

## **CORPORATE & COMMUNITIES OVERVIEW AND SCRUTINY PANEL 11 MARCH 2021**

### **PERFORMANCE MONITORING OF COMMENTS, COMPLIMENTS AND COMPLAINTS**

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#### **Summary**

1. The Corporate and Communities Overview and Scrutiny Panel have requested a detailed report into the declining performance of Stage 2 Children's Social Care complaints completed inside 65 days and Stage 2 Corporate complaints in 25 days.
2. In addition, the Panel has requested an explanation about the 2019/20 Annual Letter from the Local Government and Social Care Ombudsman (LGO) where concerns were raised.
3. This Report gives an overview of the current position of the Consumer Relations Unit (CRU) including performance across all areas, details of compliments received, recent changes and future developments. The plans in place to improve performance are included in this report for Members consideration.
4. The Cabinet Member with Responsibility (CMR) for Transformation and Commissioning and the Complaints Manager have been invited to the meeting.

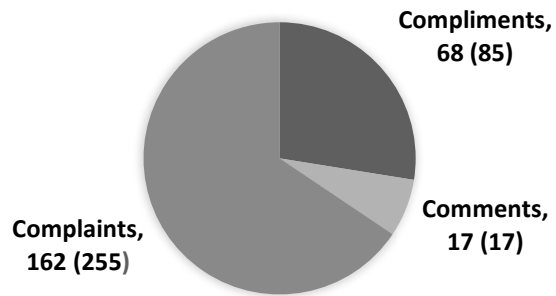
#### **Background**

5. The Panel has previously received a detailed report setting out the 3 different representation procedures that Worcestershire County Council (the Council) follows for Children's Social Care, Adult Social Care and Corporate (which includes all other Council services).
6. In addition to these 3 procedures, the Council are also subject to the complaints process of the Local Government & Social Care Ombudsman (LGO) service.
7. The Panel also monitors several Performance Indicators in respect of Stage 2 investigations for Corporate and Children's Social Care complaints.

#### **2019/20 Statistics**

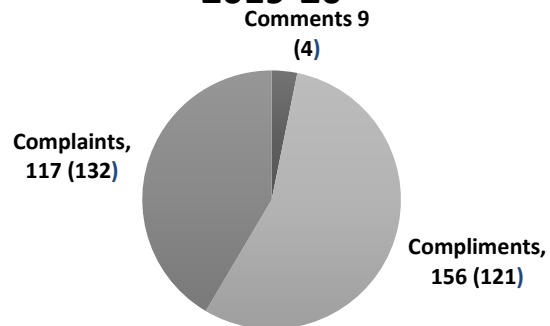
8. The tables below show the 2019/20 Statistics (with comparison to 2018/19 (in brackets)) for statutory Children's Social Care, Statutory Adult Social Care and Corporate complaints, compliments, and comments.

