



City of York Council Annual Complaints Report April 2021 – March 2022

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Index

Title	Section
Introduction	1
Ombudsman Investigations and Annual Review Letter	2
What is a complaint	3
Effectiveness of the Procedures	4
Themes	5
Cost of delivering the complaints procedure	6
Children's Social Care Complaints	
Context	7
Who can make a complaint	8
Grading of Complaints	9
Activity	10
Total Complaints Made	11
Comparison with the preceding year	12
Outcomes of complaints	13
Response Times	14
Stage One	15
Stage Two	16
Stage Three	17
Percentage Escalation	18
Equalities Monitoring Information	19
Who made the complaints	20
Costs and Payments	21
Alternative Dispute Resolution	22
Learning Lessons/Practice Improvements	23
Adult Social Care Complaints	
Context	24
Who can make a complaint	25
Grading of Complaints	26
Activity	27
Comparison with the preceding year	28
Outcomes of complaints	29
Response Times	30
Green	31
Amber	32
Red	33
Equalities Monitoring Information	34
Who made the complaints	35
Payments	36
Alternative Dispute Resolution	37
Complaints dealt with by The Local Authority and NHS Bodies	38

Learning Lessons/Practice Improvements	39	
Public Health	40	
Corporate Complaints Procedure		
Context	41	
Who can make a complaint	42	
Grading of Complaints	43	
Response Times	44	
Detail of complaints		
Stage One	45	
Stage Two	46	
Stage Three	47	
Learning Lessons/Practice Improvements	48	
Payments	49	
Alternative Dispute Resolution	50	
Details of LGSCO cases & compliance Report		Annex 1

1 Introduction

Complaints and Feedback are managed for all council areas through the Corporate Governance Team (CGT) to ensure that comments, complaints, concerns, and compliments are dealt with in an independent and consistent way across the council.

Complaints about adult and children's social care services are dealt with under two separate pieces of legislation:

- The Children Act 1989 Representations Procedure (England) Regulations 2006
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

Complaints about other council services are dealt with under the council's 4cs procedure for Complaints, Concerns, Comments and Compliments. This procedure was designed using the guidance and good practice specified in the statutory procedures and by the Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman Service (HOS).

It is essential that all teams delivering services (including the contractors or providers of services on our behalf) formally capture and record complaints. It is only by doing so that complaints can be tracked and where things have gone wrong, managers can ensure that matters are put right. Senior managers and the CGT therefore regularly encourage teams to recognise complaints and report these to the CGT.

Staff continue to work based mainly from home, with some office working, including for team, and training sessions. Staff however continue to be available to attend appropriate venues as needed to complete their work. It is considered these arrangements have a positive impact on service provision, with staff having the flexibility to speak to customers, key staff, and managers, at a time and in a manner convenient to them and appropriate for the circumstances of the contact.

It has given team members and senior managers the ability to work more closely to respond to and resolve complaints, with the CGT providing advice to managers about appropriate remedies and responses for managers to then consider and agree or amend.

This has resulted in the ability to provide responses to the complainants' satisfaction more quickly and to provide thorough responses and explanations to explain the council's actions regardless of whether the complaint is upheld or not.

2 Ombudsman Investigations and Annual Review Letter

The Local Government and Social Care Ombudsman (LGSCO) is the council's regulator and following the conclusion of the relevant complaints' procedure, can investigate complaints about council services.

The exception to this is that the Housing Ombudsman Service (HOS) is the regulator for most housing related services and the Information Commissioner's Office (ICO) is the regulator for all information governance complaints, including complaints about data breaches, and responses to requests under the Data Protection Act, General Data Protection Regulation, Freedom of Information Act and Environmental Information Regulations.

The LGSCO provides an annual review letter about the council covering April to March each year. This includes tables presenting the number of complaints and enquiries received about the council and the decisions the LGSCO has made during the reporting period. This is to help us assess our performance in handling complaints. It includes the number of cases where the LGSCO's recommendations remedied the fault and the number of cases where they decided we had had offered a satisfactory remedy during our local complaints process. In these latter cases the LGSCO provides reassurance that we had satisfactorily attempted to resolve the complaint before the person went to them.

The LGSCO received 71 cases about the council in April 2021 to March 2022 with 71 cases being concluded within this time. (This includes cases which may have been received but not concluded in the previous reporting period). Of the 71 cases, 22 were considered as a detailed investigation and of these 19 were upheld.

LGSCO Total Decided Cases

LGSCO decided cases	2020 - 2021		2021 - 2022	
	How many?	% Rounded down to whole number	How many?	% Rounded down to whole number
Closed after initial enquiries	17	39%	29	40%
Referred for local resolution	6	14%	14	19%
Advice given	1	2%	4	5%
Incomplete/invalid	1	2%	2	2%
Not upheld – detailed investigations	7	16%	3	4%
Upheld – detailed investigations	12	27%	19	26%
Total	44		71	

The LGSCO's 19 upheld decisions had the following remedies

Remedy	Number
Apology	1
Apology, Financial redress: Avoidable distress/time and trouble	1
Apology, Financial redress: Avoidable distress/time and trouble, financial redress: Loss of service	1
Apology, Financial redress: Avoidable distress/time and trouble, Financial Redress: Quantifiable Loss	1
Apology, Financial redress: Avoidable distress/time and trouble, Financial Redress: Quantifiable Loss, Procedure, or policy change/review, provide services to person affected	1
Apology, Financial redress: Avoidable distress/time and trouble, new appeal/review, or reconsidered decision	1
Apology, Financial redress: Avoidable distress/time and trouble, provide information/advice to person affected, Procedure or policy change/review	1
Apology, Financial redress: Avoidable distress/time and trouble, Provide training and/or guidance	1
Apology, Financial Redress: Quantifiable Loss	1
Apology, New appeal/review, or reconsidered decision, Provide training and/or guidance	1
Apology, provide information/advice to person affected, Provide training and/or guidance	1
Financial redress: Avoidable distress/time and trouble	1
Financial redress: Avoidable distress/time and trouble, provide services to person affected, provide services/information to others affected	1
No remedy recommended	6
Total	19

The details of the 19 upheld cases are shown at Annex 1 at the end of this report. The points of particular importance in the Ombudsman's annual letter and published performance from this year are:

- 86% of all detailed investigation were upheld. This compares to an average of 64% in similar authorities. However, when considered from all decided cases it is 26% were upheld

- In 100% of cases the Ombudsman were satisfied that the authority has successfully implemented their recommendations. This compares to an average of 99% in similar authorities.
- In 11% of upheld cases the Ombudsman found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to an average of 12% in similar authorities. In practice this means that although the Ombudsman found there had been fault, the authority had already acknowledged this and provided an appropriate remedy. The aim of the complaints team is to identify and offer appropriate remedies where fault has occurred.

Further details from the LGSCO’s annual report with the breakdown of cases they dealt with, and the outcomes found for this reporting period are included at annex 1.

In 2021 to 2022 there were 3 cases determined by the HOS. Of these:

- 1 was upheld as service failure without a public report – the council complied with all actions.
- 1 was resolved with early intervention/resolution – the council apologised, completed repairs, and paid £150.00
- 1 was closed as no maladministration

3 What is a Complaint?

A complaint is an expression of dissatisfaction however made, about the actions, decisions, or apparent failings of a local authority’s social services provision, and/or the level or nature of a council service or policy, which requires a response. If it is possible to resolve the complaint immediately this does not need to be logged through the complaint procedure.

A complaint is not a request for a service that is made for the first time. For example, if a customer complains that a streetlight is not working, we will treat it as a service request that we aim to fulfil by repairing it within the service level agreement. If we then fail to repair it within that timescale, and the customer is still unhappy, it should then be defined and treated as a complaint

4 Effectiveness of the Procedures

The CGT offer and proactively encourage all staff and managers to participate in regular training and awareness raising, about the complaints and feedback procedures.

In addition to this, guidance is provided to assist managers in children's and adult services with completing thorough investigations and comprehensive responses including on a case-by-case basis. We have continued to work with the providers of our independent investigators, who have knowledge and experience of complaints across several authorities to ensure our practice and guidance is effective and appropriate to fulfil our obligations and ensure best practice in complaints handling.

When managers in adult and children's services provide a response to a complaint, they are asked to record what will be done to resolve it, what lessons have been learnt and what action will be taken to improve services and avoid problems being repeated, which is also in place for corporate complaints. The CGT proactively monitor the completion of both action plans and lessons learned.

A summary of the information received regarding the lessons learnt and action taken is included in this report at sections 23, 39 and 48.

5 Themes

The main themes this year continue to include the quality and timeliness of communication. Several complaints are logged as Lack of Action, where information had not been provided, or calls and requests for contact have not been returned.

6 Cost of delivering the complaints procedure including the corporate procedure:

There are ongoing costs attached to delivering an efficient and effective complaints service. These costs should be seen against the inherent costs of not providing this service. These may include customer dissatisfaction escalating, an increase in number of and amount awarded as financial remedies being recommended by the LGSCO, increased judicial reviews and non-compliance with legislation.

The total actual spends for the full service including the Information Governance provision, salary and on-costs was £363,727.

The financial remedies payments made as part of the three different complaints procedures are provided at sections 21, 36 and 49 later of this report.

