

**Corporate Customer Standards Annual Report 2023-24**

<b>Meeting:</b>	<b>Corporate Governance &amp; Audit Committee</b>
<b>Date:</b>	<b>21 February 2025</b>
<b>Cabinet Member</b> (if applicable)	<b>Cllr Tyler Hawkins</b>
<b>Key Decision Eligible for Call In</b>	<b>No No – Information report</b>
<b>Purpose of Report</b> To provide an update of Corporate Customer Standards to CGAC on complaint handling for the financial year 2023/24. To highlight the number of Local Government Ombudsman complaints received, and to set out the cases where the Local Government Ombudsman found the Council to be in error. To provide information about “Whistleblowing” reports received and actions taken. Housing Services and Childrens Service Complaint Handling for the year (as an appendix). For CGAC to consider the content of the report, and to advise if they have any comment on the work plans moving forward.	
<b>Recommendations</b> <ul style="list-style-type: none"> <li>• That the Annual Corporate Customer Standards Report 2023-24 be approved</li> <li>• To determine if further action is appropriate on any matter</li> </ul>	
<b>Reasons for Recommendations</b> <ul style="list-style-type: none"> <li>• This report is for information and assurance</li> </ul>	
<b>Resource Implications:</b> <ul style="list-style-type: none"> <li>• No direct financial implications</li> </ul>	
<b>Date signed off by <u>Strategic Director</u> &amp; name.</b>	Rachel Spencer Henshall (30 January 2025)
<b>Is it also signed off by the Service Director for Finance?</b>	Yes
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	Yes

<b>Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards?</b>	<b>No</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>No</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>

**Electoral wards affected: all**

**Ward councillors consulted: none**

**Public or private: Public**

### **1: Purpose of Report**

The Local Government Ombudsman (LGO) publishes its annual report at the end of July each year, and so the report for ELT and Corporate Governance and Audit Committee follows this schedule and addresses third stage complaint received during the year 2023/24, and those which were considered by the LGO during that year.

The report also addresses “Whistleblowing” matters which have been notified through the Councils corporate process.

The report also contains as an appendix a report on Housing Services complaints, which are handled through slightly different processes. Childrens Service information is also reported.

The overall number of complaints in the various forms are as follows

<b>Complaint type</b>	<b>2023/24</b>	<b>Section</b>
Third (Final) Stage Corporate complaints	81	3
Childrens services Second stage Complaints	6	5
Adult Services Complaints	95	
Second (Final) Stage Housing complaints	190	4
<b>Total</b>	<b>372</b>	
Complaints formally investigated by the Ombudsman	21	2
Complaints formally investigated by Housing Ombudsman	8	4
<b>Total Externally Assessed Complaints</b>	<b>29</b>	

There are three Corporate Complaint Stages (currently), two Housing and Statutory Childrens complaint stages.

Adults Service have one complaint stage (as set out in the Care Act), although they have recently introduced a follow up stage if the resident returns to them.

The Local Government Ombudsman considers general, Adults and Statutory Childrens Complaints, while the Housing Ombudsman considers Housing complaints

It is also worth noting that it is difficult to compare the numbers of complaints received through the Housing and Corporate, Adults and Childrens processes. Each has a different “final” stage prior to progression to Ombudsman, the impact of the complaint upon day to day living might differ, and there are formal appeals processes for some functions which are not progressed through the complaints process.

Some of the types of complaint considered through the corporate process might be of a more peripheral nature to an individual than, for example, a concern about their home.

## 2: The Ombudsman - complaints volumes, cases upheld and local comparative information

The Local Government Ombudsman oversees most kinds of complaints against the activities of local authorities.

The ultimate sanction the Ombudsman may apply is to issue a formal report against a council.

There were no formal reports issued against Kirklees Council in 2023-24. The last formal report against Kirklees Council was published in October 2018.

The Local Government Ombudsman publishes details of every complaint decision six weeks after they are formally made (with rare exceptional cases).

For the period 01/04/2023 – 31/03/2024, the Ombudsman considered the following number of cases in West Yorkshire.

<b>Council</b>	<b>Total enquiries received</b> (numbers change on last year)	<b>Complaints formally investigated</b> (change on last year)	<b>Numbers Upheld</b> (% of complaints formally investigated)  (% change on last year)	<b>Numbers where LGO upheld compliant, but agreed with the remedies in place prior to involvement</b>
<b>Kirklees</b>	<b>98 (+8)</b>	<b>21 (+5)</b>	<b>13 (62%) (-7%)</b>	<b>2 (15%)</b>
Calderdale	89 (+34)	20 (same)	19 (95%) (+20%)	3 (16%)
Bradford	135 (-25)	29 (-5)	20 (69%) (-7%)	0 (0%)
Leeds	217 (+46)	59 (+5)	44 (75%) (+6%)	8 (18%)
Wakefield	59 (+4)	12 (-2)	8 (67%) (-4%)	0 (0%)
<b>Totals (West Yorks)</b>	<b>598 (KMC 16% of total)</b>	<b>141 (KMC 15% of total)</b>	<b>104 (KMC 13% of total)</b>	<b>13</b>

### Kirklees compared with West Yorkshire

Kirklees' resident numbers around 19% of the West Yorkshire total, and so the number of Kirklees resident complaints are lower than might be anticipated when considering the West Yorkshire area as a whole.

