

OPEN

Audit and Governance Committee

27 July 2023

Annual Complaints Report 2022/23

Report of: Alex Thompson, Director of Finance and Customer Services

Report Reference No: AG/15/23/24

Ward(s) Affected: All

Purpose of Report

1. This report provides a summary and analysis of complaints and compliments received by the Council during the period 1st April 2022 to 31st March 2023.
2. The report highlights any areas of concern and examples of good practice. It provides assurance that matters raised as complaints by customers are being addressed; that action has been taken to rectify issues and that information arising from complaints has informed service improvements. Responsibility for service provision rests with the relevant service committee and members may wish to seek additional assurances from those service committees.
3. The report supports the strategic aims and objectives in the Council's Corporate Plan 2021-25 to become an open and enabling Council and specifically supports the objectives of the Council's Customer Experience Strategy.

Executive Summary

4. The Council provides the facility for customers to report compliments and complaints in relation to Council services in an accessible and consistent way. Improvements have been made to the processes for these customer engagements following the approval of the Customer

Experience Strategy by the Corporate Policy Committee. As part of this approval the Committee continues to receive updated performance information on progress.

5. The Council provides in the region of 500 different services across a population of almost 400,000 residents. These range from place-based services, such as waste collection and highways management which are universal, to individual services such as social care and housing.
6. The Council received 2,637 complaints and 964 compliments in 2022/23 (see Appendix 8 for examples of compliments received). This is a decrease of 13% on the previous year for complaints and a decrease of 12% on the previous year for compliments. Of the 2,637 complaints received, 499 were rejected, withdrawn or not pursued; and the remaining 2,138 were processed as official complaints.
7. Customer feedback is very important in the future development of services and this report provides data and activities related to feedback in the period 1st April 2022 to 31st March 2023. The Customer Services Team has increased engagement with service leads throughout this period in line with the strategy. This has led to process changes, increased awareness and insight as well as additional training.

RECOMMENDATIONS

The Audit and Governance Committee is recommended to:

1. Note the annual Committee complaints and compliments data, and the briefing material in this report relating to the 2022/23 financial year.
2. Note the issues raised and improvements made in respect to the management of complaints across the Council contained within the briefing material in this report
3. Note the Council's compliance with the Corporate Complaints Policy, and with the recommendations of the Ombudsman.

Background

8. The Council has a Corporate Complaints Policy covering all complaints about Council services other than Children's Social Care complaints, which have a separate statutory complaints process.

9. The Policy provides for members of the public to contact the Council in several different ways. Most complaints are received either by email, via the Customer Contact Centre or are self-logged via the Council's website. Appendix 7 shows the combined volume of telephone and digital contact with the Council for each directorate, as well as the specific contact count for customer feedback.
10. The Council has a two-stage complaints procedure. Most complaints are resolved at Stage 1 where a complaint is investigated and responded to by a manager from the service being complained about. The customer will generally receive a written response within 10 working days, unless the matter has been resolved and the customer has been contacted directly by the service by telephone or email. It should be noted that the statutory complaints process for Children's Social Care has the option to go to Stage 3 if required.
11. If the customer remains unhappy following the Stage 1 response and outcome, they can request that the complaint is considered at Stage 2. At this Stage a review of the complaint is carried out by a manager who has not previously been involved with the complaint.
12. The Local Government Act 1974 established the Local Government and Social Care Ombudsman. It empowers the Ombudsman to investigate complaints against councils and adult social care providers and to provide advice and guidance on good administrative practice. Once a complainant has exhausted the Council's Complaints procedure, their next recourse, should they remain dissatisfied with the Council's response, is to contact the Ombudsman.
13. The Ombudsman will assess the merits of each case escalated to them and seek clarification from the Council as necessary before making the decision to investigate a complaint. Once the Ombudsman decides to investigate, they will try to ascertain if maladministration/Fault has occurred and whether there has been any resulting injustice to the complainant because of the maladministration/Fault.
14. In instances where maladministration/Fault with Injustice is found, the Ombudsman will usually make non-legally binding recommendations which they consider to be appropriate and reasonable. Although not legally binding, refusal to accept the Ombudsman's recommendation(s) will trigger a Public Report.
15. A Public Report is a detailed account of the complaint, outlining the failures by the Council in the investigation; this can have a significant damaging effect on the Council's reputation.

16. All complaints are a useful indicator of performance and provide the Council with an opportunity to review the quality of service provided and to make improvements. The Customer Relations Team within Customer Services reports the volume, outcome and time taken to resolve complaints to each Directorate on a quarterly basis. The volume of compliments, overall customer contact and, where appropriate, areas of concern and potential for service improvements are also reported.

Briefing:

Adults, Health and Integration Directorate

17. The Adults, Health and Integration directorate has seen an overall increase in the volume of complaints received between 2021/2022 and 2022/2023 from 160 to 170 (6%). Of the 170 complaints received, 144 were processed. The Social Care Business Support and Finance Team received the most complaints (24%), followed by the Adults Commissioning Team (11%).
18. 54% of complaints about the Social Care Business Support and Finance Team were relating to a disagreement with the charge received. Although the Social Care Business Support and Finance Team received the most complaints, they were able to respond to 73% of the complaints on time (whilst the average across all teams within the directorate is 55%).
19. Out of the 37 complaints processed for Social Care Business Support and Finance, 15 of these were upheld or partly upheld, which indicates that errors were made which resulted in the complaints being raised.
20. The Adults Commissioning Team received the second highest number of complaints (19), these complaints are relating to different causes and there is not a trend in the complaints received. 63% of the team's responses were made on time.
21. The Complaints Team have recommended increased attention to replying to complaints within the agreed timeframe to reduce the number of further dissatisfied complainants. This will continue to be monitored and reported as a performance indicator.

Children and Families Directorate

22. The Children's and Families directorate received a total of 388 complaints. This compares to 307 complaints received in 2021/2022, an increase of 26%. Of the 388 received, 325 were processed. The majority of complaints for Children's Social Care were relating to the Crewe CIN/CP Team, Macclesfield CIN/CP Team and the Cared for

Children Team. Complaints received were about the quality of the service delivered; or the failure to deliver a service; or issues relating to staff conduct. Out of the 85 complaints for these teams, 41 were upheld. During the 2022-2023 period Children's Social Care staff have continued to deal with increasing demand which impacts on caseloads which combined with staff turnover and absence has affected the ability to respond to complaints in a timely manner. The Complaints Team have been proactive in trying to help teams respond to complaints.

23. There is a noticeable increase in the number of complaints assigned to the SEND service starting in February of 2022 and remaining at a constant higher rate throughout the next year. During the 2022-2023 period SEND Keyworkers have been carrying caseloads of over 200 cases each which combined with staff turnover and absence has affected the ability to manage the amount of communication received and the ability to respond in a timely manner. This is backed up by the primary causes given for customers making complaints which are 'failure to do something' (29%); 'not to the quality or standard expected' (20%); 'delays in doing something' (18%); 'delay in communication' (8%) or 'no communication received (7%)'. Compounding this is the complex nature of SEND complaints and the rigidity of the legislation within SEND law, as well as staff lacking the time to carry out recommended actions for complaint resolution – which often results in complaint escalations.
24. Due to developments within case law, there are elements of the SEND Team's process which require amendment and it is recognised that there is a training need within the service to remain compliant.
25. There are a number of complaints across various services which relate to staff attitude. A customer experience e-learning package has been available for some time however attendance from the Children's Directorate is particularly low. The Complaints Team have recommended that all staff are encouraged to attend this.
26. The Customer Relations Team have also raised several areas for improvement in relation to SEND procedures and areas of training needed to prevent key themes of complaints repeating. These should be monitored to ensure they are delivered. Customer Experience training for managers has also been developed which will help managers to further improve services. The Customer Service Team are currently working with Children's Directorate to tailor this to their specific service.