The council must provide investigating officers and independent people for social care complaints where required and the costs for this in this reporting period was £34622 compared to £60424 last year. This includes the core costs for the service provision. It is noted this is significantly lower than the previous year. It is considered this is due to the work to improve the quality and timeliness of

responses in children's services in the previous year. However as this has not been maintained it is anticipated this will increase in the next reporting period.

The CGT has however continued to work with the agency and managers to better understand and manage these costs without impacting on the thoroughness or independence of the investigation. This has included looking at improving the efficiency around provision of information and arrangements for interviews with staff.

Annual Children’s Social Care Complaints and Representations Report April 2021 – March 2022

7 Context

The following information relates to complaints made during the twelve months between 1st April 2021 and 31st March 2022 for children under the Children Act 1989 Representations Procedure (England) Regulations 2006.

It is noted there has been an increase in the number of complaints which were responded to late and a number which did not receive a response. This is a concern, and the Corporate Governance Operational Manager (CGOM) is working with managers to return to and build on the improvements made in the previous reporting period.

The CGOM has made several requests to be invited to team sessions to provide feedback, lessons learnt and awareness raising. Although the CGOM has been invited to regular meetings with some managers, there has been no response to requests to meet with staff teams in this reporting period. This remains a concern which needs to be addressed, to ensure learning and awareness about the importance of responding appropriately to concerns is shared, to improve customer experience and reduce the need for avoidable complaints and ensure they are dealt with fully, without the need for them to be escalated to a higher stage unnecessarily.

The CGGM is now working with the recently appointed Corporate Director and Director of Safeguarding, to ensure awareness and learning can be shared with all staff to make improvements, which it is hoped will be reflected in the next reporting period.

All timescales contained within this report are for working days.

In addition, the numbers of compliments are also recorded, and these are:

Compliments received

14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22
3	23	6	17	22	22	59	21

The CGT are aware that many more compliments are received and actively work to encourage staff and teams to forward these to ensure they are recorded. This is to ensure we can provide an accurate picture of our customers’ experiences of the services they receive.

The compliments received include:

- Social worker wonderful, quick to answer, sorted out holiday and overnight respite
- Thanks to social worker for all their support with the family
- Thanks to worker for all their help with Children in Need and family
- Thanks, from a judge for all the preparation and hard work on the case
- Thanks for all the time spent helping the family
- Thanks for patience, kindness, help and advice
- Worker great moving things forward, supporting adoption process, valued support & input
- appreciated wonderful support
- Thanks for support of foster carer, values support of children as well & detailed feedback in review

The legislation makes it clear that people should be able to provide feedback and have this responded to, without this being seen as a complaint. Therefore concerns, comments and requests are also logged.

The number of concerns, comments and requests received in this period were:

Numbers of Concerns, Comments and Requests

14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22
6	14	11	26	20	33	29	19

A concern is logged when someone wants to tell us about a problem, without wanting this to be considered as a complaint.

A comment or request is logged when someone suggests, or request. This is then passed to the appropriate person to respond to the issues being raised. If a person remains dissatisfied after receiving a response, this would then be logged as a complaint.

8 Who can make a Complaint?

- Any child or young person (or a parent, or someone who has parental responsibility) who is being looked after by the local authority or is not looked after by them but is in need.
- Any local authority foster carer (including those caring for children placed through independent fostering agencies).
- Children leaving care
- Special Guardians

- A child or young person (or parent) to whom a Special Guardian order is in place.
- Any person who has applied for an assessment under section 14F (3) or (4).
- Any child or young person who may be adopted, their parents and guardians.
- Persons wishing to adopt a child.
- Any other person whom arrangements for the provision of adoption services extend.
- Adopted persons, their parents, natural parents and former guardians and such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant their representations being considered by them.

Where a complaint is received from a representative on behalf of a child or young person, we will, where appropriate, confirm that the child or young person is happy for this to happen and that the complaint received reflects their views.

The CGOM in consultation with relevant operational managers will decide whether the person is suitable to act in this capacity and has sufficient interest in the child's welfare. If it is decided that a person is not suitable to act as a representative for a child, they will be informed of the decision in writing by the CGOM. The complaint will then fall outside the statutory procedure. They will however be able to complain through the 4Cs corporate complaints procedure.

Complaints may also be made by adults relating to a child or young person but are not being made on their behalf. The CGOM in consultation with operational managers will decide whether the person has sufficient interest in the child's welfare for the complaint to be considered. The child may also be consulted as part of the decision-making process.

9 Grading of Complaints

Complaints are graded following an assessment of issues including severity, complexity, risk to the customer and other customers, risk to the authority, history of similar complaints and likelihood of future similar complaints. Other considerations include, the outcomes wanted to resolve the complaint, who is best placed to consider and effectively respond to the complaint and the complainant's views of how the complaint should be dealt with.

Stage One.

Is dealt with by line managers of the service area the complaint concerns, this includes where the service is being provided on behalf of the council by an external contractor. The expectation is that the managers will have the knowledge and

understanding of the issues and delegated responsibility to be able to resolve complaints at this stage quickly, without the need for an in-depth formal investigation.

The legislation requires complaints at stage one to be responded to within 10 working days. This can be extended for a further 10 working days in some circumstances, for example where further time is needed to arrange an advocate, or where staff may be away from work. This can only be extended with the agreement of the complainant.

Stage Two.

This stage is implemented where the complainant is dissatisfied with the findings of stage one, or where it is assessed as being appropriate to be considered and responded to at this stage, due to issues including the severity, complexity, or risk. Stage two requires an investigation conducted by either an internal manager who has not had any previous involvement in the complaint and has no line management responsibility for the area being complained about, or an external investigating officer. The Director of Children's Safeguarding adjudicates on the findings of the investigation.

The council must offer an advocate to assist children and young people in making a complaint and appoint an Independent Person to oversee the investigation process at this stage. Stage two complaints falling within the social services statutory complaints procedures should be dealt with in 25 days, although in certain cases this can be extended to 65 days.

Stage Three.

The third stage of the complaints process is the review panel. Where complainants wish to proceed with complaints about statutory social service functions, the council is required to establish a complaints review panel. The panel makes recommendations to the Corporate Director of Children and Education, who then decides and provides a written response on the complaint and any action to be taken.

Complaints review panels must be made up of 3 independent panellists. There are various timescales relating to stage three complaints. These are:

- setting up the panel within 30 working days.
- producing the panel's report within 5 working days of the panel; and
- producing the local authority's response within 15 days following receipt of the report.

A further option for complainants is the LGSCO who is empowered to investigate where it appears that a council's own investigations have not resolved the complaint. Complainants can refer their complaint to the LGSCO at any time, although the Ombudsman normally refers the complaint back to the council, unless the council has been given sufficient opportunity to consider and respond to the complaint.

10 Activity

The CGT recorded 42 complaints under the children's social care procedure during the year, compared with a total of 55 last year.

An additional 4 complaints were received through the 4Cs corporate complaints procedure, compared to 1 in the previous year.

11 Total complaints made:

Of the 42 complaints dealt with:

- 31 were investigated at stage one of the social care procedures,
- 3 progressed to stage two, with 1 of these being from the previous reporting period.
- 10 complaints in total heard at stage two with 7 of these being moved straight to stage 2, due to their complexity and or severity.
- 1 complaint was raised at stage 3, but not pursued to the panel.

12 Comparison with the preceding year

The numbers of complaints being received are small and typically fluctuate each year and this is typical of social care complaints received across Yorkshire and Humberside. The figures show a decrease of 24% for this reporting period. The reasons for this are noted in the following information.

13 Outcomes of Complaints – total

	2017-2018	2018-2019	2019 - 2020	2020 - 2021	2021-2022
Upheld	4	6	19	8	3
Partly upheld	10	19	27	17	11
Not upheld	20	14	12	16	12
Not proved	0	0	2	-	-
Not pursued	2	5	14	9	5
No response	2	-	16	2	9
Ongoing	2	0	1	3	2
Total	40	44	91	55	42

14 Response Times

A key requirement of complaints procedures is to ensure that individuals are informed of the outcome of their complaints, in an appropriate time frame.

The timescales in working days for children's social care complaints as set out in the regulation are:

- 10 days at Stage 1 (with a further 10 days for more complex complaints or additional time if an advocate is required).
- 25 days at Stage 2 (with maximum extension to 65 days).
- 20 days for the complainant to request a Review Panel.
- 30 days to convene and hold the Review Panel at Stage 3.
- 5 days for the Panel to issue its findings: and
- 15 days for the local authority to respond to the findings.

Details of Complaints by stage

15 Stage One Complaints

There were 31 stage one complaints compared to 41 last year.

We are pleased to note that as expected the numbers during this reporting period have reduced since the previous year.

Although it is not considered receiving larger numbers of complaints is always a negative, because this can show that the procedure is accessible, and customers are supported to make complaints which provide invaluable feedback.

These have been categorised as follows:

Stage One - Theme of complaint

	2018 – 2019	2019 - 20	2020 - 21	2021 - 22
Attitude of staff		-	-	1
Disagree with Policy	1	-	1	1
Disagree with Assessment	9	13	7	5
Discrimination	1	-	-	-
Inappropriate Action	12	32	10	5
Lack of Action	6	22	9	11
Quality of Advice/ Communication	5	5	14	8
TOTAL	34	72	41	31

You will note that the lack of action is the highest theme this year and higher than in previous years. However, this includes failings in communication and this theme remains the highest area of complaint.