Of the Kirklees cases fully investigated by the Ombudsman, 62% were upheld. This is the lowest percentage in West Yorkshire – Wakefield 67%, Bradford 69%, Leeds 75%, Calderdale 95%, and the national figure for Metropolitan Councils is 80%.

In Kirklees 13 cases were upheld by the Ombudsman. This equates to 13% of West Yorkshire's total upheld.

In their national report, the Ombudsman highlighted there was an issue, where councils were late complying with agreed actions. However, Kirklees (and two other West Yorkshire authorities) completed all their agreed actions in time, and were top of the national table.

Kirklees attained a 15% satisfaction remedy (where our previous agreed actions were confirmed by the Ombudsman) – 3<sup>rd</sup> of 5 West Yorkshire councils (but only 13 cases scrutinised) – top performer Leeds was at 18%. Clearly the Ombudsman will not be aware of every case satisfactorily remedied within the Council (as most residents choose not to continue their complaint to the LGO). Only those residents who received a satisfactory response but anticipated a greater remedy, escalate their concerns onto the Ombudsman.

The Ombudsman also collates statistics which show the number of upheld complaints per 100,000 residents. Here Kirklees had a figure of 3 upheld Ombudsman cases per 100,000 population, which is the second best in West Yorkshire (Wakefield 2.2, Bradford 3.6, Leeds 5.3, Calderdale 9.1). Average nationally for Metropolitan Councils is 4.4 upheld cases per 100,000 residents.

Comparing West, South Yorkshire and Manchester for number of upheld complaints per 100,000 residents, Kirklees is the 6<sup>th</sup> best performer of 19 councils in this cohort. This is consistent with the performance for 2022/3, with Kirklees just outside the top quartile.

Appendix 1 gives the Ombudsman conclusions for each of the individual cases where fault was found.

While councils can never be complacent about their complaint performance (and overall numbers at Ombudsman stage are low, meaning just a few cases can skew the percentage outcomes), the figures do indicate a reasonable confidence that the complaints process in Kirklees robustly considers complaint matters and correctly identifies the issues arising. (Otherwise, we might expect the number of complaints escalated to Ombudsman, and those upheld when they are presented would be greater).

This report has not sought to compare historic data – the variation in numbers is too large because of covid, and Ombudsman statistical changes to make this comparison valid.

## **The First 6 months 2024/5**

Given the Council is going through a period of review and change, it would also be helpful to consider the headline Ombudsman figures for the first 6 months of the 2024/25 year. While some data is not available in the same format, it is possible to analyse the number of individual complaint investigations that the Ombudsman publishes on its website.

<b>Council</b>	<b>Number of Ombudsman enquiries</b>	<b>Number upheld (% of enquires)</b>
Kirklees	26	6 (23%)
Bradford	53	15 (28%)
Calderdale	30	11 (37%)
Leeds	74	30 (41%)
Wakefield	23	2 (9%)
West Yorkshire	206 (Kirklees 12.6% of total)	64 (Kirklees 9% of total)

It is not possible to make a direct comparison to Ombudsman 2023/4 figures, but indicative performance for Kirklees proportion of Ombudsman enquiries and numbers of upheld complaints in West Yorkshire show a slight improvement on last year. (A much lower number of enquires, but a similar outcome in terms of adverse findings)

### **3: Third Stage Complaint Investigations**

Appendix 2 shows a brief summary of the Council's complaints process.

In total 920 cases passed through the Corporate Customer Standards Section in 2023-24, a very similar number to the previous year.

As well as respond to third stage complaints, the service provides advice to residents and services on complaint handling, and signposts complainants through the process. Amongst the 920 cases, the service deal with initial complaint enquires which are directed to the appropriate service to be dealt with, unusual enquiries where colleagues are unsure who might respond, advice requests from services about how they might deal with complaint matters, considering residents who might be displaying an unreasonable approach, and repeat/vexatious enquiries. Each contact might have any number of return/repeat enquiries within it.

### Third Stage Complaints - investigated internally

Service	2018-19	2019-20	2020-21	2021-22	2022-23	2023-4 Total and (Upheld)
Adults	2	4	1	1	1	1 (1)
Benefits, C Tax & NNDR	6	7	6	8	6	11 (2)
Corporate and others	6	12	7	16 (includes 10 business grant)	7	3 (1)
Children's and Education	11	7	2	2	3	18 (12)
Environment & Public Protection	31	19	19	17	7	22 (6)
Highways and Transport	8	7	7	12	3	8 (1)
Housing	4	2	4	5	6	8 (1)
Planning	20	13	26	22	23	10
<b>Total</b>	<b>88</b>	<b>71</b>	<b>72</b>	<b>83</b>	<b>56</b>	<b>81</b>
<b>% Upheld and Part Upheld</b>	<b>22.7%</b>	<b>21.1%</b>	<b>18%</b>	<b>16.9%</b>	<b>17.8%</b>	<b>33% (numbers in brackets)</b>

There has been a significant increase in the number of complaints received and the proportion of complaints upheld during the 2023/4 financial year.

The number of complaints for two service areas (15 for SEND, 13 for Waste Collection) can largely explain the variation in numbers this year. More of the complaints for these two service areas were upheld, again these largely accounts for the increase in the % of cases upheld.

