for an extended period.
- Processed put into place to ensure:
  - The LA acts on written representations from foster parents;
  - Foster parents are informed of the outcome of review panels
  - Foster parents are signposted to relevant fostering support when they are the subject of investigations.

- A full review of aftercare in all applicable Section 117 cases
- Remind all relevant staff of its duties under Section 17 of the Children Act 1989 and the circumstances when a Child in Need Assessment should be carried out, including where the individual affected has accessed the legal protocol for housing disrepair claims.

## **11. ALTERNATIVE OPTIONS CONSIDERED**

11.1. N/A

## **12. CONSULTATION**

12.1. N/A

## **13. CONTRIBUTION TO COUNCIL PRIORITIES**

13.1. 7.1 Supporting Outcome 1 of the Mayor's Priorities – Listening to Residents

## **14. APPENDICES**

14.1. Appendix A: A list of all findings from Upheld Ombudsman decisions

14.2. Appendix B: The Local Government and Social Care Ombudsman annual review letter

14.3. Appendix C: The Housing Ombudsman annual review letter

14.4. Appendix D: The Annual Complaints Report 2022-2023

## **15. BACKGROUND DOCUMENTS**

15.1. N/A