Stage One - Responding in time performance

	2017 - 2018	%*	2018 - 2019	%*	2019 - 2020	%*	2020 - 2021	%*	2021 - 2022	%*
Within 10 days	24	80%	17	50%	31	43%	20	49%	11	35%
Within 20 days	5	17%	12	34%	8	11%	6	15%	1	3%
Over 20 days	0	-	1	2%	20	28%	7	17%	16	52%
Not Pursued	1	3%	4	11%	13	18%	8	19%	3	10%
TOTAL	30		34		72		41		31	

*% figures are rounded to the nearest whole number

We are concerned about the number of complaints where responses were sent late to the customer and where no response was received by the Corporate Governance Team (CGT) at this stage.

We are aware that where the complaint is recorded as no response sent, managers may have responded verbally to customers and not updated the CGT team. It is also possible managers may have sent written responses and not forwarded these to the CGT. It is however of the utmost importance that the CGT are updated with the progress of complaints. This is so that performance in this area can be monitored and reported accurately.

The significant objective of complaints is so that actions can be identified to resolve the complaint for the customer and lessons learnt to improve service. The CGT continues to remind managers of the importance of ensuring they are updated on the outcome of complaints and are provided with responses, so that the council can ensure appropriate lessons are learnt, actioned, and reported.

Stage One - Outcomes

	2017 - 2018	%*	2018 - 2019	%*	2019 - 2020	%*	2020 - 2021	%*	2021 - 2022	%*
Upheld	3	10%	3	8%	16	22%	8	19%	3	10%
Partially Upheld	7	23%	14	41%	15	21%	7	17%	7	22%
Not Upheld	16	53%	13	38%	10	14%	16	39%	9	29%
Not Proven	0	-	0	-	2	3%	0	-	0	-
Not Pursued	2	7%	4	11%	13	18%	8	19%	3	10%
No response	2	7%	-	-	16	22%	2	5%	9	29%
TOTAL	30		34		72		41		31	

*% figures are rounded to the nearest whole number

16 Stage Two Complaints

Stage Two - Theme of Complaint

	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021	2021 - 2022
Attitude of staff	-	-	-	-	-
Disagree with Policy	-	-	-	-	-
Disagree with Assessment	1	3	6	1	-
Discrimination	-	-	-	-	-
Inappropriate Action	4	3	6	6	4
Lack of Action	3	4	4	2	3
Quality of Advice/ Communication	2	-	1	-	3
TOTAL	10	10	17	9	10

Stage Two – Responding in time performance

	2017 - 2018	%*	2018 - 2019	%*	2019 - 2020	%*	2020 - 2021	%*	2021 - 2022	%*
Within 25days	6	60%	1	10%	3	17%	2	21%	0	-
Within 65 days	0	-	2	20%	3	17%	-	-	0	-
Over timescale	4	40%	6	60%	9	51%	4	44%	7	70%
Not Pursued	0	-	1	10%	1	6%	-	-	1	10%
Ongoing	0	-	-	-	1	6%	3	33%	2	20%
TOTAL	10		10		17		9		10	

It is noted for all but the complaint, which was not pursued, all responses at this stage were “over the timescale”. It is important to remember, complaints at this

stage are often complex, with several elements and there may also be the need to arrange advocates and appointments with both staff and complainants, particularly at adjudication.

It is however noted that many of the responses at this stage in this reporting period, had further delays following the departure of the previous Assistant Director, who would normally have responded to these complaints. This coincided with the Corporate Director post also being vacant. There were then significant difficulties identifying managers to take on the responsibility of the Adjudicating Officer and providing responses. This also impacted on the ability to provide appropriate updates to complainants, and we are aware this led to further upset and frustration for complainants.

The importance of keeping complainants up to date especially where there are delays in responding to their complaints, cannot be overstated. The CGT is working with the newly appointed Corporate Director and Director, as well as other managers to ensure this is improved for the current reporting period.

Stage Two Outcomes

	2017 -	%*	2017 -	%*	2019 -	%*	2020 -	%*	2021 -	%*
	2018		2018		2020		2021		2022	
Upheld	-		3	30%	2	12%	-	-	-	
Partially Upheld	3	30%	5	50%	11	65%	6	67%	4	
Not Upheld	3	30%	1	10%	2	12%	-	-	3	30%
Not Pursued	2	20%	1	30%	1	6%	-	-	1	10%
No response sent	2	20%	-	-	-	-	-	-	-	
Ongoing	-		-	-	1	6%	3	33%	2	20%
TOTAL	10		10		17		9		10	

The CGT continued to work to ensure that complaints at this stage were not forgotten about and responses were provided, regardless of the time this took to achieve.

17 Stage Three Complaints

There was 1 children's stage three complaint, compared with 5 in the previous reporting period. It is considered this is because of the improvements in the quality and timeliness of responses made in the previous reporting period and that as these improvements have not continued it is likely the number of stage 3 complaints in the next reporting period will increase.

The process at stage three of the Children's Social Care Complaints Procedure is an independent review panel that will consider whether the investigation, findings, and recommendations at stage two, were thorough, logical, and fair. The Panel

then provides a report to the Corporate Director of Children and Education with their conclusions and any recommendations considered appropriate. The Corporate Director would then respond confirming whether they agree with the conclusions and any recommendations made.

Stage Three - Theme of Complaint

	2018 -2019	2019 - 2020	2020 - 2021	2021 -2022
Attitude of staff	-	-	-	-
Disagree with Policy	-	-	-	-
Disagree with Assessment	-	-	-	--
Discrimination	-	-	-	
Inappropriate Action	-	-	4	1
Lack of Action	-	2	1	
Quality of Advice/ Communication	-	-	-	-
TOTAL	-	-	5	1

Stage Three - Responding in time performance

	2018 - 2019	%*	2019 - 2020	%*	2020 - 2021	%*	2021 - 2022	
Within 15 days	-	-	1	50%	3	60%	-	-
Over 15 days	-	-	1	50%	1	20%	-	-
Not Pursued	-	-	-	-	1	20%	1	100%
TOTAL	-	-	2		5		1	

Stage Three Outcomes

	2018 - 2019	%*	2019 - 2020	%*	2020 - 2021	%*	2021 - 2022	
Upheld	-	-	1	50%	-	-	-	-
Partially Upheld	-	-	1	50%	4	80%	-	-
Not Upheld	-	-	-		-	-	-	-
Not Pursued	-	-	-		1	20%	1	100%
No response sent	-	-	-		-	-	-	-
Ongoing	-	-	-		-	-	-	-
TOTAL	-	-	2		5		1	

In addition to the information given above for complaints made through the children's' social care complaints procedure, 1 complaint was received as a 4cs corporate grade one and three as a corporate grade 2. Complaints are dealt with under the corporate procedure when the complainant is not complaining with the consent of the customer, or it is considered they are not complaining in the customer's best interest.

18 Percentage escalation

The following table indicates how many complaints in children’s services have been escalated. By measuring these figures as a percentage, we can gauge the implied customer satisfaction levels.

Percentage escalation

	Number	% Escalated to next stage	% Implied customer satisfaction
Stage 1 to Stage 2	2 of 31 (1 was from previous reporting period)	6%	94%
Stage 2 to Stage 3	0 of 1(the stage 2 was from the previous reporting period)	0%	100%

It is important to note that whilst only a small number of complaints have escalated in this reporting period, the implied customer satisfaction needs to be considered alongside the next reporting period.

19 Equalities Monitoring Information

Following the guidance produced by the Department of Health and the Department for Education and Skills, we must seek to identify who is making complaints to get a greater understanding of them. The following information was provided:

Gender

	2017 - 2018	2018 – 2019	2019 - 2020	2020 - 2021	2021 - 2022
Male	10	15	17	24	14
Female	25	26	64	29	27
Male & Female	5	3	0	2	1
Not stated	-	44	0	55	42

20 Who made the complaints

- 5 complaints were made by a child or young person via an advocate.
- 1 complaint was made by family or friends on behalf of a child or young person.
- 36 complaints were made by adults about the service provided to them.

The CGOM is aware most complaints about Children’s Services are not made by children or young people receiving a service. To ensure that children are aware of and are supported to use the complaints and feedback procedure, the team works closely with the Children’s Rights team and where appropriate, other support and advocacy services and others making a complaint on behalf of a child or young person.

The council has a statutory obligation to offer advocacy support to any child or young person making a complaint and the Children’s Rights team make people aware of the options available for raising comments, concerns, complaints, and compliments and provide advocacy support to assist with this where requested.

The CGT are also available to attend meetings with staff members, children, and young people and on occasions foster carers to raise awareness of and understanding about how people can use the procedure.

21 Costs and Payments

The council has an obligation to ensure independence in the children’s social care complaints procedure. This includes a requirement for:

- A person independent of the council to oversee all complaints at stage two made by children and young people.
- To ensure the investigator at stage two has not had any involvement in the complaint or line management responsibility for the services being complained about.
- To have a panel of 3 independent people at stage three.

These costs can be found in the section 6.

In addition to this the council provides financial recompense if, after a complaint has been investigated or as part of an LGSCO’s investigation, it is concluded that:

- the LGSCO would find that there has been maladministration by the council causing injustice to the complainant; and
- the LGSCO would recommend that financial recompense should therefore be paid to the complainant.