The waste collection service suffered a temporary dip in service delivery, which was around a reorganisation of rounds and the use of new bin wagons of a different size, which was well documented in the local press. Complaint levels for this service have returned to long term levels in 2024/5.

Special Educational Needs provision is a national issue, and in common with many council areas, backlogs of needs assessments had built up. The Service are catching up with work items, which had led to an increase in the number of assessments and therefore the numbers disagreeing are also higher. The complaints process considers issues such as delay and how the plans were prepared. Disagreement with the defined support described in the plan go through a formal appeals process, outside of the complaints arena.

Council Tax also saw an increase in complaints, although only 2 cases were upheld. The increase was perhaps created through economic pressure with residents wishing to minimise their council tax charge.

### Looking more recently – (to 30 October 2024)

To offer a comparison of the third stage complaints received in the first 7 months of 2023/4 and 2024/5 show the following outcomes:

#### Third stage complaint stats comparison between 1 April – 30 October 2023/4 and 2024/5

Service Area	2023/4	2024/25
Adults	1	0
Benefits & Council Tax	6	5
Corporate	1	4
Children	1	1
Education	6	7
Environmental Protection	11	13
Highways & Transportation	2	7
Housing	5	4
Planning	7	14
<b>Total</b>	<b>40</b>	<b>55</b>

**Headline figures** – the figures show an increase in third stage complaints by 37% year on year. However, it is worth noting the Local Government Ombudsman figures appear to show Kirklees remaining within its longer-term trend of receiving fewer complaints than might be expected by population.

It is also worth noting that while numbers have increased in 2024/5, there do not appear to be an increase in the proportion of cases being upheld, and complaints continue to be managed.

**Highways/Transportation** increase from 2 to 7. Cases in 2024/5 include concerns around traffic calming measures (road humps, mini roundabouts), concerns about maintenance of grass verge and moss on pavement, a concern about diversion signage, and complaints about parking enforcement. No increase in cases upheld.

**Corporate** increase from 1 to 4. Cases this year include complaints from a resident interested in reporting of key decisions and the process of delegated powers (stemming from a highways traffic calming scheme), and complaints about the Standards process.

**Planning** increase from 7 to 14. A couple of additional complaints about delay in decision making (which would progress to the Planning Inspectorate) and general complaints about decisions. There is no one factor to explain the increase (the second stage complaint responses are of comprehensive standard), although 2 cases were frustrated through miscommunication through the complaints process (1

failed to be passed onto third stage despite complaint to the service, and 1 case was misdirected following an initial Ombudsman complaint and service response). These have been discussed with the service and should be clarified through the change in the corporate complaint's procedure to just two complaint stages.

**Other matters** There have been a small number of complaints relating to housing adaptations – a service area which has previously generated few complaints. It seems there is an increase in disputes around what might form a suitable adaptation, and confusion for the customer as the service negotiate around adaptation options.

There are a small number of complaints relating to adult care charges, and the wording of the “estimated charge” which is issued, has been reviewed. The Welfare team are also working on clearing a ringfenced the backlog, whilst keeping up with current claims. This has led to a number of cases waiting a long time for reassessments to take place.

**Complaint Workloads** There is some pressure on workloads within the Corporate Customer Services Standards team given the increase in complaint numbers, the complexity of SEND complaints still coming through (and the regular discussion/support provided to the service at stage 2 as regards potential approaches with hard to please residents), there is an increased requirement to regularly report on outcomes and the need to introduce the new 2 stage complaints process in accordance with the revised Ombudsman's Code (that applies nominally during 2025/26, but formally from April 2026..

At present 82% of third stage complaints are responded to in deadline (and 4 of the 6 late responded complaints in 2024/5 were then answered within 5 days of deadline). This performance may be impacted as work on preparing for the Ombudsman Code increase.

The pressure on workload will partly be addressed by the Assistant Manager continually gaining experience and working more independently, and the new support officer starting to pick up more straightforward third stage complaints.

The Corporate Complaints Manager is looking to step further away from day-to day complaints handling to free up more strategic time and to introduce the new 2 stage corporate process.

The Corporate Customer Standards team is likely to be joined by the Childrens Complaints Unit for 2025-6. The Children's Complaint Unit has a strong track record of handling and resolving complaint matters at an early stage, and an excellent rapport with service managers, so there are no plans for that model to be altered. However, general line management and arrangements to better cover activity pressures through better use of IT monitoring systems and administrative support will be explored through the year.

#### **4: Childrens Services**

A report detailing the number of cases handled and outlining the Childrens complaints process is available at Appendix 5.



## 5. Homes and Neighbourhoods

Homes and Neighbourhoods have their own full complaints management processes, and there is an opportunity for dissatisfied complainants to progress matters to the Housing Ombudsman.

Under the Social Housing (Regulation) Act 2023, the Housing Ombudsman's Complaint Handling Code ('Code') is now statutory and places a legal duty on the Council as a social housing landlord to comply with the Code. As set out in the Code, the Council, is also required to produce an Annual Complaints Performance and Service Improvement Report. This mandatory requirement was introduced in 2024 and the report must be submitted by 30<sup>th</sup> June each year.