Corporate Directorate

27. The Corporate Directorate received 319 complaints, compared to 375 complaints received in 2021/2022, a decrease of 15%. Of the 319 complaints received, 264 were processed. Council Tax Billing and Collections processed the most complaints, followed by Customer Services Centres (Macclesfield and Crewe).
28. The Council Tax Billing and Collection Team, saw an increase of 21% in complaints in 2022/2023 compared with the previous year (150 versus 181). Of the 181 complaints received, 160 were processed. In 2022/2023, 44% of their complaints were either upheld or partly upheld, which compares to 39% for 2021-2022. 'Quality or standard have not met the customer's expectations' is the most popular complaint type (20%), followed by 'failure to do something' (18%), and 'no communication received' (8%).
29. The Council Tax Billing and Collections Team's Stage 2 complaints are about the use of enforcement agencies, Direct Debit issues, court summons for council tax, incorrect information and advice given, and lack of communication. The Complaints Team have recommended that the department look at why these complaints have gone to Stage 2 and if, in hindsight, anything could have been done at Stage 1 to prevent this escalation.

Place Directorate – comprises Environment & Communities, Economy & Growth and Highways & Transport Committees

30. The Place Directorate received a total of 1,760 complaints during the year. This compares to 2,193 complaints recorded during the 2021/2022 year – a 20% decrease. Of the 1,760 complaints received, 1,405 were processed. Waste & Recycling received the most complaints (758 complaints received, 673 processed), followed by Highways (388 complaints received, 247 processed) and Development Management (202 complaints received, 183 processed). These services received significantly more complaints than any other service in the Place Directorate. In the case of Waste and Recycling and Highways, this could be attributed to the visible nature of the services provided - for example a bin collection being missed, a pothole in the road, or a streetlight not working.
31. In relation to Development Management, complaints have decreased compared to the previous year – 202 compared to 257 in 2021/2022 (-

21%). The main theme has been the delays and lack of communication in the processing of planning applications. Given that 58% of complaints were either fully or partly upheld, the Complaints Team have recommended that issues raised are addressed by the service. The service is currently in a new complaints process, with a view to improving responses to complainants and prevent complaints going to Stage 2.

32. Waste & Recycling saw an increase in complaints received compared to the previous year – 758 compared to 696 in 2021/2022 (+9%). The service received complaints primarily about frequent, multiple missed bin collections. There was a significant increase in complaints starting in January 2022 until September 2022 with a spike in July 2022 (154 complaints). After September 2022, there was a rapid decrease in complaints (to an average of 33 per month), the lowest in the two-year period. We are aware that the service had staffing issues during this period and had to reduce their service provision, causing an increase in missed collections and prompting more complaints.
33. Highways saw a 24% decrease in complaints received compared to the previous year – 509 in 2021/2022 and 388 in 2022/2023. From October 2022 onwards, complaints have consistently decreased with numbers dropping to an average of 25 per month compared to 39 per month in the six months prior (a 36% decrease). 34% of Highways complaints were around ‘failure to do something’ and 33% were around problems with the ‘quality of the service’. As a large proportion of Highways complaints were not upheld, the Complaints Team have recommended that Highways look at these complaints to identify the cause and any action that would prevent these being reported as complaints. For example, communicating and explaining timescales for reported works; explaining why work will or won’t be carried out.

Consultation and Engagement

34. Quarterly reports on complaints and compliments are provided to all Directorates highlighting areas of concern and of good practice specific to their Directorate; and enabling Management Teams to consider opportunities to drive improvements and to share best practice.

Reasons for Recommendations

- (a) To ensure that the Committee is provided with assurances of service departments use of complaints to deliver service improvements in line with the Customer Experience Strategy.

- (b) To ensure that the Committee is kept informed of the Ombudsman's findings and to provide assurance that the Council is complying with the Corporate Complaints Policy and any recommendations made by the Ombudsman.

Option	Impact	Risk
Do nothing	Poor customer experience would not be addressed, lessons would not be learned and service improvements would not be made	Likely increase in complaints to Local Government Ombudsman with the potential for financial penalties and poor reputational impact

Implications and Comments

Monitoring Officer/Legal

35. There are no legal implications flowing directly from the content of this reports.

Section 151 Officer/Finance

36. If Fault causing Injustice is found, the Council can be asked to pay compensation to a complainant, the level of which is determined on a case by-case basis. The cost of such compensation is paid for by the service at fault. In 11 cases where the Ombudsman found Fault with Injustice during 2022-23, the Council was required to make compensation payments totalling £5,550 – a decrease of 39% on the previous year. In 2021/2022, the Council was required to make compensation payments for 12 cases totalling £9,050.

Policy

37. Analysis of complaints enables services to identify and deliver improvements in service aligned with the Council's Customer Experience Strategy. If a high volume of complaints were received about a specific policy, a review of the relevant policy could be triggered and referred to the relevant service committee.

An open and enabling organisation	A council which empowers and cares about people)	A thriving and sustainable place
1. Listen, learn and respond to our residents, promoting opportunities for a two-way conversation		

Equality, Diversity and Inclusion

38. When responding to complaints, the Council must ensure that people are treated fairly and that we comply with the Equality Act 2010, making reasonable adjustments where necessary. This may include providing responses in large font, using coloured paper, or communicating by specific means such as email only.

Human Resources

39. Whilst the primary purpose of this report is to inform Members of the outcome of complaints and to seek to secure improvements in performance, resource implications arise from the high numbers of complaints. These relate to the increased demand upon officers in researching the background to complaints and responding appropriately. Where complaints relate to specific staff members, for example because of behaviour or attitude, these are escalated to the appropriate manager.

Risk Management

40. If recommendations made by the Ombudsman are not followed, this could trigger a public report, as detailed in paragraphs 11 and 12

Rural Communities

41. There are no direct implications for rural communities

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND).

42. Implications for Children and Young people are included in paragraph 19 and 20 of this report – particularly relating to lack SEND provision or social care support.