Details of payments:

Delays in responding to stage 2 complaint and time and trouble having to pursue to Ombudsman. Time and trouble of having to pursue a complaint to stage 3	£100.00
Total	£100.00

22 Alternative Dispute Resolution

It is important to note that the Department for Education and Skills Guidance makes it clear that nothing in the procedure should preclude Alternative Dispute Resolution and that if agreed by both complainant and the CGOM, the council should explore this option.

Possible alternatives which may be considered by the CGOM include mediation, the opportunity to meet with senior managers, or the possibility of contributing to the review of policies and procedures.

23 Learning Lessons/Practice Improvements

The council is always happy to consider appropriate ways of resolving a customer's complaint. Some of the types of action the council has undertaken to resolve complaints have been issuing apologies, meeting with customers to hear their concerns and suggestions for improvements and putting these improvements into place. This has been particularly relevant in the case of communicating effectively with customers and putting strategies into place to ensure that people are kept up to date. The council also offers a re-assessment of needs where possible, to ensure that nothing has been missed or that circumstances have not changed.

Complaints provide senior managers with useful information in respect of the way that services are delivered. The consideration of complaints has included the agreement to undertake the following actions, in addition to apologies and financial recompense:

- Reminder to all staff of the importance of providing contact details to wider family members who are supportive of parents involved with Children Social Services, and the importance of recording the views of family members.
- Held a lesson learned exercise for all frontline staff, to ensure that children in social care are provided with the necessary information and support when moving from children services to adult social care especially where issues arise in respect of allocation of social workers and drift is experienced.
- Met with family to give assurances that their concerns have been heard.
- Developed a communication plan with details about what can and what can't be shared.
- Reminder to staff of the importance of sharing minutes of core group and case conference minutes with parents and carers in a timely manner.
- Review of case file quality assurance procedures to ensure statutory social worker visits and diary notes to looked after or Child Protection casework is carried out and recorded correctly.
- Development of a Pathway Plan
- Reminder about the importance of good communication

Annual Adult Social Care Complaints Report April 2021 to March 2022

24 Context

This report provides information about complaints made during the twelve months between 1st April 2021 and 31st March 2022 for adults under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

It is noted that several complaints related to delays and errors relating to assessments, reviews and care provision and charges.

Whilst there have not been many complaints about transition arrangements for people moving from children to adult services, the CGOM is aware of the concern, upset and frustration for complainants, these will cause. This is particularly the case where complaints have needed to be escalated to the LGSCO to be resolved. One complaint from this reporting period needed to be escalated to the LGSCO, the outcome will be included in the next reporting period (April 2022 – March 2023). However, this was upheld by the LGSCO. The Corporate Director of Adult Social Care and Integration is aware of this and is working to improve transitions planning and will liaise with managers in children's services as part of this work.

All timescales contained within this report are for working days. The structures for reporting have changed and are reflected in the reporting for adult service as shown in the below tables.

In addition, the numbers of compliments are also recorded were:

	18/19	19/20	20/21	21/22
Be Independent	-	1	4	1
Commissioning & Contract Management	1	-	1	-
Community Provision	7	22	10	6
Joint Commissioning	-	-	-	-
Assessment	16	10	9	-
Care Homes	9	6	5	-
Mental health Safeguarding & DOLS	4	3	19	18
Learning Disability	-	-	-	1
Older People	-	-	-	11

The CGT are aware that many more compliments are received and actively work to encourage staff and teams to forward these to ensure they are recorded. This is to ensure that we can provide a true picture of our customers' experiences of the services they receive.

The compliments received included:

- Thank you for assistance with process and support
- thank you for your help with a housing application you were very helpful
- Doing a marvellous job
- Thank you for efforts regarding breakdown cost
- Thank you for providing excellent support and been an absolute marvel
- really appreciate social worker's support
- Helpful, clear, and thorough in how dealt with the issues
- Really supportive, has been reliable and easy to communicate with
- Thank you very much for all the care and attention
- Thanks to Be Independent for call out services.
- Thanks for help to assist relative to stay at home for so long and the peace of mind it has given
- Thanks for being kind, caring, friendly, efficient, and professional, help has improved many lives
- Thank you for help with shopping service, its marvellous and without this, does not know how they would have managed

The legislation makes it clear that people should be able to provide feedback and have this responded to without this being seen as a complaint. Therefore concerns, comments and requests are also logged.

Number of Concerns, Comments and Requests received

	18/19	19/20	20/21	21/22
Be Independent	-	1	-	-
Commissioning & Contract Management	4	2	2	-
Commissioning Provision	-	-	2	-
Joint Commissioning	-	-	-	-
Assessment	3	10	2	-
Care Homes	5	3	2	-
Community Provision	8	8	3	7
Mental health Safeguarding & DOLS	11	9	5	9
Learning Disability				1
Older People				5

25 Who can make a Complaint?

Someone who:

- The local authority has a power or duty to provide or secure the provision of a social service for him/her and
- His/her need for such a service has (by whatever means) come to the attention of the Authority.

This definition also applies to a person acting on behalf of someone who meets the above requirements.

A complaint can be made by a representative where the CGOM receives permission from the eligible person, usually in writing, giving their permission for the representative to make the complaint on their behalf. A representative will also be able to make a complaint where the eligible person is not capable of making the complaint themselves, this includes when they have died.

The CGOM will decide if a person is suitable to act as a representative, if it is decided they are not acting in the eligible person's best interests, they will inform them in writing of the reasons for this.

If a customer is not eligible under the terms of the Act, they will always be able to have their complaint looked at under the council's 4Cs corporate complaints procedure.

26 Grading of Complaints

The Department of Health designed the following tool to assess the seriousness of complaints and decide the relevant action:

Step 1: Decide how serious the issue is

Seriousness	Description
Low	Unsatisfactory service or experience not directly related to care. No impact or risk to provision of care. OR Unsatisfactory service or experience related to care, usually a single resolvable issue. Minimal impact and relative minimal risk to the provision of care or the service. No real risk of litigation.
Medium	Service or experience below reasonable expectations in several ways, but not causing lasting problems. Has potential to impact on service provision. Some potential for litigation.
High	Significant issues regarding standards, quality of care and safeguarding of or denial of rights. Complaints with clear quality assurance or risk management issues that may cause lasting problems for the organisation, and so require investigation. Possibility of litigation and adverse local publicity.

	<p>OR</p> <p>Serious issues that may cause long-term damage, such as grossly substandard care, professional misconduct, or death. Will require immediate and in-depth investigation. May involve serious safety issues. A high probability of litigation and strong possibility of adverse national publicity.</p>
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Step 2: Decide how likely the issue is to recur

Likelihood	Description
Rare	Isolated or 'one off' – slight or vague connection to service provision.
Unlikely	Rare – unusual but may have happened before.
Possible	Happens from time to time – not frequently or regularly.
Likely	Will probably occur several times a year.
Almost certain	Recurring and frequent, predictable.

Step 3: How to categorise the risk

Seriousness	Likelihood of recurrence				
	Rare	Unlikely	Possible	Likely	Almost Certain
Low	Low				
		Moderate			
Medium					
			High		
High				Extreme	

The CGT grades the complaints as:

- Low = Green - Can be resolved locally
- Medium = Amber - Needs a response from the Corporate Director
- High = Red - Needs a response from the Corporate Director

Complainants are contacted by the CGT to design a complaints plan and agree an appropriate response timescale. This is often done through an acknowledgment letter requesting the complainant to confirm the council's understanding of the complaint and the timescale for response.

Following the response, a complainant can ask the Local Government and Social care Ombudsman (LGSCO) to investigate if they remain dissatisfied.

27 Activity

The CGT recorded 42 complaints under the adult social care procedure during the year 2021 – 2022, compared with a total of 28 the previous year.

In addition to the above there were three grade 1 and two grade 2 complaints about adult social care services made under the corporate 4Cs procedure.

Complaints are dealt with under the corporate 4Cs procedure when the complainant is not complaining with the consent of the customer, or it may be considered they are not complaining in the customer’s best interest.

28 Comparison with the preceding year

The figures show an increase in the number of complaints received in 2021 – 2022 through the adults’ social care procedures.

29 Outcomes of complaints:

	2017 - 2018	2018 - 2019	2019 - 2020	2020 – 2021	2021 - 2022
Upheld	4	4	15	6	7
Partly upheld	8	11	12	6	13
Not upheld	6	5	16	13	17
Not proved	1	0	1	0	0
Not pursued	1	1	3	0	1
No response	1	0	6	3	4
Ongoing	0	0	0	0	0
Total	21	21	53	28	42

30 Response Times

A key requirement of the reform of complaints procedures is the importance of informing service users of the outcome of their complaints, in an appropriate time frame.

The Department of Health guidance on deciding how long it should take to respond to a complaint states:

“If someone makes a complaint, your organisation has to acknowledge it within three working days. The person making the complaint will want to know what is being done – and when. However, accurately gauging how long an issue may take to resolve can be difficult, especially if it is a complex matter involving more than one person or organisation. To help judge how long a complaint might take to resolve, it is important to:

- *address the concerns raised as quickly as possible*
- *stay in regular contact with whoever has complained to update them on progress*
- *stick to any agreements you make – and, if for any reason you can’t, explain why.*

It is good practice to review any case lasting more than six months, to ensure everything is being done to resolve it.”