The Council must also ensure that the Annual Complaints Performance and Service Improvement Report has been reported to the council's governing body (Cabinet) and published on the section of the website relating to complaints. The council should also include any lessons learned through the self-assessment process and actions taken as a result. For the 2023/24 year a draft submission was submitted to the Housing Ombudsman by 30<sup>th</sup> June 2024 deadline. However, given the timing of local elections, it was agreed with the Ombudsman that following Cabinet on 9<sup>th</sup> July 2024, a final response with any changes to the documents will be uploaded. This included comments from the governing body (Cabinet) and their Member Responsible for Complaints as per the Code.

The 2023/24 Annual Report that was approved by Cabinet on 9<sup>th</sup> July 2024 is shown in **Appendix 4**. This indicates that all complaints had increased from 554 in 2022/23 to 826 in 2023/24. The main reasons include the council making it easier to complaint with more routes to do so and promoting the role of the Housing Ombudsman in relevant correspondence. This is also supporting the council to be more transparent and open. However, the level of complaints that are upheld is signs that, as a landlord, the Council is still not getting things right.

In 2023/24, the council saw a rise in stage 2 complaints compared to 2022/23, although the majority of complaints (80%) received in the year were at stage 1. Complaints responded to in timescales improved slightly for stage 1 but worsened for stage 2. Unfortunately, the number of upheld complaints remains high at over 60% and the data shows low levels of satisfaction with complaints handling, at 23% (average among other organisations is around 41%).

It is essential that the council remains focused on learning from complaints to stem the flow and also reduce the number of upheld complaints. To date, activities include the introduction of a telephone-based approach to gather feedback rather than relying on text surveys to better understand why tenants are unhappy. Improvements to the way in which data is recorded from categories such as poor information to clear themes e.g. repairs, damp, mould and condensation. Roll-out of a new training programme, starting in June, for 400 frontline staff and managers on complaints handling improving ownership of complaints by frontline staff and team leaders, and ongoing review of policies including the Repairs and Maintenance Policy and current No Access procedures.

## **6: Learning from complaints**

The interim report earlier in the 2024-5 year provided examples of learning from complaints, so the Annual Report focuses upon a few additional learning examples only.

### **6.1 SEND**

As reported to Executive Leadership Team and Corporate Governance & Audit Committee last year, the Corporate Customer Standards Service were working with the SEND team on ongoing complaint matters, given at that time the Council was experiencing an increase in complaint numbers (as shown in last year's figures).

Parents of children (requiring an educational support package) that make a complaint are often particularly frustrated by the process, and so the Council seeks to make the complaints process as straightforward as possible for them.

It is good practice to study cases investigated by the Ombudsman at other councils, and seek to use this learning to address local complaints, such as remedying matters more quickly and in a way similar to that which the Ombudsman might conclude. This is best practice for all complaints of all types, but this has particularly focussed upon SEND outcomes this year.

A complaint response will involve a description of the error, a sincere apology (if appropriate), an assessment of learning and how the service intends to address the situation for other service users, and an assessment of what might form a suitable remedy, with examples of comparable cases considered by the Ombudsman.

In relation to SEND particularly, this has positively resolved a good proportion of complaints, without the resident having to progress matters to the Ombudsman. This is both beneficial for the resident who can move forward with their issue resolved, and it also saves officer time through not needing to continue with the complaints investigation process.

### **6.2 Educational provision**

The Learning service is looking to review how they identify, and record work undertaken to find suitable educational provision and support for young people who are not accessing mainstream school, and how the appropriateness of that provision is assessed.

### **6.3 Planning enforcement**

A complaint from a resident which related to a very complex set of issues which involved planning enforcement, the courts, and public rights of way issues. Matters have been exacerbated through court delay/deferrals and the complaint investigation identified unacceptable delay in advising the complainant about the causes of delay. The Planning complaints process will in future incorporate a monitoring process to ensure that ongoing planning enforcement matters are reviewed periodically so progress does not drift, and updates provided to residents to assure them that matters raised have not be forgotten and are still being considered.

## **6.4 Service Changes to residents**

The Council has undertaken some fairly fast reviews of service provision, where it may be that the notification of the change to affected parties has not taken place with suitable notice. The complaints received have highlighted the need for timely and clear communication to take place,

The Corporate Customer Standards section are available to service to discuss the potential complaint impact of service change, to anticipate likely complaint, to see whether it is possible to mitigate the number which arise, and to formulate responses to any anticipated complaints.

## **7: Complaints review**

The Local Government Ombudsman Code is set to be introduced in April 2026. This requires the Council to have a two stage complaints process (a service stage and a corporate stage) with timescales for response and a monitoring process to record progress. There is a self-assessment template which Councils are expected to complete to identify gaps in its procedures.

The Ombudsman has trialled the code with 20 councils bringing it into early operation. It was determined that waiting for the findings of these trials before introducing the code in Kirklees should increase the chance of successful implementation. However, internal audit undertook some initial gap analysis.

The Complaints Team are working with the Council's Transformation Team, to discuss the format of a public "Customer Standards" document, which will describe the standards the public should expect for customer enquiries. The intention is to publicly relaunch these standards before which it is planned that there will be further consultation with elected members.

## **9: Whistleblowing**

The Head of Risk and the Corporate Customer Standards Officer co-ordinate investigations for those cases directly reported to the Whistleblowing telephone line and email address. Other investigations may take place through issues reported to the HR section, direct to Internal Audit, the external auditor or to the Chief Executive's Office.