## STATUTORY CHILDREN'S SOCIAL CARE

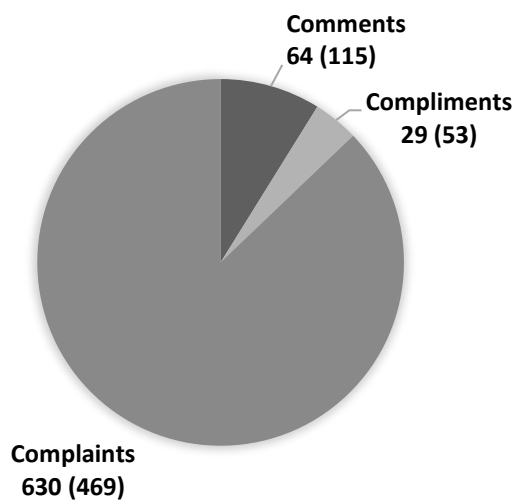


## STATUTORY ADULT SOCIAL CARE

2019-20



## CORPORATE 2019-20



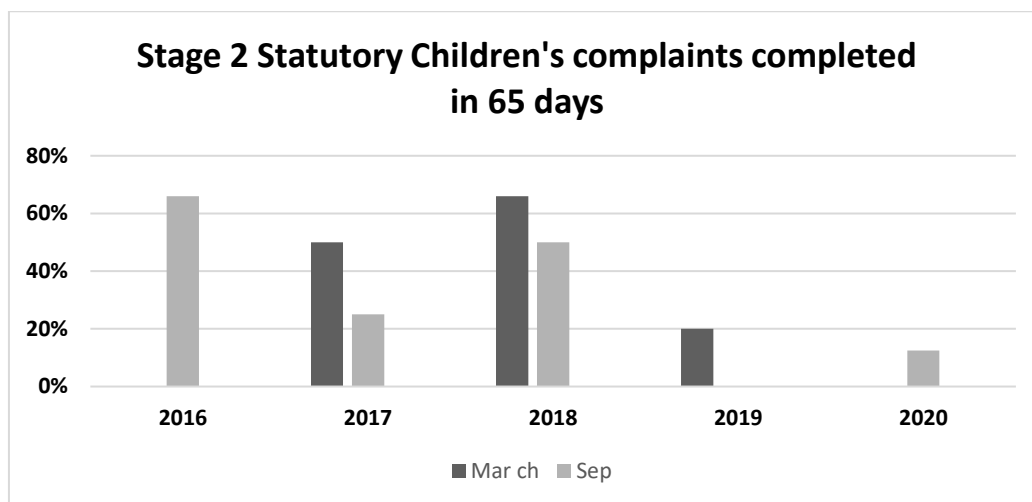
## 2020/21 Half Year statistics

9. An early look at the emerging figures for 2020/21 suggests that there will be fewer complaints, compliments and comments in Corporate representations. Half year figures are 183, 9 and 21 respectively.

10. Due to the impact of COVID-19 neither Adult nor Children's Social Care were accepting complaints during the first quarter of the current year (except for safeguarding matters), therefore the full year's numbers may show a greater variation. However, at the half year stage it seems likely that Children's and Adult Social Care will be similar to or slightly lower than the 2019/20 figures. Children's are 70 complaints, 21 compliments and 1 comment and Adults are 45 complaints, 69 compliments and 7 comments.

## Quarterly Performance Monitoring

11. The Panel receives a quarterly performance monitoring report which includes performance indicators (PI's) for Compliments received, Stage 2 Children's Social Care complaints completed inside 65 days and Stage 2 Corporate complaints in 25 days. The PI's relating to the time taken to complete Stage 2 complaint investigations under the Statutory Children's Social Care process and those under the Corporate process where complaints consistently show an underperformance. The figures are as follows:



NB. At September 2019 and March 2020 none of the Stage 2 complaints were completed in 65 days.

## Stage 2 Statutory Children's Complaints Performance

12. The 65 working days to complete a Stage 2 investigation is set by the legislation. It was acknowledged on introduction that this was a tight timescale and the Council is aware that most authorities struggle to meet it (eg Gloucestershire's last available report stated that this was achieved in only 40% of cases).

13. In addition to an Investigator, the legislation also requires the appointment of an Independent Person for complaints made by or on behalf of a young person or where the complaint is about the service to that young person. This increases the cost and in

2019/20 the total cost of Investigating Officers and Independent Persons was circa £50,000 for 31 investigations. There are not enough Investigators and Independent Persons to be able to allocate cases straight away and in some cases this has meant a wait of 6 weeks until a case can begin investigation – and this counts towards the time elapsed. In 2020/21 the average cost of a Stage 2 investigation (requiring an Independent Person) was £2020.