Details of Complaints

31 Green Complaints

There were 34 complaints graded as Green in adult services compared to 23 last year.

It is however noted 4 complaints received no response and the CGT are continuing to work with managers to ensure all complaints receive a response.

Complaints graded at this level were categorised as follows:

BI	= Be Independent
CCM	= Commissioning & Contract Management
Commis Provision	= Commissioning Provision
JC	= Joint Commissioning
A	= Assessment
CH	= Care Homes
Com Provision	= Community Provision
MH/S/DOLS	= Mental health Safeguarding & DOLS
LD	= Learning Disability
OP	= Older People

Green Theme of complaint

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	LD	OP	Total
Attitude of staff	-	-	-	-	-	-	-	-	-	-	-
Disagree with Policy	-	-	-	-	-	-	-	-	-	-	-
Disagree with Assessment	-	-	-	-	-	-	1	5	3	-	9
Discrimination	-	-	-	-	-	-	-	-	-	-	-
Inappropriate Action	-	-	-	-	-	-	2	3	2		7
Lack of Action	-	-	-	-	-	-	1	4	1	3	9
Quality of Advice/ Communication	-	-	-	-	-	-	1	4	1	3	9
TOTAL	-	-	-	-	-	-	-	-	-	-	34

It is not uncommon for the category disagree with assessment to receive the most complaints. It is also noted many complaints relate to the quality of advice or communication. It is considered this is because of the work by the CGT to more accurately identify when complaints have arisen through lack of contact or poor quality of communication.

It is also noted that 4 complaints did not receive any response, which is an increase from 3 in the last reporting period. This is something which will continue to be brought to the attention of senior managers to assist with improving this for future complaints.

Green Response Times

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	LD	OP	Total
Within 10 days	-	-	-	-	-	-	4	9	1	5	19
Within 25 days	-	-	-	-	-	-	1	4	1	2	8
Over 25 days	-	-	-	-	-	-	-	3	-	3	6
Not Pursued	-	-	-	-	-	-	-	-	-	1	1
TOTAL	-	-	-	-	-	-	5	16	2	11	34

It is important to remember that the legislation and guidance for adults does not prescribe actual timescales for responses. However, we do manage and monitor performance in this area using best practice across the different complaints' legislation and guidance. The above table highlights that we are responding to

most complaints at this stage within the shortest timescale. However, it is noted that 4 complaints did not receive a response.

Green Outcomes

	BI	CCM	Commis s Provisi on	JC	A	CH	Com Provision	MH S DOLS	LD	OP	Total
Upheld	-	-	-	-	-	-	1	1	3	-	5
Partially Upheld	-	-	-	-	-	-	1	8	1	2	12
Not Upheld	-	-	-	-	-	-	3	5	1	3	12
No Response	-	-	-	-	-	-	-	2	-	2	4
Not Pursued	-	-	-	-	-	-	-	-	-	1	1
TOTAL	-	-	-	-	-	-					34

32 Amber Complaints

There were 5 complaints graded as Amber in adult services the same number as for last year.

Amber Theme of Complaint

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	LD	OP	Total
Attitude of staff	-	-	-	-	-	-	-	-	-	-	-
Disagree with Policy	-	-	-	-	-	-	-	-	-	-	-
Disagree with Assessment	-	-	-	-	-	-	-	1	-	-	1
Discrimination	-	-	-	-	-	-	-	-	-	-	-
Inappropriate Action	-	-	-	-	-	-	-	1	-	1	2
Lack of Action	-	-	-	-	-	-	-	1	-	-	1
Quality of Advice/ Communication	-	-	-	-	-	-	-	1	-	-	1
TOTAL	-	-	-	-	-	-	-	4	-	1	5

Amber Response Times

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	LD	OP	Total
Within 25days	-	-	-	-	-	-	-	2	-	1	3
Within 65 days	-	-	-	-	-	-	-	1	-	-	1
Over timescale	-	-	-	-	-	-	-	1	-	-	1
Not Pursued	-	-	-	-	-	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-	-	4	-	1	5

Amber Outcomes

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	LD	OP	Total
Upheld	-	-	-	-	-	-	-	-	-	1	1
Partially Upheld	-	-	-	-	-	-	-	1	-	-	1
Not Upheld	-	-	-	-	-	-	-	3	-	-	3
No Response	-	-	-	-	-	-	-	-	-	-	-
Not Pursued	-	-	-	-	-	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-	-	4	-	1	5

33 Red Complaints

There were 3 complaints graded Red in adult services, compared to 0 last year.

Red Theme of Complaint

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	LD	OP	Total
Attitude of staff	-	-	-	-	-	-	-	-	-	-	-
Disagree with Policy	-	-	-	-	-	-	-	-	-	-	-
Disagree with Assessment	-	-	-	-	-	-	-	1	-	-	1
Discrimination	-	-	-	-	-	-	-	-	-	-	-
Inappropriate Action	-	-	-	-	-	-	-	-	-	-	-
Lack of Action	-	-	-	-	-	-	-	1	-	-	1
Quality of Advice/ Communication	-	-	-	-	-	-	1	-	-	-	1
TOTAL	-	-	-	-	-	-	1	2	-	-	3

Red Response Times

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	LD	OP	Total
Within 25days	-	-	-	-	-	-	1	1	-	-	2
Within 65 days	-	-	-	-	-	-	-	1	-	-	1
Over timescale	-	-	-	-	-	-	-	-	-	-	-
Not Pursued	-	-	-	-	-	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-	1	2	-	-	3

Red Outcomes

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	LD	OP	Total
Upheld	-	-	-	-	-	-	-	1	-	-	1
Partially Upheld	-	-	-	-	-	-	-	-	-	-	-
Not Upheld	-	-	-	-	-	-	1	1	-	-	2
No Response	-	-	-	-	-	-	-	-	-	-	-
Not Pursued	-	-	-	-	-	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-	1	2	-	-	3

34 Equalities Monitoring Information

Following the guidance and best practice, it is important to understand who is making complaints and so we seek to identify who is making complaints. Only the following information was provided:

Gender

Male: 14
 Female: 28
 Male and Female: 0

35 Who made the complaints

- 24 complaints were received directly from a customer
- 15 complaints were made by a family member
- 3 complaints were made by an advocate

36 Payments

The council provides financial recompense if, after a complaint has been investigated or as part of an LGSCO's investigation, it is concluded that the LGSCO would find that there has been maladministration by the council causing injustice to the complainant with a recommendation that financial recompense should therefore be paid to the complainant.

Detail of payments made

Repayment of 12-week disregard costs	£761.01
Reimbursement and waive of care costs and time and trouble	£1513.77
Refund of overpaid care charges	£5886.00
Removed from invoice for care costs	£489.58
Total	£8650.36

37 Alternative Dispute Resolution

It is important to note that the complaints regulations and guidance for adult social care complaints are that a plan needs to be agreed between the complainant and the CGOM about how the complaint will be dealt with and responded to, what outcomes are wanted and what can be realistically achieved.

Possible alternatives which may be considered by the CGOM include mediation, the opportunity to meet with senior managers, or the possibility of contributing to the review of policies and procedures.

38 Complaints dealt with by the local authority and NHS Bodies

The CGT works with contracted agencies and statutory agencies to identify the main themes concerned in a complaint. Informal agreements are in place to provide the customer with a co-ordinated response with the agency responsible for the provision of the main areas of complaint taking the lead with co-operation from the other agencies as required.

39 Learning Lessons/Practice Improvements

The council is always happy to consider appropriate ways of resolving a customer's complaint including meeting with customers to hear their concerns and suggestions for improvements and putting these improvements into place.

The council also offers a re-assessment of needs where possible, to ensure that nothing has been missed or that circumstances have not changed.

Complaints provide senior managers with useful information in respect of the way that services are delivered, so that improvements can be made. The complaints manager is continuing to encourage work with teams across the council to ensure learning from complaints is leading to improvements in services and that evidence of actions being completed are provided. Some of the actions which have been logged include the following, in addition to apologies and financial recompense:

- Introduction of an Autism training course for all social care staff working with customers on the Autistic Spectrum.
- Change of worker
- Reminder to staff of policy and procedure regarding the expectations of their professional engagement with customers and carers.
- Allocation of a Review Manager to undertake the tasks required to understand the history of changes to the funded services because of the Covid-19 pandemic, accompanied by a reassessment of financial contributions.
- Review and confirm that systems are in place to monitor performance where concerns have been identified

40 Public Health

Complaints about services related to the functions of Public Health also fall under the legislation “Local Authority Social Services and National Health Service Complaints (England) Regulations 2009” and are therefore dealt with in the same way as those for adult social care services.

Compliments	0
Comments	6
Concerns	1
4cs Corporate complaint at grade two	1

Annual Corporate Complaints Procedure Report April 2021 to March 2022

41 Context

This is the sixth year we have produced an annual report for complaints considered under the Corporate Complaints Procedure. This procedure covers all complaints about services provided by the council where no statutory procedure exists.

There were 627 complaints at grade 1 in this reporting period compared with 502 last year.

The number of comments logged were 1326 compared to 1609 last year.

It is therefore considered the arrangements under the 4Cs procedure, introduced in the previous reporting period, and implemented in full in this period are showing consistent results in the assessment and grading of customer complaints and feedback.