It is worth noting that many of the cases received fall outside of the technical definition of a Whistleblowing complaint (the legislation seeks to protect internal staff if they "whistle-blow") and many concerns arrive from members of the public.

Services are reminded that employee whistle-blowers are legally protected from persecution and that they must ensure that reviews are impartial and that concerns are reasonably considered.

Whistleblowing issues may be referred to the Corporate Governance and Audit Committee or to Scrutiny for their consideration. Those investigated by Internal Audit are reported as a part of other reporting mechanisms to Corporate Governance and Audit Committee.

Whistleblowing contact details when provided always remain confidential on request although whistle-blowers are always advised if in specific certain circumstances, they are likely to be identified, or if they are an employee they may have a legal responsibility to be open (but with the benefit of statutory protection).

During the year 2023-24 14 Whistleblowing referrals were received via either the Whistleblowing e-mail address ([www.whistleblowing@kirklees.gov.uk](mailto:www.whistleblowing@kirklees.gov.uk)) or telephone (01484 225030). This is consistent with long term averages for the year.

The whistleblowing reports received and how they were dealt with can be found in Appendix 6.

## **10. Implications for the Council**

- 10.1 **Working with People** – It is important that consumer satisfaction is monitored and understood; the complaints process is a part of this.
- 10.2 **Working with Partners** – None directly; issues arising with partners would be referred for resolutions by them; Council /partner relationship issues are resolved outside of this process
- 10.3 **Place Based Working** – None directly
- 10.4 **Improving outcomes for children**– as addressed in the report/as 10.1
- 10.5 **Climate change and air quality**- None directly
- 10.6 **Impact on the finances of local residents**- None directly
- 10.7 **Other (e.g., Legal/Financial or Human Resources)**- Understanding where and how complaints arise is an important part of delivering better services. This often involves the service directly complained about, and support services

## **11. Consultees and their opinions**

Heads of Service / Directors are involved in complaints about their service area.

## **12. Next steps and timelines**

To consider if any additional information is sought.

### **Contact officer.**

Chris Read (01484 221000)

### **Background Papers and History of Decisions**

Ombudsman's reports are available online.

### **Service Director responsible**

Samantha Lawton (01484 221000)

## Appendix 1: Detail of Cases Upheld by the Ombudsman 2023 - 2024

(For impartiality purposes, the wording within the case summaries is taken directly from the report issued by the Local Government Ombudsman).

Adult Services:

- [Kirklees Metropolitan Borough Council \(23 009 454\)](#)
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Statement Upheld Residential care 26-Mar-2024

Summary: Ms C complains the Council placed her mother-in-law, Mrs D in a care home rated “inadequate” by the Care Quality Commission where she went onto receive poor care. The Council is not at fault for the lack of choice in the care home; however, the care home failed to properly assess Mrs D and its records are incomplete. To remedy the complaint the Council has agreed to apologise to Mrs D and Ms C and make symbolic payments to acknowledge the uncertainty caused by these failures. Through its commissioning role [the council] will also review the care home’s record keeping, falls policy and how staff are trained to support people with communication needs.

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- [Kirklees Metropolitan Borough Council \(23 013 093\)](#)
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Statement Upheld Homelessness 13-Mar-2024

Summary: Miss X complains that the Council failed to accept a homelessness application when she was experiencing domestic abuse from her former partner. The Council is at fault as it failed to accept a homelessness application from Miss X, and it delayed in increasing her priority band to band B. Miss X was caused distress and uncertainty by these faults. The Council has agreed to remedy this injustice by apologising to Miss X and making a symbolic payment of £300.

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- [Kirklees Metropolitan Borough Council \(23 004 095\)](#)
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Statement Upheld Enforcement 08-Feb-2024

Summary: Mr X complained the Council failed to take action against unauthorised development and use of neighbouring land. There was fault causing injustice due to the Council’s delays and lack of proper oversight of the enforcement investigations.

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- [Kirklees Metropolitan Borough Council \(23 002 450\)](#)
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Statement Upheld Residential Care 31-Jan-2024

Summary: Ms X complains about poor care provided to her father, Mr Y, whilst at a Council commissioned care home. We have found fault by the Council causing an injustice to Ms X. The Council has already produced an action plan to address the faults identified in this statement. The Council has agreed to apologise and make a symbolic payment for the distress caused to Ms X.

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- [Kirklees Metropolitan Borough Council \(23 013 086\)](#)
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Statement Upheld Council Tax 20-Dec-2023

Summary: We will not investigate this complaint about the Council's pursuit of Ms X for an unpaid council tax bill. This is because the Council has already put forward a suitable remedy in line with our approach which addresses the injustice Ms X experienced.

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- [Kirklees Metropolitan Borough Council \(23 001 559\)](#)
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Statement Upheld Child Protection 30-Nov-2023

Summary: Mr X complains about the way the Council considered his complaint under the statutory complaint procedure. He complained the Council failed to support contact arrangements with his son and said he had been victimised. We have found no fault in the way the Council considered his complaint. However, we have found there were delays in the complaint process and the Council's review of contact arrangements. The Council has agreed to apologise, make a symbolic payment and service improvements for the injustice caused to Mr X.

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- [Kirklees Metropolitan Borough Council \(23 005 181\)](#)
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Statement Upheld Charging 02-Nov-2023

Summary: There is evidence of failings in some areas of domiciliary care provided to Mr X. The Council acknowledged this and offered an appropriate

remedy before the complaint came to this office. There is no outstanding injustice requiring a remedy from this office.