Public Health

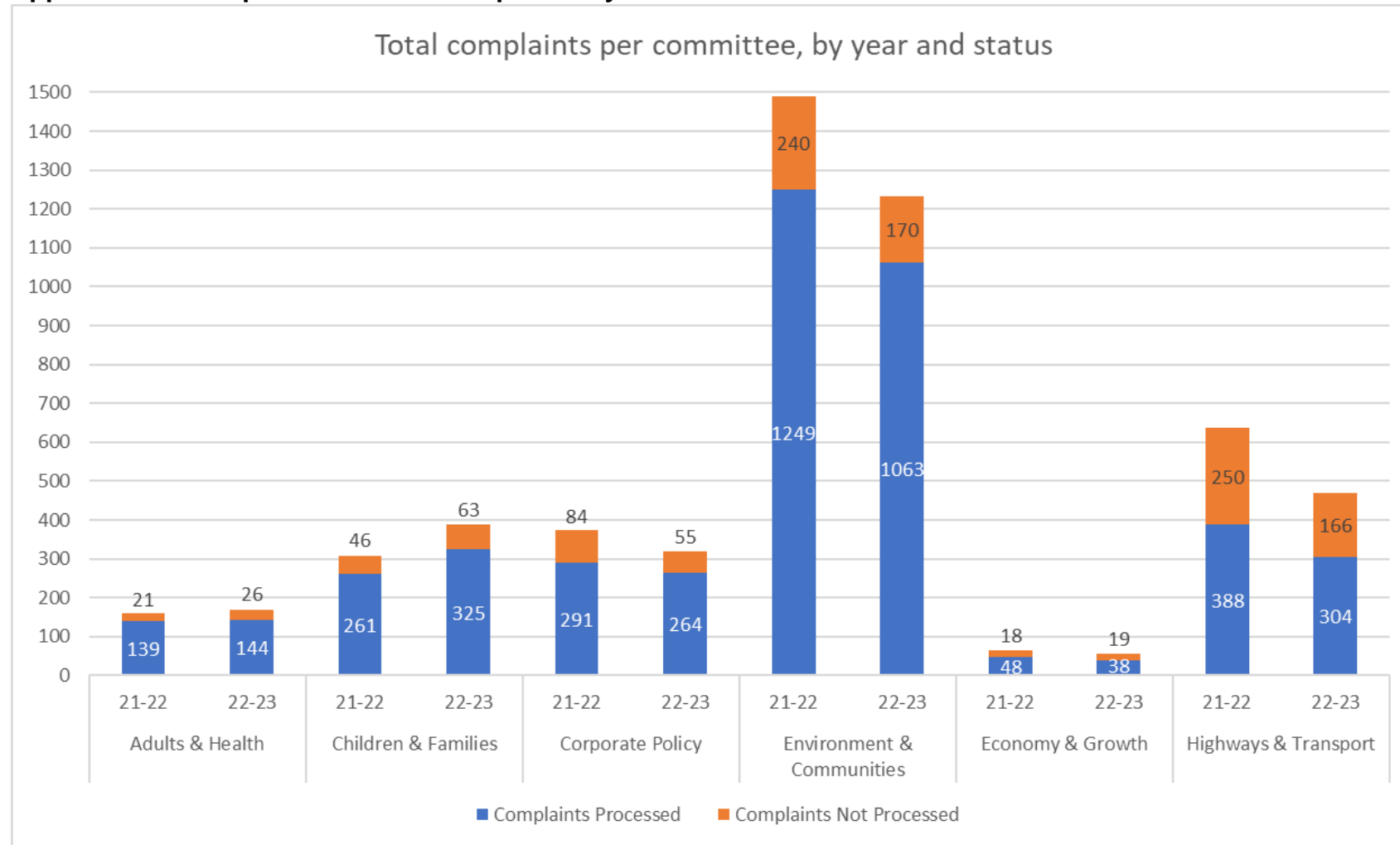
43. There are no direct implications for public health

Climate Change

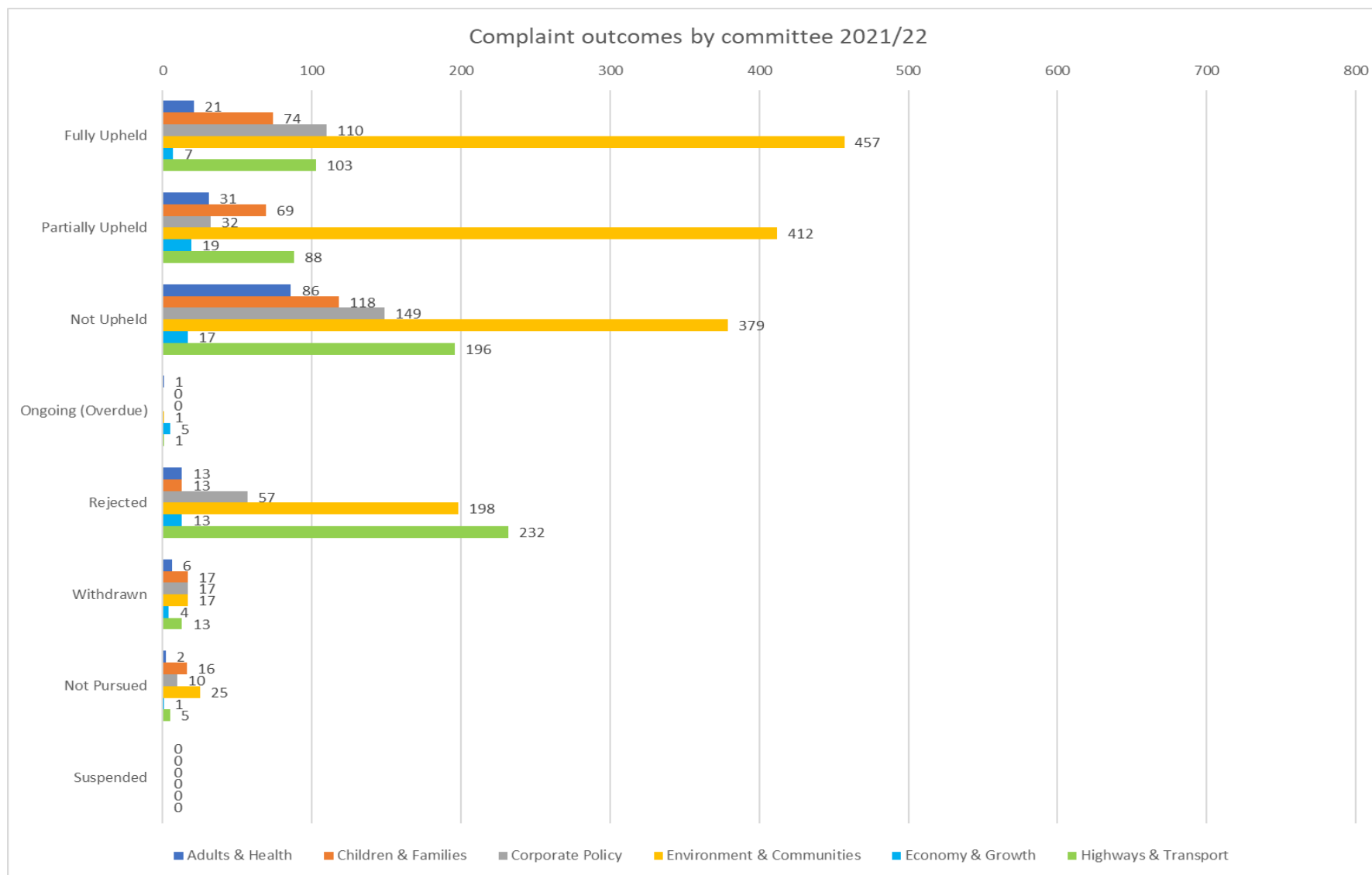
44. There are no direct implications for climate change

Access to Information	
Contact Officer:	Helen Gerrard Helen.gerrard@cheshireeast.gov.uk
Appendices:	Appendix 1 – Comparison of total complaints by committee 21-22 & 22-23 Appendix 2 – Comparison of complaint outcomes by committee 21-22 & 22-23 Appendix 3 – Comparison of complaint outcome distribution by committee 21-22 & 22-23 Appendix 4 – Processed complaint outcomes by committee, per complaint stage 22-23 Appendix 5 – Complaint response timeframe performance by committee 22-23 Appendix 6 – Compliments received by committee 22-23 Appendix 7 – Contact volumes by committee 22-23 Appendix 8 - Examples of compliments received, by Directorate Appendix 9 – Outcome of complaints to the LGSCO by committee 22-23 Appendix 10 - Summary of Recommended Actions from Ombudsman Decision Notices where Fault was found (as per Appendix 9) 22-23
Background Papers:	Customer feedback, compliments and complaints (cheshireeast.gov.uk)