We are pleased the implementation of the new procedure, has resulted in a significant reduction in the number of complaints which did not receive a response, as well as an improvement in the timescales for response.

We are continuing to work to ensure that every complaint is responded to. Those that did not receive a response were because of oversights. Additional measures have been implemented to reduce the risk of this reoccurring.

All timescales contained within this report are for working days.

In addition, the numbers of compliments are also recorded, and these are shown below for the directorates as they were known during the reporting period.

Number of Compliments Received

Directorate	2019 - 2020	2020 - 2021	Directorate	2021 -2022
CCS	51	34	Corporate Services	9
CEC	10	5	Customer & Communities	25
EAP	82	79	People	6
HHASC	63	64	Place	137
TOTAL	206	182	TOTAL	177

The CGT are aware that many more compliments are received and actively work to encourage staff and teams to forward these to ensure they are recorded. This is to ensure we can provide a true picture of our customers' experiences of the services they receive.

The compliments received included thanks for:

- Man cutting grass verges is doing a great job
- The waste team are always amazing - waving to make sure the lorry is seen in action
- Thanks to the bin men for rescuing a hedgehog
- Thank you to our recycling crew who have improved their handling of our collections
- Thank you assisted collection was collected after reporting
- Poo bins are plentiful emptied regularly. Thank you for this excellent service
- Thanks for medical waste collection
- Thanks to licensing staff, you made the process seamless
- Thanks to housing maintenance and repairs really delighted with the workmanship and our service altogether.
- Thank you to the team who came out to sort out a broken guttering down fall pipe
- Repair man was very polite
- Thanks to Gas repair staff on quick response and respect they showed customer
- Thanks to Housing Options officer for her help and assistance
- Thanks to Housing Options staff you've been amazing through out
- Thank you to housing option team for providing help and advice
- Thank you to Housing Adaptations team for help with adaptation
- Thank you card for solution to noise issues
- Thanks to NEO team for help with noise complaints
- Thank you very much for all your help with my parking
- To parking staff, help was invaluable
- The car park attendant at Coppergate was really helpful
- To Registrars a wonderful day. We both enjoyed every moment, and the service was truly exceptional.
- Newly widened cycle/ footpath Scarborough Bridge has made such a difference
- Thanks for bike paths being gritted
- Gardeners cutting the grass in her area are doing a fabulous job, thank you
- Thank you to the department planting the wildflower beds along the central reservation of the Hull Road
- Thanks to council tax staff for being professional and patient making a positive experience.

- Thanks for helping businesses out by channelling the grant and communicating so efficiently
- Thanks for sorting out complaint so promptly
- Thank you for how complaint was handled
- Thank you noise team or amazing quick and efficient service
- Thank you to city centre street cleaner
- Thanks to street cleaner
- Thank you for clearing the blocked drains in Boroughbridge Road
- Thanks to streetlighting team for fixing an issue quickly
- Thanks for changing streetlight
- Thank to customer services for help renewing blue badge

The good practice from the statutory processes is clear that people should be able to provide feedback and have this responded to without this being seen as a complaint. Therefore concerns, comments and requests are also logged in the 4Cs corporate procedure, and these are shown below:

Number of Concerns, Comments and Requests

Directorate	2019 - 2020	2020 - 2021	Directorate	2021 - 2022
CCS	179	309	Corporate Services	58
CEC	19	9	Customer & Communities	203
EAP	559	1056	People	3
HHASC	252	235	Place	1062
TOTAL	1,009	1609	TOTAL	1326

42 Who can make a Complaint?

The council's corporate complaint policy and procedures states we will accept complaints from

- a member of public or anyone acting on behalf of a customer with the proper authority and consent,

And using any of the following contact methods:

- in person
- by phone
- by letter
- by email
- through our website. www.york.gov.uk

43 Grading of Complaints

The CGT assess the appropriate stage to investigate a complaint or referral to the relevant Ombudsman, taking account of issues such as:

- risk to the customer and the authority
- severity of the risk
- whether the issues in question are a one off, are a reoccurrence and likelihood of reoccurrence.

44 Response Times

It is considered good practice that a key requirement of a complaint procedure is the importance of informing service users of the outcome of their complaints in an appropriate time frame.

The new 4cs process for investigating and responding to corporate complaints was implemented at the beginning of this reporting period.

This changed the process from 3 stages to 2 grades.

The timescales have been changed to:

- Grade One - 20 working days (10 for Housing Complaints in line with the Housing Ombudsman guidance)
- Grade Two - 30 working days (20 for Housing Complaints in line with the Housing Ombudsman guidance)

In addition to the above all complaints under the 4Cs are investigated and responded to by the CGT.

Details of complaints

45 Grade One Complaints

Primary theme by directorate

2020-2021

	Staff attitude	Disagree with assessment	Disagree with policy	Discrimination	Inappropriate action	Lack of action	Quality of advice, communication/work	TOTAL
CCS	2	36	12	-	10	12	16	88
CEC	-	1	-	-	1	1	1	4
EAP	4	18	44	-	64	140	29	299
HHASC	3	16	7	2	11	61	11	111
Total	9	71	63	2	86	214	57	502

2021-2022

	Staff attitude	Disagree with assessment	Disagree with policy	Discrimination	Inappropriate action	Lack of action	Quality of advice, communication/work	TOTAL
Corporate Services	-	-	-	-	-	5	2	7
Customer & Communities	1	20	12	-	16	43	10	102
People	-	2	-	-	-	1	-	3
Place	4	38	79	1	54	298	41	515
Total	5	60	91	1	70	347	53	627

Outcome by directorate

2020-2021

	Upheld	Not upheld	Partly upheld	Not pursued	No response	%*	Not Proven	TOTAL
CCS	20	43	16	4	5	63	-	88
CEC	2	1	1	-	-	-	-	4
EAP	145	79	43	8	20	7%	4	299
HHASC	20	32	37	12	9	8%	1	111
Total	187	155	97	24	34	7%	5	502

2021-2022

	upheld	Not upheld	Partly upheld	Not pursued	No response	%*	Not proven	TOTAL
Corporate Services	1	2	3	-	-	-	1	7
Customer & Communities	34	45	14	9	-	-	-	102
People	2	-	-	1	-	-	-	3
Place	191	162	100	52	2	-	8	515
Total	228	209	117	62	2	-	9	627

%* are rounded up or down to the nearest whole number

Responding in time performance by directorate

2020-2021

	In time	%*	Out of time	%*	Not pursued	%*	TOTAL
CCS	76	86%	8	9%	4	5%	88
CEC	2	50%	2	50%	-	-	4
EAP	250	84%	41	14%	8	3%	299
HHASC	71	64%	28	25%	12	11%	111
Total	399	79%	79	16%	24	5%	502

2021-2022

	In time	%*	Out of time	%*	Not pursued	%*	TOTAL
Corporate Service	5	71%	2	29%	-	-	7
Customers & Communities	85	83%	8	8%	9	9%	102
People	1	33%	1	33%	1	33%	3
Place	353	69%	108	21%	54	10%	515
Total	444	71%	119	19%	64	10%	627

%* are rounded up or down to the nearest whole number

46 Grade Two Complaints Primary theme by directorate

2020-2021

	Staff attitude	Disagree with assessment	Disagree with policy	Discrimination	Inappropriate action	Lack of action	Quality of advice, communication/ work	TOTAL
CCS	-	4	4	-	4	3	1	16
CEC	-	-	-	-	-	-	-	-
EAP	-	10	5	-	22	49	4	90
HHASC	-	3	1	-	3	12	1	20
TOTAL		17	10		29	64	6	126

2021-2022

	Staff attitude	Disagree with assessment	Disagree with policy	Discrimination	Inappropriate action	Lack of action	Quality of advice, communication/work	TOTAL
Corporate Services	-	-	-	-	1	-	-	1
Customer & Communities	1	9	5	-	7	3	-	25
People	-	-	-	-	-	1	-	1
Place	-	24	501	-	54	235	24	838
Total	1	33	506	-	62	239	24	865

Outcome by directorate 2019-2020

2020-2021

	Upheld	Not upheld	Partly upheld	Not pursued	No response	%*	Not Proven	TOTAL
CCS	2	8	3	-	3	19%	-	16
CEC	-	-	-	-	-	-	-	-
EAP	46	19	14	3	8	9%	-	90
HHASC	2	6	5	1	6	30%	-	20
Total	50	33	22	4	17	13%	-	126

2021-2022

	upheld	Not upheld	Partly upheld	Not pursued	No response	%*	Not proven	TOTAL
Corporate Services	-	-	-	-	1	100%	-	1
Customer & Communities	4	13	7	1	-	-	-	25
People	-	-	1	-	-	-	-	1
Place	657	102	33	44	2	0.2%	-	838
Total	661	115	41	45	3	0.3%	-	865

Responding in time performance by directorate

2020-2021

	In time	%*	Out of time	%*	Not pursued	%*	TOTAL
CCS	11	69%	5	31%	-	-	16
CEC	-	-	-	-	-	-	-
EAP	65	72%	22	24%	3	3%	90
HHASC	6	30%	13	65%	1	5%	20
Total	82	65%	40	32%	4	3%	126

2021-2022

	In time	%*	Out of time	%*	Not pursued	%*	TOTAL
Corporate Service	-	-	1	100%	-	-	1
Customers & Communities	20	80%	5	20%	-	-	25
People	-	-	1	100%	-	-	1
Place	685	82%	109	13%	44	5%	838
Total	705	82%	116	13%	44	5%	865

%* are rounded up or down to the nearest whole number

48 Learning Lessons/Practice Improvements

The council is always happy to consider appropriate ways of resolving a customer's complaint including meeting with customers to hear their concerns and suggestions for improvements and putting these improvements into place.