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- [\*\*Kirklees Metropolitan Borough Council \(23 002 994\)\*\*](#)

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Statement Upheld Charging 12-Sep-2023

Summary: We will not investigate Mr X's complaint about the Council charging his father for care. Mr X said they were told there would be no cost involved in placing his father into care. This is because the Council has agreed to resolve the complaint early by providing a proportionate remedy for the injustice caused.

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- [\*\*Kirklees Metropolitan Borough Council \(23 002 340\)\*\*](#)

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Statement Upheld School Admissions 11-Sep-2023

Summary: Mrs X complained the Council did not conduct her son's school admissions appeal correctly. We have found fault because the stage two part of the process misinterpreted the information Mrs X provided. To remedy the injustice caused by this fault, the Council has agreed to apologise and arrange a fresh appeal.

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- [\*\*Kirklees Metropolitan Borough Council \(23 003 982\)\*\*](#)

Statement Upheld Transport 22-Aug-2023

Summary: The Council failed to properly consider information relating to Mr X's hidden disability when assessing his application for a blue badge

- [\*\*Kirklees Metropolitan Borough Council \(22 013 470\)\*\*](#)

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Statement Upheld Assessment and Care Plan 10-May-2023

Summary: Mrs X complained that the Council has failed to provide her mother with additional care hours during the week and failed to provide a sit in service at the weekend. We find the Council was at fault for failing to complete a carer's assessment. This caused significant stress to Mrs X. We make several recommendations to address this injustice caused by fault.

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- [Kirklees Metropolitan Borough Council \(22 011 614\)](#)
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Statement Upheld School Admissions 19-Apr-2023

Summary: Mrs C complained how the Council has considered her application for delayed entry to reception for her summer born daughter. She says the Council has failed to properly understand the guidance and has applied the wrong tests. We find fault with the Council's decision making. The Council has agreed to our recommendations to address the injustice caused by fault.

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- [Kirklees Metropolitan Borough Council \(22 006 285\)](#)

Statement Upheld Special Educational Needs 13-Apr-2023

Summary: Mr and Mrs X complain about the Council's handling of their child, Child Y's Education, Health and Care Plan (EHCP) since they asked for an urgent review of this in July 2019. The Council was at fault for not providing appropriate alternative education to Child Y from October 2019 to July 2020. The Council unnecessarily delayed its review of Child Y's EHCP which in turn delayed Mr and Mrs X's appeal rights. The Council also took too long to respond to Mr and Mrs X's complaints. The Council has agreed to apologise and make payments to Child Y and their parents. The Council will also review its systems for monitoring complaint response timeliness.



## **Appendix 2: The Council's Complaints Procedure**

The council's complaint process for 2032-24 had three internal stages.

**First stage** – the complainant initially contacts the Council to express dissatisfaction about the service they have received. Many of these complaints are resolved by front line staff immediately, as errors are spotted corrected and an apology offered, or an explanation is given to explain the situation to justify why the situation is accurate.

**Second stage** – this is where the complainant remains dissatisfied, and the complaint is referred to a senior manager within the appropriate service to consider.

**Third stage** – the Corporate Customer Standards Officer will review the actions taken by the service on behalf of the Council and Chief Executive and consider whether anything further can be done to resolve the complaint. The Local Government Ombudsman requires the Council to give the complaint a final review before they may become involved with it.

Some complaints do not progress through the Council's standard complaints procedure; these are usually complaints where a formal review process applies such as complaints relating to Childrens and Adults Services and Housing Benefit assessment complaints. The Ombudsman will consider some complaints before third stage review if they are considered urgent (for example school admission appeals).

Complaint stages are sometimes merged depending on the type of complaint received to ensure matters are dealt with effectively and to ensure the complainant can progress to the Ombudsman as quickly as possible if the issue appears unresolvable.

### Appendix 3: Analysis of Ombudsman complaints handling, comparing West and South Yorkshire and Greater Manchester 2023/24

The Local Government Ombudsman now produces a figure of upheld ombudsman complaints per 100,000 population by local authority. The average figure for Metropolitan Councils is 4.4

<b>Authority</b>	<b>Complaints upheld 2023/4 – per 100,000</b>
Rotherham	1.5
Wakefield	2.2
Rochdale	2.2
Doncaster	2.3
Wigan	2.4
<b>Kirklees</b>	<b>3.0</b>
Bolton	3.0
Barnsley	3.2
Sheffield	3.5
Bradford	3.6
Stockport	3.7
Trafford	3.8
Salford	4.0
Manchester	4.2
Tameside	4.3
Oldham	4.9
Leeds	5.3
Calderdale	9.1
Bury	11.8

**Appendix 4**

**Housing: Homes and Neighbourhoods – Annual Report**



**Homes and Neighbourhoods**

**Annual Complaints Performance and Service  
Improvement Report 2023/24**

## **Forward**

### **Statement from the Leader of the Council**

This the first annual complaints performance and service improvement report produced by Kirklees Council which covers the period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024, and was presented at the council's Cabinet on 9<sup>th</sup> July 2024. The report provides an analysis of complaints handling within Homes and Neighbourhoods (HN), the service with responsibility for the management and maintenance of the council housing stock, on behalf of the council. As the governing body, Cabinet has reviewed the report including a self-assessment, to ensure there is sufficient internal scrutiny of this information.