14. In 2019, a recruitment campaign was undertaken to increase the pool of Independent Investigators and Independent Persons. Since January 2020, following the new recruits training and induction, there are now 9 Investigators and 3 Independent Persons able to do Stage 2 Children's Social Care investigations. A further recruitment campaign is planned for 2021, which should hopefully improve the time taken to complete Stage 2 investigations.

15. The response time by Worcestershire Children First (WCF) at Stage 1 has improved and there has been a slight reduction in the number of cases progressing to Stage 2 since 2018/19. This would suggest increased satisfaction with the process, however, there is not a matching improvement at Stage 2. In 2018/19, 65% of Stage 2 investigations exceeded the 65-day limit and in 2019/20 it was 100%.

16. The CRU is currently under-resourced. The Consumer Relations Officer (CRO) responsible for Children's Social Care is on maternity leave until February 2022 and recruitment for that position is under way.

17. The impact of COVID-19 has necessitated changes in working practices which is also impacting on the CRU's ability to conduct investigations within timescales. Complainants are currently advised that the usual timescales cannot be applied due to Covid restrictions.

18. Independent Investigators and Independent Persons need to study the social care records of complainants and due to security restrictions, this cannot be done from their own homes. Therefore, since March 2020 Investigators have been reliant on CRU staff doing the file read and supplying them with the necessary documents, given the restrictions preventing them accessing County Hall.

19. In addition, interviews with complainants at the current time need to be carried out remotely by Teams, Zoom, telephone or in some cases by written exchange. Making arrangements for this can slow the process down considerably. Imposing a 5 working day, time limit for agreement by the interviewee to their interview notes is currently being considered, with a presumption of agreement, if no response is received.

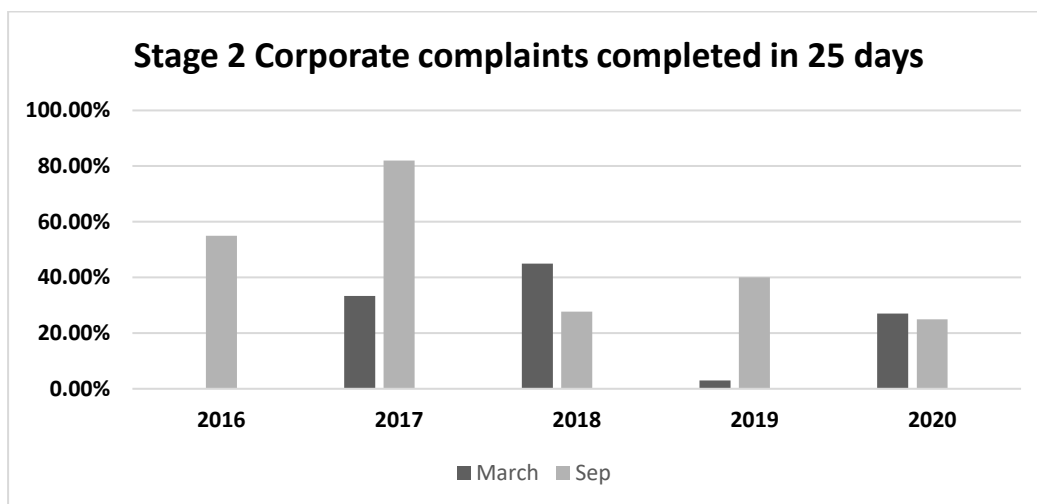
20. As part of the contract for a Stage 2 investigation, the CRU not only states the timescale, but require the Investigator to give a progress report every 2 weeks and to seek advance consent to both exceed the timescale and exceed 35 hours investigating.

21. The legislation allows the Council to offer complainants asking for a Stage 2 investigation the opportunity to participate in a Conflict Resolution meeting instead. If this is successful, then the process stops. If the complainant remains dissatisfied, then they can still proceed to a formal Stage 2 investigation. However, these meetings increase demand on officer resources in the service at a senior level, as they require a senior manager to represent WCF as they must be in a position to offer appropriate

resolution. When they have been conducted in the past, they have proved largely successful, where the follow up action is prompt.