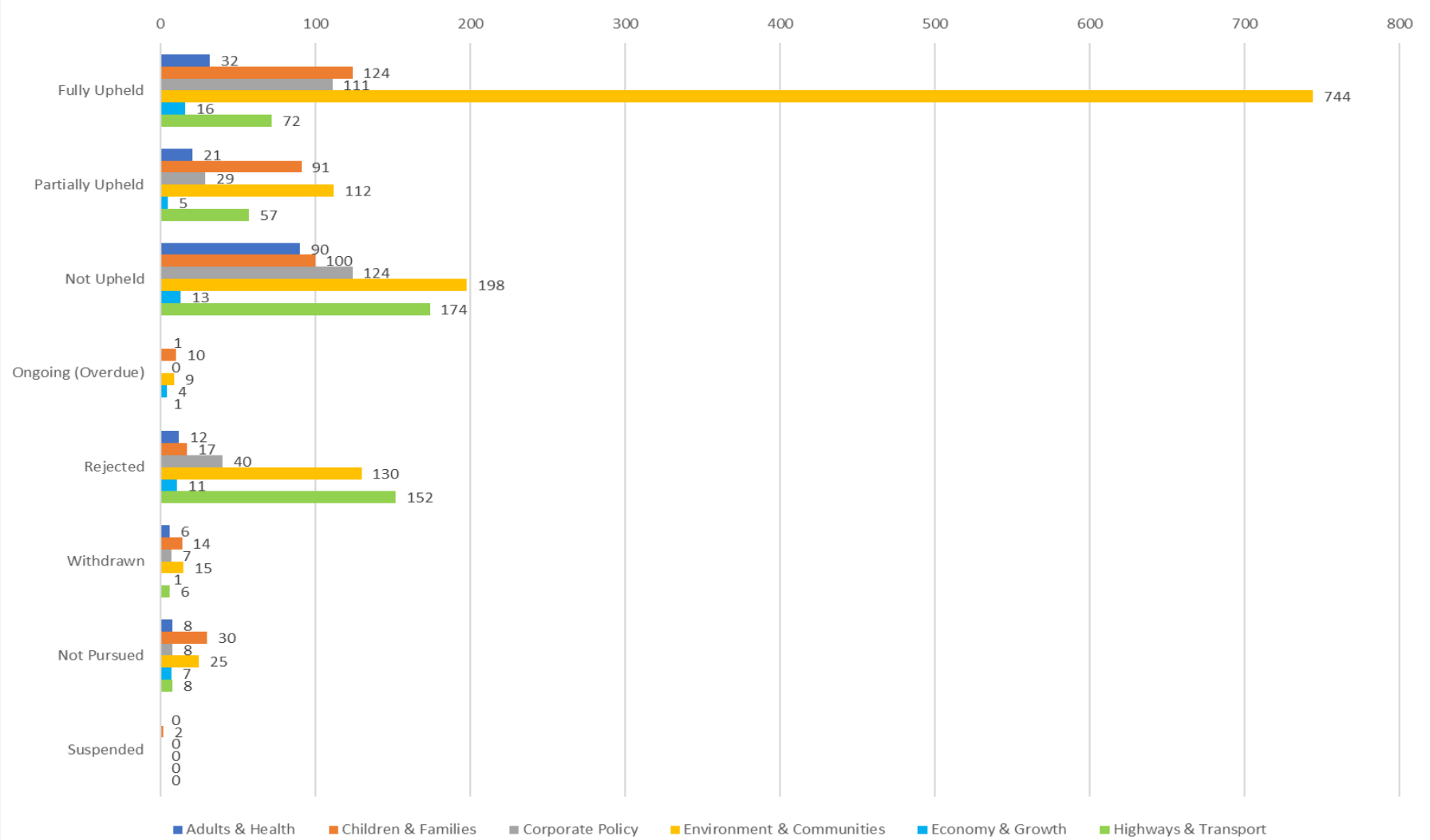
Appendix 1 – Comparison of total complaints by committee 21-22 & 22-23



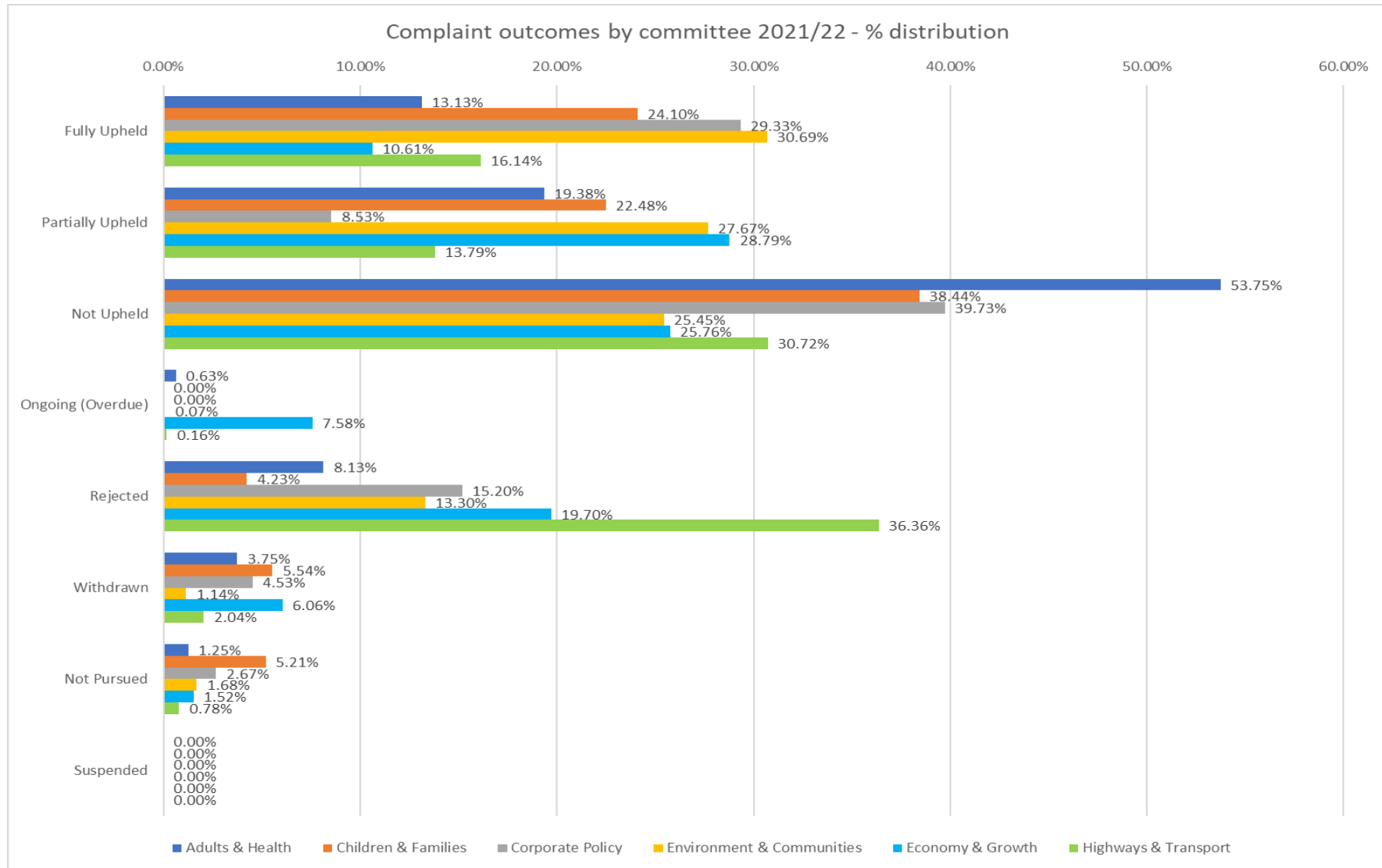
Appendix 2 – Comparison of complaint outcomes by committee 21-22 & 22-23