Cabinet noted the Annual Complaints Performance and Service Improvement Report 2023/24 and self-assessment, submitted to the Housing Ombudsman Service prior to the deadline 30th June 2024.

Cabinet accepted the self-assessment against the Code was an accurate reflection of the Council's position and that the areas in which the Council has fallen short, namely 'reasonable adjustments under the Equality Act 2010' was noted and, that plans to rectify this were in place and being progressed.

Cabinet gave approval be given to publish the final report including their response on the Council's website, post submission.

### **Statement from the Cabinet Member, Housing**

In my role as the council's Cabinet Member responsible for Complaints (MRC), I have scrutinised and challenged the report including a self-assessment completed by officers on behalf of the council, and how any risks identified as part of this process have been addressed.

Whilst I appreciate complaints in themselves are an opportunity to learn and that some good practice exists in the way the Council handles complaints, I have specifically challenged the number of complaints received and the number of complaints dealt with within the timescales set out in the Council's policy. I am concerned by the number of complaints upheld at both stages of the process because it indicates a service failure and I have sought assurances that the necessary learning has been embedded into the way we work, not only with complaints handling but further 'upstream' in the way we deliver services. It is clear from the annual report that tenants would like better communication when, for example, a repair is requested. The service has commenced work in reviewing its end-to-end repairs process so that communication touchpoints are embedded in the new process and systemised.

I have also instructed that staff receive mandatory complaints handling training and this is being rolled out between June and September 2024.

I have assured myself that the self-assessment against the Code is an accurate reflection of the Council's position and I am satisfied that on the one where we have

fallen short, namely 'reasonable adjustments under the Equality Act 2010, both short term and long-term plans to rectify this are in place and being progressed.

In recognition that staff capacity, particularly in the asset management team, is a contributory factor to the number of complaints relating to repairs, I have ensured that there is a focus on recruitment which has begun with some success. I have also strengthened the Customer Experience Team with an additional manager.

Along with the Homes & Neighbourhoods Improvement Board and the Tenant Led Panel, I will continue to receive regular performance reports at my portfolio briefings to ensure learning is being embedded and the improvements are having the desired impact on the tenant's experience.

As required in Housing Ombudsman's Complaint Handling Code, this annual report will be published on the Kirklees Council website [here](#).

## **Introduction**

Under the Social Housing Regulation Act 2023, the Housing Ombudsman's Complaint Handling Code of Practice is now statutory and places a legal duty on the council as a landlord to comply with the Code, as well as a duty on the Ombudsman to monitor compliance with the Code. The Housing Ombudsman is the independent public body for complaints within the social housing sector. Kirklees Council is a member of the Housing Ombudsman Service Scheme.

The council is required to carry out an annual self-assessment against the Housing Ombudsman Complaints Handling Code and publicise this to customers. Details of this assessment can be found [here](#).

The council has also updated its Complaints Policy to ensure complaints are handled within the framework of the Housing Ombudsman Complaint Handling Code. The Complaints Policy can be viewed [here](#).

The council recognises that it is on a journey to improve complaints handling and remains dedicated to using feedback to drive meaningful changes and enhance the overall customer experience. Complaints and lessons learned from complaints can improve the quality and focus of services provided to all customers. More information on what improvements have been made already and what is being undertaken this year can be found later in this report. This includes a greater focus on how the council is addressing the reasons why customers make complaints.

This report provides an analysis of complaints handling within Homes and Neighbourhoods (HN) on behalf of the council (covering the period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024). This includes:

- Details of HN's complaints handling performance for the year 2023/24 (with 2022/23 performance in brackets).
- Summary of the types of complaints the council has refused to accept.

- Summary of learning identified to address the key issues highlighted in relation to complaints handling that provides further opportunities to improve services to customers and increase overall tenant satisfaction.
- Summary of cases referred to the Housing Ombudsman in 2023/24, including maladministration determinations made against the council and any actions arising from these cases.
- A self-assessment of the council's complaints policy against the Housing Ombudsman's statutory complaints handling code introduced in April 2024.

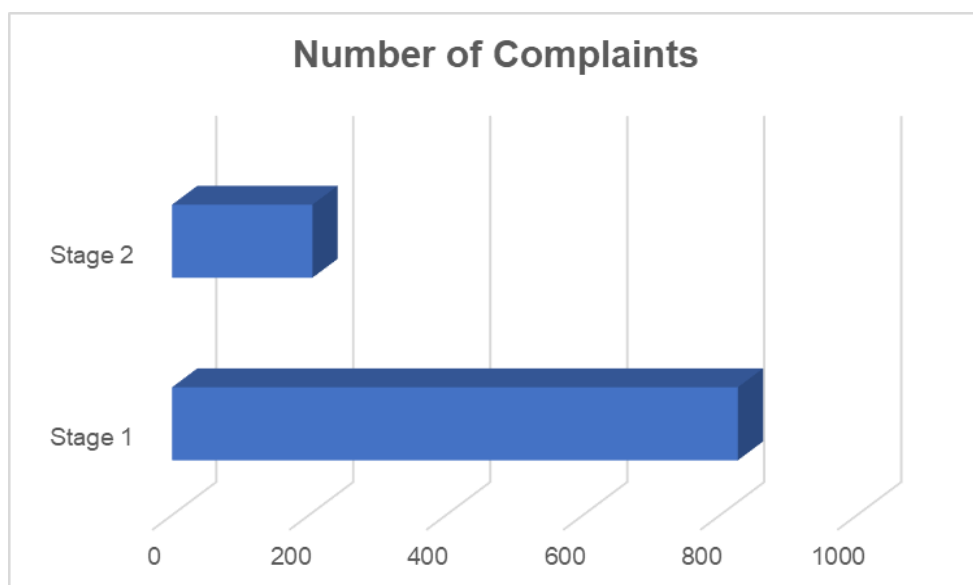
### Complaints Handling Performance 2023/24