Most complaints logged at grade 2 as a disagreement with policy, are about the current policy of advising residents that the council will not pay for a

replacement bin, when they report their bin has been damaged or gone missing after being collected.

Since the implementation of the 4Cs procedures, the CGT has worked with managers in waste services, which has identified that in many cases, for damaged bins, it has been caused by the wagons during emptying.

It also identified that in many cases, lost bins occurred because of bins falling into the wagon.

The current waste services policy means that when bins are reported damaged or lost, residents are told they must pay for a replacement. This means residents either must pay for a replacement or make a complaint to reach an appropriate resolution.

This creates additional time and trouble for members of the public, or costs for those who feel unable or unwilling to make a complaint. This is in addition to the additional work needed by council officers to respond to and resolve the complaints.

Most complaints about a lack of action relate to repeated failures with waste collections including assisted waste collections. It has been identified there were some difficulties with providing and using the technology for crew information and monitoring. Managers and staff in waste services have been working to resolve and improve the ability to identify and resolve problems and ensure collections take place appropriately.

Complaints provide senior managers with useful information in respect of the way that services are delivered, so that improvements can be made. The CGT is working with teams across the council to ensure learning from complaints is leading to improvements in services and that evidence of actions being completed are provided. In addition to the above, some of the actions which have been logged include the following, in addition to apologies and financial recompense.

- The parking team to check the counters on the carparks on a quarterly basis
- Crew reminders and monitoring
- Reminders to staff about access arrangements for assisted waste collections
- Review of procedures
- Repairs completed
- Plans for frequency of updates and communication

As the council is committed to transparency and where there is no conflict or risk to the complainant's interest or could compromise their anonymity, we have included the summary details of the LGSCO findings at Annex 1.

This is like how the LGSCO determines which decisions to publish. For the decisions they do publish, they do not use real names. You can search the LGSCO's published decisions on the following link:

<http://www.lgo.org.uk/decisions>

49 Payments

The council provides financial recompense if, after a complaint has been investigated or as part of an LGSCO's or HOS investigation, it is concluded that the LGSCO or HOS would find that there has been maladministration by the council causing injustice to the complainant; and would recommend that financial recompense should therefore be paid to the complainant.

Details of payments were made

To acknowledge the lost opportunity and avoidable time, trouble, and inconvenience – Ombudsman action	£300.00
For the avoidable distress the failures caused. This includes the anxiety suffered, the upset, the upheaval, the frustration, the inconvenience, and the impact on her mental health; and Pay a contribution of towards the overall cost incurred when moving and preparing home.	£1,500 £1,293.60
For the avoidable distress the failures caused which have resulted in having to move from property 3 to another property. Subject to providing satisfactory receipts, and will try to arrange for a community-based organisation to do the work	£250 Up to £1,000
Subject to her providing satisfactory receipts contribution towards moving costs	Up to £150
For any improvement works to the existing fence, which already meets its empty property standard, subject to providing satisfactory receipts. Ombudsman actions	Up to £1,200
The Council failed to collect Mr B's bulky waste – Ombudsman action	£100.00
The Council is at fault for its failure to progress an application to stop up a section of verge on a road – Ombudsman action	£500.00
An unlicensed House in Multiple Occupation (HMO) – Ombudsman action	£100.00
To acknowledge its repeated failure to collect her bins and its failure to effectively monitor her bin collection as promised – Ombudsman action	£200.00
Recompense for additional heating costs – Housing Ombudsman action	£150.00
Reimburse cost of items removed. – complaint action	£50.00

Council failure regarding privacy in the decision notice for a planning application.	£100.00
Delays in updated HMO database – council agreed remedy to Ombudsman	£100.00
TOTAL	£6993.00

50 Alternative Dispute Resolution

Based on the good practice guidance in the statutory complaints' procedures, the council also considers whether there would be an appropriate alternative way of resolving complaints, in the corporate procedure, rather than completing an investigation.

Possible alternatives which may be considered by the Corporate Governance Operational Manager include mediation, the opportunity to meet with senior managers, or the possibility of contributing to the review of policies and procedures.

Annex 1

Complaints received by the LGSCO

Category	Received
Environmental Services & Public Protection & Regulation	14/06/2021
Other	27/08/2021
Highways & Transport	02/02/2022
Adult Care Services	01/04/2021
Adult Care Services	04/06/2021
Education & Childrens Services	26/04/2021
Planning & Development	30/04/2021
Environmental Services & Public Protection & Regulation	04/05/2021
Planning & Development	12/05/2021
Adult Care Services	02/06/2021
Benefits & Tax	03/06/2021
Environmental Services & Public Protection & Regulation	04/06/2021
Education & Childrens Services	04/06/2021
Housing	09/06/2021
Environmental Services & Public Protection & Regulation	14/06/2021
Environmental Services & Public Protection & Regulation	16/06/2021
Housing	16/06/2021
Housing	17/06/2021
Corporate & Other Services	15/09/2021
Highways & Transport	30/06/2021
Environmental Services & Public Protection & Regulation	02/07/2021
Environmental Services & Public Protection & Regulation	02/07/2021
Environmental Services & Public Protection & Regulation	12/10/2021
Adult Care Services	19/07/2021
Planning & Development	27/07/2021
Planning & Development	26/07/2021
Adult Care Services	13/10/2021
Highways & Transport	09/08/2021
Environmental Services & Public Protection & Regulation	18/08/2021
Highways & Transport	18/08/2021
Housing	02/09/2021
Benefits & Tax	09/09/2021
Planning & Development	15/09/2021
Adult Care Services	16/09/2021
Adult Care Services	28/09/2021
Education & Childrens Services	30/09/2021
Corporate & Other Services	21/10/2021
Benefits & Tax	01/10/2021
Benefits & Tax	13/10/2021
Housing	14/10/2021
Environmental Services & Public Protection & Regulation	08/11/2021
Benefits & Tax	21/10/2021

Adult Care Services	27/10/2021
Highways & Transport	03/11/2021
Education & Childrens Services	13/12/2021
Benefits & Tax	09/11/2021
Housing	18/11/2021
Adult Care Services	17/02/2022
Highways & Transport	01/12/2021
Highways & Transport	09/12/2021
Corporate & Other Services	14/12/2021
Planning & Development	15/12/2021
Planning & Development	20/12/2021
Highways & Transport	21/12/2021
Planning & Development	11/01/2022
Education & Childrens Services	12/01/2022
Highways & Transport	14/01/2022
Highways & Transport	19/01/2022
Highways & Transport	20/01/2022
Adult Care Services	16/02/2022
Benefits & Tax	15/02/2022
Highways & Transport	16/02/2022
Highways & Transport	16/02/2022
Education & Childrens Services	17/02/2022
Education & Childrens Services	21/02/2022
Planning & Development	24/02/2022
Highways & Transport	04/03/2022
Highways & Transport	09/03/2022
Environmental Services & Public Protection & Regulation	10/03/2022
Environmental Services & Public Protection & Regulation	11/03/2022
Highways & Transport	13/03/2022

Complaints Decided by the LGSCO

Category	Decided	Decision	Decision Reason	Remedy	Service improvement recommendations
Housing	22/04/2021	Upheld	mal & inj	Apology, Financial redress: Avoidable distress/time and trouble, Financial Redress: Quantifiable Loss, Procedure, or policy change/review, provide services to person affected	The Council agreed to carry out a review of its policies and procedures to improve: its systems and procedures to identify potential problems of perpetrators moving close to their victims; its consideration of discretion to prevent moves involving perpetrators who might end up living near their victims; its ability to be more proactive when known perpetrators do end up living close to victims; its record keeping; its investigation of reports of harassment; its consideration of discretion when rehousing applicants next door to tenants with violence and behavioural issues; its consideration of human rights.
Highways & Transport	30/11/2021	Upheld	mal & inj	Apology, Financial redress: Avoidable distress/time and trouble, new appeal/review, or reconsidered decision	
Environmental Services & Public Protection & Regulation	18/06/2021	Closed after initial enquiries	Not warranted by alleged injustice		
Other	27/08/2021	Incomplete/Invalid	Insufficient information to proceed and PA advised		
Planning & Development	24/05/2021	Upheld	mal & inj	Apology, provide information/advice to person affected, Provide training and/or guidance	The Council will ensure it documents its decision-making process when deciding to close a case (for example a contemporaneous note if the decision arises

					from a group discussion).
Planning & Development	24/09/2021	Upheld	mal no inj		
Adult Care Services	30/06/2021	Upheld	mal & inj	Apology	
Planning & Development	20/07/2021	Upheld	mal & inj	Apology, Financial redress: Avoidable distress/time and trouble, Financial Redress: Quantifiable Loss	
Highways & Transport	28/02/2022	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Corporate & Other Services	15/06/2021	Upheld	mal no inj		
Adult Care Services	12/07/2021	Upheld	mal & inj - no further action, already remedied		
Highways & Transport	19/05/2021	Upheld	mal & inj	Apology, Financial redress: Avoidable distress/time and trouble, provide information/advice to person affected, Procedure or policy change/review	The Council agrees to: <ul style="list-style-type: none"> •Complete a review of its road adoption system. The review should consider how it is kept up to date and accurate. •After completing the review report the findings to Councillors and seek approval for changes and recommendations. •Once the Councillors have made their decision write to Mr B and explain what action it will take and what the timeframe will be for completion. •Provide the Ombudsman with a copy of the review report, agreed actions and timeframe for completion.
Environmental Services & Public Protection & Regulation	17/09/2021	Not Upheld	no mal		