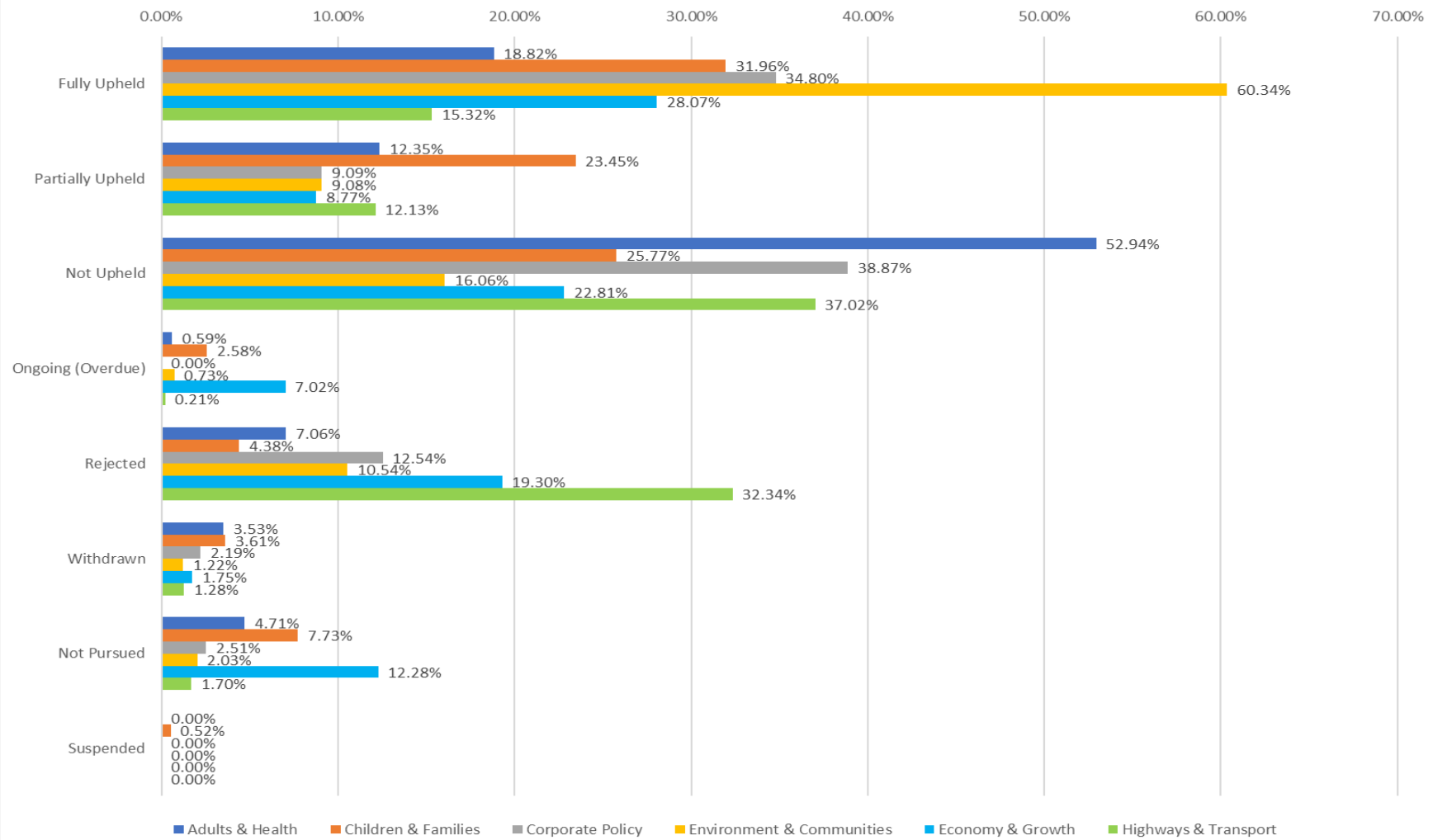
Complaint outcomes by committee 2022/23



Appendix 3 – Comparison of complaint outcome distribution by committee 21-22 & 22-23



Complaint outcomes by committee 2022/23 - % distribution



Appendix 4 – Processed complaint outcomes by committee, per complaint stage 22-23

Stage 1:

Committee	Fully Upheld	Partially Upheld	Not Upheld	Ongoing (Overdue)
Adults & Health	30	18	79	1
Children & Families	116	80	92	3
Corporate Policy	107	27	118	0
Environment & Communities	728	95	169	7
Economy & Growth	16	5	9	4
Highways & Transport	64	53	158	0

Stage 2:

Committee	Fully Upheld	Partially Upheld	Not Upheld	Ongoing (Overdue)
Adults & Health	2	3	11	0
Children & Families	8	11	6	7
Corporate Policy	4	2	6	0
Environment & Communities	16	17	29	2
Economy & Growth	0	0	4	0
Highways & Transport	8	4	16	1

Stage 3:

Committee	Fully Upheld	Partially Upheld	Not Upheld	Ongoing (Overdue)
Children & Families	0	0	2	0

Appendix 5 – Complaint response timeframe performance by committee 22-23

Committee	Processed Complaints	Ongoing (Overdue)	On Time Response	Overdue Response	% On Time
Adults & Health	144	1	85	58	59%
Children & Families	325	10	80	235	25%
Corporate Policy	264	0	204	60	77%
Environment & Communities	1,063	9	759	295	71%
Economy & Growth	38	4	20	14	53%
Highways & Transport	304	1	216	87	71%

Appendix 6 – Compliments received by committee 22-23

Committee	Total Compliments
Adults & Health	434
Children & Families	209
Corporate Policy	143
Environment & Communities	134
Economy & Growth	15
Highways & Transport	29

Appendix 7 – Contact volumes by committee 22-23

Committee	Total contacts	Complaints and Compliments
Adults & Health	41,518	604
Children & Families	56,191	597
Corporate Policy	229,553	462
Environment & Communities	123,936	1,367
Economy & Growth	23,269	72
Highways & Transport	23,422	499
Total	497,889	3,601

Appendix 8 – Examples of compliments received, by Directorate

Adults Directorate

“I'd like to thank X (Social Care Assessor) for all the work he did on my Nanna's case recently. He has a very busy job but always answers his phone and listens. My sister and I had been having a very stressful couple of years trying to help my Nanna access the care she needed. We both live far away and it was hard to sort out. Once Will became our case worker, things much improved. He is an asset to the adult social care team. Thank you X.”

“Thank you very much to all those who agreed to help me. I would like to thank my carer X for all the tips, for supporting me in difficult moments and for understanding and patience. X is a woman with a big heart and with this heart she goes to her carers!!!”

“I have found the above department [Dementia Reablement, Care4CE] invaluable at this time in my mother's life. The support worker has been amazing and a mine of information which I didn't realise was available to us from filling in forms to appointment making, everything was delivered in a caring and professional way. This has enabled my mum to stay in her own home which is her and our wish. Thank you again, it's taken a lot of anxiety away from me as a carer.”

“Care4CE is an excellent service helping me in many ways including helping me regain my confidence in all the tasks I do. Extremely patient and I must congratulate two of your amazing staff X and X. they helped me come out of a dark hole, after losing my husband and having to rehome all my beloved animals, and I feel with their assistance I now feel free and able to continue a very happy and joyful life. They couldn't have been more supportive. I would highly recommend them to anyone needing services”.