22. The CRU has committed considerable investment in a new customer management database system. This was rolled out at the beginning of 2021 and whilst there are still some development issues, it is hoped that an improvement in complaints handling and performance management information will shortly be seen.

## Stage 2 Corporate Complaints



23. The 25 working days to complete a Stage 2 investigation was set by the Council many years ago when less complaints were received (ie 388 in 2016/17 compared to 630 in 2019/20).

24. Benchmarking is very difficult for complaints data and although all local authorities must follow the same national regulations for statutory children's and adults' complaints, they may apply their own complaints procedures for corporate complaints. This means that handling practice can vary significantly between authorities and comparison is therefore difficult. Anecdotal evidence from the West Midlands Complaints Officers Group (which the Council is part of) suggests all authorities are facing the same challenges and seeing increased pressures upon their complaints teams and processes. Data provided for participating local authorities on the Local Government Association's information system measures the number of formal complaints received per quarter and has shown a trend for increasing complaint numbers. The Neighbouring County Councils timescales vary between 25, 30 and 35 days. The Strategic Directorate for People (PD) have set themselves a timescale of 35 days for Adult Social Care investigations.

25. To undertake Corporate Stage 2 investigations the CRU, uses Independent Investigators. In 2019/20 the total cost of Investigating Officers was almost £40,000 covering 35 investigations. In 2020/21 the average cost of a Stage 2 investigation was £1077. Following the recruitment campaign detailed in paragraph 14 above, there are now 11 Investigators able to do Corporate Stage 2 investigations. Due to the limited number of Investigators the CRU finds it has to wait to allocate a case sometimes up to 6 weeks which impacts on the time elapsed

26. The overall response time at Stage 1 of the process has improved and there has been a slight reduction in the number of cases progressing to Stage 2 since 2018/19, which could suggest increased satisfaction with the process. However, there is not a matching improvement at Stage 2. In 2018/19 66% of Stage 2 investigations exceeded the 25-day limit and in 2019/20 it was 80%.

27. Economy & Infrastructure (E&I) and WCF account for the most Stage 2 complaints. Compliance with the 25-day timescale has varied over the last 6 quarters from none in time to 100% compliance for E&I and from 20% to 100% in time for WCF.

28. The CRU tracks the progress of complaints for E&I and is currently looking to do this for the Special Education Needs element of WCF complaints. The CRO for Corporate complaints also has regular scheduled meetings with E&I officers to monitor Stage 1 progress to try and reduce the time taken and therefore improve satisfaction with that part of the process.

29. Due to the rising number of complaints and the limited availability of Investigators, the CRU is now more rigorous about refusing progression to Stage 2 (this is at the Unit's discretion). However, the Unit's reasons for refusal have to be clearly justified and the complainant has the right to take their complaint to the Ombudsman, who may ask the CRU to carry out Stage 2 or may investigate the complaint themselves.

30. As mentioned in paragraph 17 above, the impact of COVID-19 on working practices is also impacting on the Unit's ability to conduct investigations within timescale. Imposing a 5 working day time limit for agreement by the interviewee to their interview notes, with a presumption of agreement if no response is received, is being considered.

31. As part of the contract for a Stage 2 investigation, the CRU not only states the timescale but requires the Investigator to give a progress report every 2 weeks, to seek advance consent to exceed the timescale and exceed 35 hours investigating. Strengthening this requirement is being considered.

## **Compliments**

32. Compliments are an important element of the representations process; they give the necessary balance to the feedback on service provision and enable good practice to be shared and appreciated. A compliment is logged if it is more than just a thank you, it must identify exceptional service. Therefore, the Directorate may have more examples that they share with their staff. The CRU records all compliments received from external sources and individuals independent of the authority. Compliments are logged and the individual congratulated on their good practice. Social Care service users are particularly encouraged to offer positive feedback, as well as negative. Compliments are less driven by policy decisions and service changes than complaints are; they are almost always prompted by an individual's performance.