Housing	21/06/2021	Upheld	mal & inj	Apology, New appeal/review, or reconsidered decision, Provide training and/or guidance	The Council will remind relevant staff to provide clear information in housing register decision letters about how to request a review of the decision. The Council will remind relevant staff to consider whether a complaint should actually be treated as a request for a review of a housing decision so the Council can respond appropriately.
Adult Care Services	01/07/2021	Upheld	mal no inj		
Planning & Development	11/08/2021	Closed after initial enquiries	Not warranted by alleged injustice		
Benefits & Tax	20/04/2021	Closed after initial enquiries	Not warranted by alleged injustice		
Adult Care Services	17/11/2021	Upheld	mal & inj	Apology, Financial redress: Avoidable distress/time and trouble, financial redress: Loss of service	
Adult Care Services	15/12/2021	Upheld	mal & inj	Apology, Financial Redress: Quantifiable Loss	
Education & Childrens Services	26/04/2021	Referred for local resolution	Premature Decision - advice given		
Planning & Development	30/04/2021	Referred for local resolution	Premature Decision - advice given		
Environmental Services & Public Protection & Regulation	25/11/2021	Upheld	mal & inj	Financial redress: Avoidable distress/time and trouble	
Planning & Development	18/11/2021	Upheld	mal no inj		
Adult Care Services	17/08/2021	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
Benefits & Tax	20/07/2021	Closed after initial enquiries	26(6)(a) tribunal Other		
Environmental Services & Public Protection & Regulation	15/07/2021	Closed after initial enquiries	26(6)(c) Court remedy		

Education & Childrens Services	27/07/2021	Closed after initial enquiries	Sch 5.4 personnel		
Housing	09/06/2021	Advice given	Signpost - go to complaint handling		
Environmental Services & Public Protection & Regulation	13/01/2022	Upheld	mal & inj	Financial redress: Avoidable distress/time and trouble, provide services to person affected, provide services/information to others affected	The Council should contact other residents who use the Council's assisted bin collection service and have complained about missed collections since 1 April 2021. In cases where complaints have continued, the Council should: a) review whether monitoring has failed in their cases as well, and b) consider what steps it should take to acknowledge any distress caused.c) Those residents should be told they can take their case to the Ombudsman if they are unhappy with the Council's approach.
Environmental Services & Public Protection & Regulation	16/06/2021	Referred for local resolution	Premature Decision - advice given		
Housing	16/06/2021	Advice given	Signpost - go to complaint handling		
Housing	04/01/2022	Upheld	mal & inj	Apology, Financial redress: Avoidable distress/time and trouble, Provide training and/or guidance	<ul style="list-style-type: none"> • Provide guidance to relevant staff to ensure they understand an RRO can only be applied for within 12 months of a relevant offence being committed. • Remind its staff of the requirement to issue occupiers with a copy of a HAN. Additionally, the communication should cover the requirement to provide notice of an inspection at a property and to inform complainants who raise questions about fire safety that it has arrangements in place with the local fire authority, and not to

					just direct complainants to the fire service in these circumstances.
Corporate & Other Services	22/11/2021	Closed after initial enquiries	26(6)(c) Court remedy		
Highways & Transport	07/09/2021	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Environmental Services & Public Protection & Regulation	18/08/2021	Closed after initial enquiries	Not warranted by alleged injustice		
Environmental Services & Public Protection & Regulation	18/08/2021	Closed after initial enquiries	Not warranted by alleged injustice		
Environmental Services & Public Protection & Regulation	05/11/2021	Upheld	Injustice remedied during complaint processes		
Adult Care Services	16/09/2021	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
Planning & Development	27/07/2021	Referred for local resolution	Premature Decision - advice given		
Planning & Development	26/07/2021	Referred for local resolution	Premature Decision - advice given		
Adult Care Services	25/11/2021	Closed after initial enquiries	26B (2) not made in 12 months		
Highways & Transport	15/09/2021	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Environmental Services & Public Protection & Regulation	18/08/2021	Referred for local resolution	Premature Decision - advice given		
Highways & Transport	24/09/2021	Closed after initial enquiries	Other reason not to investigate		

Benefits & Tax	09/09/2021	Referred for local resolution	Premature Decision - advice given		
Planning & Development	13/10/2021	Referred for local resolution	Premature Decision – referred to council		
Adult Care Services	16/09/2021	Incomplete/Invalid	Insufficient information to proceed and PA advised		
Adult Care Services	22/11/2021	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Education & Childrens Services	30/09/2021	Referred for local resolution	Premature Decision - advice given		
Corporate & Other Services	02/02/2022	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Benefits & Tax	03/03/2022	Not Upheld	no mal		
Benefits & Tax	13/10/2021	Referred for local resolution	Premature Decision - advice given		
Housing	14/10/2021	Advice given	Signpost - go to complaint handling		
Environmental Services & Public Protection & Regulation	25/02/2022	Not Upheld	No worthwhile outcome achievable by further investigation		
Benefits & Tax	24/11/2021	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
Highways & Transport	09/12/2021	Closed after initial enquiries	26(6)(a) tribunal Other		
Benefits & Tax	13/12/2021	Closed after initial enquiries	26(6)(a) tribunal Other		
Housing	18/11/2021	Advice given	Signpost - go to complaint handling		
Highways & Transport	24/12/2021	Closed after initial enquiries	26(6)(a) tribunal TPT/PATAS		
Corporate & Other Services	21/01/2022	Closed after initial enquiries	Other reason not		

			to investigate		
Highways & Transport	27/01/2022	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Planning & Development	15/02/2022	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Education & Childrens Services	04/02/2022	Closed after initial enquiries	26(6)(c) Court remedy		
Highways & Transport	14/01/2022	Referred for local resolution	Premature Decision - advice given		
Highways & Transport	20/01/2022	Referred for local resolution	Premature Decision - advice given		
Highways & Transport	01/03/2022	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Highways & Transport	29/03/2022	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Education & Childrens Services	17/02/2022	Referred for local resolution	Premature Decision - advice given		
Education & Childrens Services	21/03/2022	Upheld	Injustice remedied during LGO consideration	Apology, Financial redress: Avoidable distress/time and trouble	
Planning & Development	18/03/2022	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Highways & Transport	07/03/2022	Referred for local resolution	Premature Decision - referred to council		

Abbreviations

Mal – maladministration

Inj – injustice

PA – person affected (customer/complainant)

Rep – representative for the PA

Compliance with Agreed Remedies

Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
Housing	22-Apr-21	Apology Financial redress: Avoidable distress/time and trouble Financial Redress: Quantifiable Loss Procedure or policy change/review Provide services to person affected	22-Jul-21	22-Jul-21	Remedy complete and satisfied
Highways & Transport	30-Nov-21	Apology Financial redress: Avoidable distress/time and trouble New appeal/review or reconsidered decision	31-Jan-22	17-Feb-22	Remedy complete and satisfied
Adult Care Services	22-Feb-21	Apology Financial redress: Avoidable distress/time and trouble Provide information/advice Provide training and/or guidance	05-Apr-21	07-Apr-21	Remedy complete and satisfied
Planning & Development	24-May-21	Apology Provide information/advice to person affected Provide training and/or guidance	21-Jun-21	07-Jul-21	Remedy completed late
Adult Care Services	30-Jun-21	Apology	28-Jul-21	29-Jul-21	Remedy complete and satisfied
Planning & Development	19-Jul-21	Apology Financial redress: Avoidable distress/time and trouble Financial Redress: Quantifiable Loss	20-Aug-21	14-Sep-21	Remedy completed late

Highways & Transport	18-May-21	Apology Financial redress: Avoidable distress/time and trouble Provide information/advice to person affected Procedure or policy change/review	19-Aug-21	08-Sep-21	Remedy complete and satisfied
Housing	20-Jun-21	Apology New appeal/review or reconsidered decision Provide training and/or guidance	21-Sep-21	20-Sep-21	Remedy complete and satisfied
Adult Care Services	17-Nov-21	Apology Financial redress: Avoidable distress/time and trouble Financial redress: Loss of service	17-Dec-21	14-Dec-21	Remedy complete and satisfied
Adult Care Services	15-Dec-21	Apology Financial Redress: Quantifiable Loss	14-Jan-22	17-Jan-22	Remedy complete and satisfied
Environmental Services & Public Protection & Regulation	25-Nov-21	Financial redress: Avoidable distress/time and trouble	25-Dec-21	21-Dec-21	Remedy complete and satisfied
Education & Childrens Services	21-Mar-22	Apology Financial redress: Avoidable distress/time and trouble	21-Apr-22	22-Mar-22	Remedy complete and satisfied