Children and Families Directorate

"I canny stop saying thank you enough to 'K' for all she is doing and already done, I'm emotional all the time that I'm finally getting someone hearing my screams for help"

"During this exceptionally challenging case, which was so full of emotion, I feel that 'N' approached the case with compassion, but she was also firm in the reality of what the outcome was likely to be from the offset."

Safeguarding: "We wanted to acknowledge the support, professionalism and partnership working demonstrated by yourself and that nothing is too much trouble. We wanted to express our thanks and to let you and your managers know we appreciate all that you do to support us".

"I really wish you were an allocated social worker for some of my children at the moment. I loved how calm your meetings were and how much things had improved".

Corporate Directorate

"I would like to commend you guys for exceptional customer service and especially X for going the extra mile to making sure I was catered to. I was frustrated to begin with as I am a student and the last thing I want in my mail is a summons. X's approach was very empathetic and she was able to calm me down and address my concern with effect so thank you for being patient with me and keep up the good job."

"I phoned today to sort my council tax and X was super helpful and friendly and warm and helped me solve a problem had that been ongoing on for weeks."

"I was struggling with the online renewal of my son's Blue Badge. I rang the council and was put through to a lady called X in the Blue Badge department. She was AMAZING! She was super helpful, patient and I couldn't have asked for a better service. She took the time to help me with the form and answered all my queries."

"I just wanted to drop you a line to tell you how impressed I have been with the service I received. Your telephones were always answered in double quick time, and I was able to speak to a very knowledgeable person every single time to attend to any queries. You obviously have an excellent team working in this department which would be a credit to any local government office, so I am just expressing my appreciation."

Place Directorate

"I would like to compliment your team doing black bins in Ulviet Gate (WA16 6TT) this morning. They 'went the extra mile' to help me (an elderly gent) - the extra effort was done willingly and with a smile. It is a pleasure to recognise and thank a driver and a young man who are excellent ambassadors for the Council. A small service, but much appreciated"

"I would like to thank 'R' and the rest of the crew on the green waste bin round for Ploughmans Way, Tytherington for going above and beyond this morning for me. I have a 4 week old baby and had forgotten to put the bins out in time. 'R' was very helpful and understanding even collected my bin from the garden and returned it for me saving me extra stress and hassle. Thank you to 'R' and the rest of the team."

"I just wanted to say what a great job the Highways Team have done in resurfacing Beam Street, Nantwich. I know that people are quick to complain about potholes across the borough but don't often give compliments, so I just wanted to send one in for a job well done. Please pass my compliments to all the people involved. Thanks."

Appendix 9 - Outcome of complaints to the LGSCO by committee 22-23

Committee	Total number of final decisions	Outcomes of final decisions				Total Compensation Awarded
		Rejected	No Fault	Fault but no Injustice	Fault with Injustice	
Adults & Health	18	13	0	1	4	£1,300
Children & Families	18	12	0	1	5	£2,400
Corporate Policy	6	6	0	0	0	£0
Environment & Communities	7	4	2	1	0	£1,350
Economy & Growth	23	18	1	2	2	£500
Highways & Transport	19	19	0	0	0	£0

Appendix 10 - Summary of Recommended Actions from Ombudsman Decision Notices where Fault was found (as per Appendix 9) 22-23

Adults and Health Committee

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
Adults Commissioning	<p>The Ombudsman's Final Decision – 7.11.2022</p> <p>Summary: Mrs X complained about the way a care provider, commissioned by the Council, ended its contract to provide care for her son. There was fault in the care providers actions, for which the Council is responsible. This caused Ms X considerable distress. The Council should apologise, make a symbolic payment to Mrs X to recognise the injustice caused and take appropriate action to prevent recurrence.</p>	<p>When a council commissions another organisation to provide services on its behalf it remains responsible for those services and for the actions of the organisation providing them. So, although I found fault with the actions of the care provider, I have made recommendations to the Council.</p> <p>Within one month of the date of the final decision, the Council will:</p> <ul style="list-style-type: none"> • apologise to Mrs X for the care provider's failure to follow its own process when allegations were made, and for failings in its complaints handling; • pay Mrs X, for the benefit of Y, £100 to acknowledge the anxiety caused by the sudden changes to his routine as a result of the change in his care package at short notice; and • pay Mrs X £400 to acknowledge the considerable distress caused to her by the failings identified. 	<p>Letter of apology issued 14.11.2022.</p> <p>A payment of £500 was made to Mrs X.</p>

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
		<p>Within three months of the date of the final decision, the Council will:</p> <ul style="list-style-type: none"> • provide guidance to the care provider about the lessons learned from this complaint. This should include the need to be open about concerns and take reasonable steps to try to resolve them before ending a care contract, and to ensure it reminds staff about the need to follow its own processes, including its complaints process, in line with regulation 16. 	<p>The Adults Commissioning Team have provided feedback to the provider.</p>
Adults Safeguarding	<p>The Ombudsman's Final Decision: 20.12.2022</p> <p>Summary: Mr X complained about the quality of care provided by a Council commissioned care provider, Safe Hands Care and Support</p> <p>Service. Mr X also complained about Safe Hands Care and Support Service's handling of his complaint and accusations that he was racist. We found fault with the Council for failing to ensure the care provider completed a suitable investigation</p>	<p>Within one month of the Ombudsman's final decision the Council should:</p> <ul style="list-style-type: none"> • Apologise to Mr X for failing to ensure Safe Hands Care and Support Service provided a suitable complaint response in line with its policy. • Instruct Safe Hands Care and Support Service to complete a full investigation into Mr X's complaint, in line with its policy, and provide a suitable written response to Mr X's complaint. This written response should include a summary of the issues, details of the evidence relied on, a 	<p>Letter of apology issued 20.1.2023</p> <p>Completed.</p>

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
	into Mr X's complaint. The Council agreed to our recommendation to apologise to Mr X and ask the care provider to complete a suitable investigation in line with its policy.	presentation of Safe Hands' findings including an explanation and conclusion.	
Adults Commissioning	<p>The Ombudsman's Final Decision – 28.2.2023</p> <p>Summary: Mrs X complains the Council's care provider, Elm House Residential Care Home (Elm House), failed to look after her late mother, Mrs Y, properly. Elm House failed to take Mrs Y's temperature for five hours on the day she fell ill. It also failed to record what possessions she had with her when she went to hospital and failed to deal properly with Mrs X when she raised her concerns. The care provider has apologised for these failings. The Council now needs to pay financial redress for the distress they have caused.</p>	<p>When a council commissions another organisation to provide services on its behalf it remains responsible for those services and for the actions of the organisation providing them. So, although I found fault with the actions of Elm House, I have made recommendations to the Council.</p> <p>I recommended the Council within four weeks pays Mrs X £300 for the distress caused to her. The Council has agreed to do this and should provide us with evidence it has done so.</p> <p>Under the terms of our Memorandum of Understanding and information sharing protocol with the Care Quality Commission, I will send it a copy of my final decision statement.</p>	Payment made on 28.3.2023