33. Over a 5-year period corporate compliments have decreased, Children's Social Care compliments are slowly increasing, and Adult Social Care compliments have shown a more significant increase. Some examples of compliments received are contained in Appendix 1

## **Action being taken to improve performance**

34. The action being taken to improve the performance relating to Stage 2 Children's Social Care complaints completed inside 65 days and Stage 2 corporate complaints in 25 days is:

- A recruitment campaign to increase the pool of Independent Investigators and Independent Persons able to do Stage 2 Children's Social Care investigations and Stage 2 Corporate Investigations will be carried out in 2021. This should improve the time taken to complete Stage 2 investigations and improve performance.
- Recruitment for maternity cover for the CRO for Children's Social Care which is under way.
- Consideration of imposing a 5 working day time limit for agreement by the interviewee to their interview notes is currently being considered, with a presumption of agreement if no response is received.
- The use of Conflict Resolution meetings where it is more appropriate will be explored for Children's Social care and is already being explored for Adult Social Care complaint investigations.
- As part of the contract for a Stage 2 investigation, the CRU not only states the timescale but requires the Investigator to give a progress report every 2 weeks, to seek advance consent to exceed the timescale and advance consent to exceed 35 hours investigating. Strengthening this requirement is being considered.

## **2019/20 Annual Letter from the Local Government and Social Care Ombudsman (LGO)**

35. In the Ombudsman's Annual Letter (attached at Appendix 2), he raised concern at delays in the Council providing information and that his Investigators were having to seek clarification because the Council's responses were insufficient. He also commented that, in some cases, the Council had taken too long to implement agreed recommendations. In one case the delay was such that he took the unusual step of threatening to issue a witness summons to obtain the information requested. In three separate cases recommendations were not implemented within the agreed timeframe. The Council were asked to reflect on this and take steps to improve its liaison with the LGO's office.

36. The data quoted is as provided by the LGO. The LGO will not enter a dialogue with authorities about discrepancies but does accept that their data will not match that recorded by local authorities. This is so in Worcestershire's case where the Council recorded 37 complaints made to the LGO and 29 determinations.

37. A comparison of Worcestershire's performance in context of neighbouring authorities for the 3 specific areas that the Ombudsman concentrated on is detailed in Appendix 3.

38. Since the LGO Annual letter the Council has put in place a number of measures to improve performance and communication with the Ombudsman service:

- All investigation inquiries are now copied to the appropriate Assistant Director/Service Manager so that they can ensure a timely provision of information and compliance with recommendations.
- PD have created and maintain a spreadsheet to track LGO investigations and required actions and ensure they are meeting the necessary timescales

## **Purpose of the Meeting**

39. The Corporate and Communities Overview and Scrutiny Panel is asked to:

- Consider the information provided in the report.
- Determine any comments the Panel would wish to make to the Cabinet Member with Responsibility for Transformation and Commissioning.
- Agree whether any further Scrutiny is required at this stage.

## **Supporting Information**

Appendix 1 – Compliments received

Appendix 2 – Local Government and Social Care Ombudsman Annual letter July 2020

Link to Ombudsman website - [www.lgo.org.uk/your-councils-performance/worcestershire-county-council/statistics](http://www.lgo.org.uk/your-councils-performance/worcestershire-county-council/statistics)

Appendix 3 – Local Government and Social Care Ombudsman - a comparison of the performance of Worcestershire County Council to neighbouring authorities

## **Contact Points**

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## **Background Papers**

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) the following are the background papers relating to the subject matter of this report:

[Corporate and Communities O&S Panel 10 December 2019, Agenda and Minutes](#)

[Corporate and Communities O&S Panel 24 January 2020, Agenda and Minutes](#)

[All agendas and minutes are available on the Council's website here.](#)