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
Social Care Business Support and Finance	<p>The Ombudsman's final decision – 3.4.2023</p> <p>Summary: Mrs L complained about the way the Council handled her mother, Mrs X's direct payments. Mrs L said the Council was misleading and confusing in its communication and demanded payment Mrs X did not owe. The Council failed to provide clear and transparent financial information, incorrectly calculated Mrs X's account three times and delayed in pursuing the debt for 20 months. The Council will write off Mrs X's outstanding charges and pay Mrs X and Mrs L £200 each to recognise the frustration and uncertainty this caused.</p>	<p>Within one month the Council agreed to:</p> <ul style="list-style-type: none"> • write to Mrs X and Mrs L and apologise for the confusion, frustration and uncertainty caused to them and pay them £200 each to recognise the same; and • cancel the outstanding invoice against Mrs X's account. <p>Within three months the Council agreed to remind relevant staff:</p> <ul style="list-style-type: none"> • where discrepancies arise in audits to ensure the reasons for this are clearly explained to the person; and • of the importance of providing clear and transparent information to ensure people understand their responsibilities when accessing direct payments both at the point of arranging them and following any audit. <p>The Council will provide us with evidence it has complied with the above actions.</p>	<p>Apology letters issued on 5.4.2023.</p> <p>Payments made on 28.4.2023</p> <p>Debt confirmed as written off 19.5.2023</p> <p>The minutes from a recent audit meeting have been shared with the team, and these discuss the corrective actions.</p>

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
South Learning Disability Team	<p>The Ombudsman's final decision – 14.4.2023</p> <p>Summary: Ms K complained the Council and its social worker failed its social care duties towards her daughter. We did not find enough evidence of fault in the processes the Council followed to reach its view. We cannot therefore criticise the merits of its decision. There was some fault in how it progressed and communicated a charity's grant. The Council agree to make payment to acknowledge the distress and uncertainty this caused Ms K.</p>	<p>To remedy the injustice the Council caused to Ms K, the Council should, within one month of the final decision:</p> <p>a) apologise in writing to Ms K and pay £100 to acknowledge the distress and uncertainty and time and trouble its failure to progress and follow up on the charity's grant and the confusion it caused her; and</p> <p>b) contact the Charity to agree how the approved grant payment can be used to purchase the epilepsy band for Miss X and inform Ms K if no agreement can be reached.</p>	<p>Apology letter issued 17.5.2023</p> <p>Payment made 17.5.2023</p> <p>Ms K to be informed that the Council is unable to support accessing the epilepsy band via the charity.</p>

Children and Families Committee

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
SEND	<p>The Ombudsman's Final Decision – 28.11.2022</p> <p>Summary: Miss X complained that the Council failed to issue her daughter's Education, Health and Care plan within the statutory timeframe. She also complained that the Council failed to deal with her complaint in line with its policy. Miss X said this meant a delay in her daughter getting provision she needed. She also said it caused her unnecessary distress and frustration. We find the Council at fault for delays issuing the plan. This fault caused Miss X injustice. The Council has agreed to apologise and make a payment to reflect the injustice caused. We do not find the Council at fault for its complaint handling.</p>	<p>Within four weeks of this decision, the Council has agreed to apologise to Miss X for the uncertainty, undue significant stress, and frustration caused by failing to issue C's EHC plan within the timeframe set out in the Regulations. The Council has also agreed to apologise to Miss X because the delay issuing the EHC plan denied her right to appeal (which is injustice).</p> <p>Within four weeks of this decision, the Council has agreed to make a payment to Miss X of £100 to remedy the uncertainty, undue significant stress, and frustration caused.</p> <p>In arriving at this figure, I have considered the Ombudsman's published guidance on remedies. I have considered the length of time involved. I have also considered the Council's efforts to chase the educational psychology service and keep Miss X informed regularly about progress, delays, and managing her expectations, which I consider somewhat mitigated the injustice.</p> <p>I therefore consider a payment of £100 is an appropriate and proportionate remedy for the injustice caused.</p>	<p>Letter of apology issued 23.12.2022.</p> <p>A payment of £100 has been made to Miss X.</p>

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
Children's Social Care	<p>The Ombudsman's Final Decision: 14.12.2022</p> <p>Summary: Mr B complained about the actions of the Council in responding to his complaint about children's services. We found some fault including a failure to appoint an advocate to assist Mr B with his complaint, failing to implement agreed reasonable adjustments for him and a failure to provide a personal remedy to Mr B and C to recognise the impact of the fault on them as part of the complaints process. The Council has agreed to pay £550 to Mr B, including £250 for the benefit of his daughter C, and to improve its procedures for the future.</p>	<p>I recommended the Council within one month of the date of my final decision:</p> <ul style="list-style-type: none"> • pays Mr B £550 (£300 for his distress and time and trouble in pursuing a complaint to us and £250 for the benefit of C, for the distress caused by the danger statement and the failure to holistically explore her case). • explains what progress it has made with guidance for parents about the child protection process; and • explains what steps it has taken to ensure Mr B's reasonable adjustments are met in the future. <p>I also recommended that the Council, within three months:</p> <ul style="list-style-type: none"> • works with Mr B's advocate to consider what steps it could take to improve its response to disabled (particularly neurodivergent) parents interacting with both children's services and the complaints process; and • reviews its guidance for complaints staff in when and how to appoint advocates for complainants. 	<p>Payment made 30 Mar 2023.</p> <p>Letter dated 21 Feb 2023 issued to Mr B.</p> <p>The Corporate, Adults and Children's Complaints Policies are to be reviewed in 2023. The provision of advocates for complainants with communication difficulties will be</p>

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
			included in this review.
SEND	<p>The Ombudsman's Final Decision: 14.12.2022</p> <p>Summary: Miss X complained her son remains on roll at a school he does not attend, and that the Council has failed to provide information about personal budgets. Miss X also complained the Council has delayed in securing the provision set out in her son's EHC plan. There is no evidence of fault in the way the Council has secured Y's educational provision. However, the Council's failure to provide the information Miss X requested and the delay in arranging a meeting to discuss a personal budget is fault. This fault has caused Miss X an injustice.</p>	<p>The Council has agreed to apologise to Miss X and pay her £100 in recognition of the frustration and distress she has experienced and the time and trouble she has been put to by the delay in providing information and in arranging a meeting to discuss a personal budget.</p> <p>The Council should take this action within one month of the final decision on this complaint and provide us with evidence it has complied with the above actions.</p>	<p>Letter of apology issued on 13.1.2023</p> <p>A payment of £100 has been made to Miss X.</p>

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
School Admissions	<p>The Ombudsman's Final Decision – 8.2.2023</p> <p>Summary: We uphold Mrs X's complaint about the Council refusing her summer born child (Y) a delayed reception start. We find fault with its decision-making process and delay. The Council has agreed to reconvene a new Panel and ensure it is instructed to make the decision in line with the School Admissions Code and non-statutory Guidance and review its processes to improve decision communications. It will also apologise to Mrs X and pay her £150 for her avoidable frustration and inconvenience.</p>	<p>The Council has agreed within a month of my final decision to:</p> <ul style="list-style-type: none"> • Write to Mrs X and apologise for the faults identified in this statement. • Reconvene a new Panel with different members to consider Mrs X's request for an admission into reception class in September 2023 ensuring the Panel is instructed to decide only on which year group is in Y's best interests and giving full written reasons for its decision. • Review its internal processes to address communication delays and ensure panel outcome letters clearly set out evidence of decision-making with clear reasons in feedback to parents. • Pay Mrs X £150 for her avoidable frustration and time and trouble. 	<p>Apology letter issued 24.3.2023</p> <p>New panel held on 7.3.2023</p> <p>Letter sent to LGSCO 23.3.23:" For the future, we will consider having a template to ensure that each point is addressed and clearly linked to the guidance and reasons are clear."</p> <p>Payment made 8.3.2023</p>

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
SEND	<p>The Ombudsman's Final Decision: 19.1.2023</p> <p>Summary: Mrs X complained about delays and poor communication after she asked the Council for an Education, Health and Care (EHC) Plan for her child Y. The Council was at fault for delay in issuing the EHC Plan, and for poor communication. The Council has agreed to apologise to Mrs X and pay her £300 to acknowledge the frustration caused. It has already recruited more staff to improve its communication. It has also agreed to review how it communicates the timescales involved to parents and carers to help manage expectations.</p>	<p>Within one month of the final decision the Council has agreed to apologise to Mrs X and pay her £300 to acknowledge the frustration caused by the delays and poor communication.</p> <p>Within two months of the final decision, the Council has agreed to review the letter it sends to parents and carers advising them it will carry out an EHC assessment to ensure the letter clearly sets out the expected timescales for the EHC process, to help manage parents' expectations around communication.</p> <p>The Council should provide us with evidence it has complied with the above actions.</p>	<p>Letter of apology issued 6.2.2023.</p> <p>Payment made on 10.2.2023</p> <p>Letter updated & copy received from SEND on 23.3.2023 and supplied to LGSCO.</p>

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
SEND	<p>The Ombudsman's Final Decision: 6.3.2023</p> <p>Summary: Mr X complained that the Council failed to provide his daughter, D, with an education during a period when she was unable to attend school. He said this caused an injustice as it affected D's wellbeing, and she missed out on an education. We find the Council at fault. We have made a recommendation of payment to acknowledge that fault and remedy the injustice caused.</p>	<p>Within a month of issuing our final decision, the Council should:</p> <p>a) Apologise to Mr and Mrs X and to D for the fault identified.</p> <p>b) Make a payment of £1200 to D.</p> <p>Within two months of issuing our final decision, the Council should have reviewed its policies and procedures for situations where it is informed a child is missing education. It should ensure that it has systems in place to take decisive action when it becomes aware a child is missing education. It should provide evidence of this review to the Ombudsman.</p>	<p>Apology letter issued 6.4.2023</p> <p>Payment made 4.4.2023</p> <p>This action has been completed. Evidence sent to the LGSCO on 15.5.2023.</p>

Environment and Communities Committee

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
Planning – Development Management	<p>The Ombudsman's final decision – 14.11.2022</p> <p>Summary: Mr B complains the Council did not notify him of a planning application or properly consider the impact. He also says the application should have been heard by a committee due to a possible conflict of interest. He says the extension is overbearing and overlooks part of his garden. We find fault in how the Council considered the application. However, this did not cause a significant injustice.</p>	No recommended actions.	N/A
Planning – Development Management	<p>The Ombudsman's final decision – 14.11.2022</p> <p>Summary: Mrs B complains the Council did not notify her of a planning application or properly consider the impact. She also says the application should have been heard by a committee due to a possible conflict of interest. She says the extension is overbearing and causes overshadowing to her garden. We find fault in how the Council considered the application. However, this did not cause a significant injustice.</p>	No recommended actions.	N/A

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
Planning – Development Management	<p>The Ombudsman's Final Decision – 22.11.2022</p> <p>Summary: Mr X complains about the Council's handling of the planning application process relating to his home and subsequent enforcement action. There was service failure which meant the correct information was not published on the Council's planning portal. The Council also took too long to respond to Mr X's concerns and complaints. The Council has agreed to apologise and make a payment to Mr X for the delay and uncertainty caused. It will also ensure its ongoing planning enforcement investigation is progressed in a timely way and will keep Mr X regularly updated on its progress.</p>	<p>Within one month of my final decision, the Council has agreed to:</p> <ul style="list-style-type: none"> • apologise to Mr X for the service failure that led to the non-publication of the revised HLMP on its planning portal and for the frustration caused by its delayed responses. • pay Mr X £300 for the uncertainty, time and trouble caused by the faults identified in this decision statement; and, • ensure timely progression of its planning enforcement investigation into the maintenance of the pond in front of Mr X's home and commit to providing Mr X with regular updates on its progress and details of its decision on conclusion. 	<p>Letter of apology was issued 16.12.2022.</p> <p>A payment of £300 was made to Mr X.</p> <p>An update on the planning enforcement investigation was provided in our letter of 16.12.2022.</p>

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
Planning Enforcement	<p>The Ombudsman's Final Decision: 31.3.2023</p> <p>Summary: Mrs X complains about a lack of enforcement action by the Council after a developer removed an understory that provided privacy to her property. We have concluded our investigation having made a finding of fault by the Council. We found there were significant delays in the process which have impacted the time taken to find a resolution and restore privacy to Mrs X's property. The Council have accepted our recommendations.</p>	<p>As per our guidance on remedies, where a loss of amenity is temporary, we normally recommend a payment in the range of £75 to £350 a month, until a permanent solution is found and established.</p> <p>I consider there is a total of 14 months of avoidable delay, this considers the 10 months between August 2020 and June 2021, and the 10 months between January 2022 and November 2022. I have reduced the total number of months to account for the Council's targets, and some additional time for the application to have been submitted by the developer. I have also used the bottom range of the recommended payment to suggest an award of £1,050.</p> <p>To resolve matters, the Council have agreed to:</p> <p>a) Apologise to Mrs X for delays throughout the process and failing to negotiate a meaningful resolution with the developer in a timely manner.</p> <p>b) Pay Mrs X an amount of £1,050 for the inconvenience and distress caused by the delays in the process which has subjected her property to an ongoing lack of privacy.</p> <p>c) Inform the Ombudsman of the outcome of the developer's application and confirm whether the planting has taken place by the end of March, or what action it intends to take going forward.</p> <p>Final decision 6</p> <p>41. The Council have agreed to complete action a and b within one month of the Ombudsman's final decision, and action c within two months of the Ombudsman's decision.</p>	<p>Apology letter issued 27 April 2023</p> <p>Payment made on 17 May 2023</p> <p>Due 31 May 2023</p>

Economy and Growth Committee

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
Strategic Housing	<p>The Ombudsman's Final Decision: 6.1.2023</p> <p>Summary: Ms C complains about the failure of the Council to carry out adaptations properly. The Council is at fault for failing to provide a schedule of works, delayed in starting work and an officer making an unannounced visit. The Council has made a concerted effort to find the cause of an ongoing bad odour, I cannot say on balance, its contractors caused the problem. To remedy the faults identified the Council has agreed to apologise to Ms C and her mother and pay £500 for their time, trouble, and avoidable distress.</p>	<p>I consider there was fault in the actions of the Council which caused Ms C and Mrs D avoidable time, trouble, and distress. The Council has agreed to take the following actions to remedy the complaint: -</p> <ul style="list-style-type: none"> a) apologise to Ms C and Mrs D for the faults identified in this statement. b) pay Ms C and Mrs D £250 each for their avoidable time, trouble, and distress. c) provide evidence the Council has completed the agreed actions. These include: - <ul style="list-style-type: none"> 1. there is now a handover of adaptation cases, so managers are aware of priority cases. 2. people receiving bathroom adaptations will receive a program of works detailing the date, nature of work and people who will attend the home. 3. the Council has introduced a process so officers can discuss issues which may occur from restricted access to the bathroom and if necessary, liaise with occupational therapy and social care staff to ensure the needs are met. 4. a reminder to staff in the Housing Standards and Adaptations Team to prearrange appointments when wanting to visit homes. <p>The Council should complete (a) to (b) within one month of the final decision and c(1) to c(4) within three months of the final decision.</p>	<p>Apology Letter issued 7.2.2023</p> <p>The Ombudsman has advised that Ms C has declined to accept the payment of £500 (£250 x 2).</p> <p>Actions completed 12 Jan 2023</p>