A complaint is defined as *'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents'*

For the year 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024 the council responded to 1,031 complaints, 826 of these were new complaints (554 new complaints in 2022/23). The council operate a 2 Stage complaints process that allows residents to escalate their complaint where they remain dissatisfied with the outcome of their complaint.

#### Complaints at Stage 1 and Stage 2

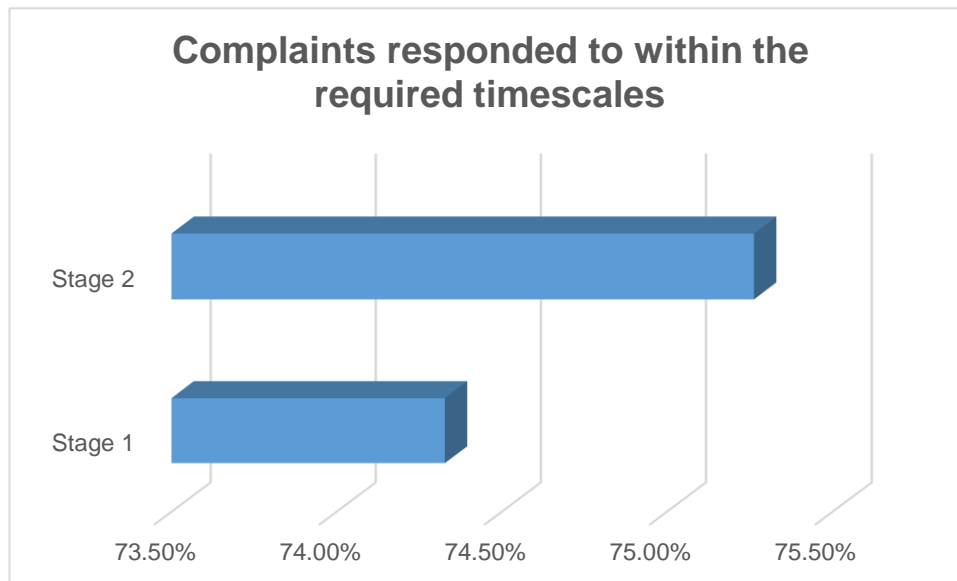
The graph below shows the number of complaints handled at Stage 1 and Stage 2 of the complaints process. In total, 80% (87% in 2022/23) of complaints were resolved at Stage 1 with the remaining 20% (13% in 2022/23) of complaints escalated to Stage 2.



### ***Timescales***

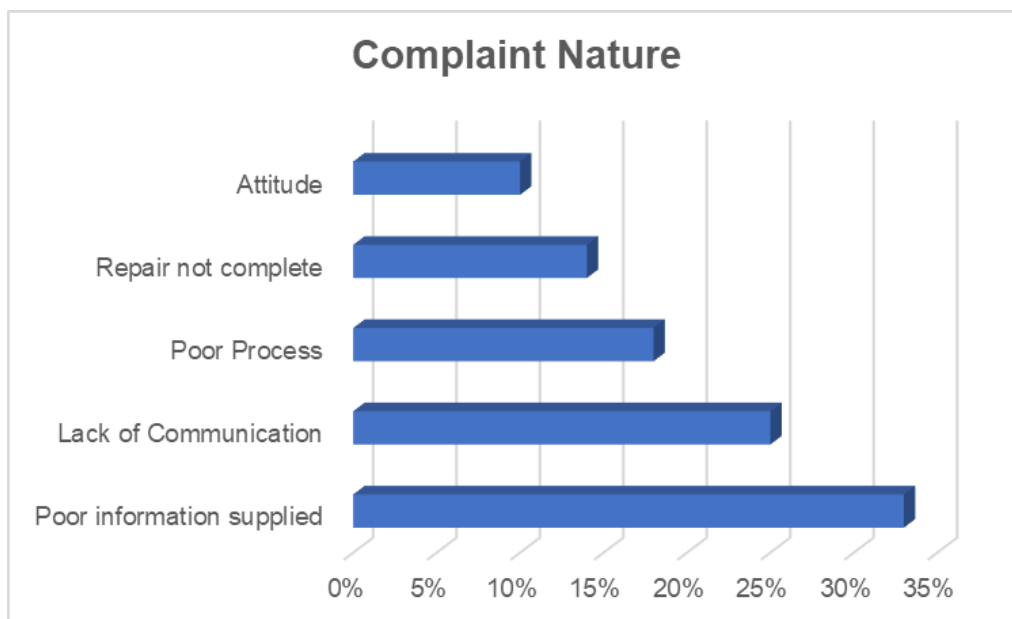
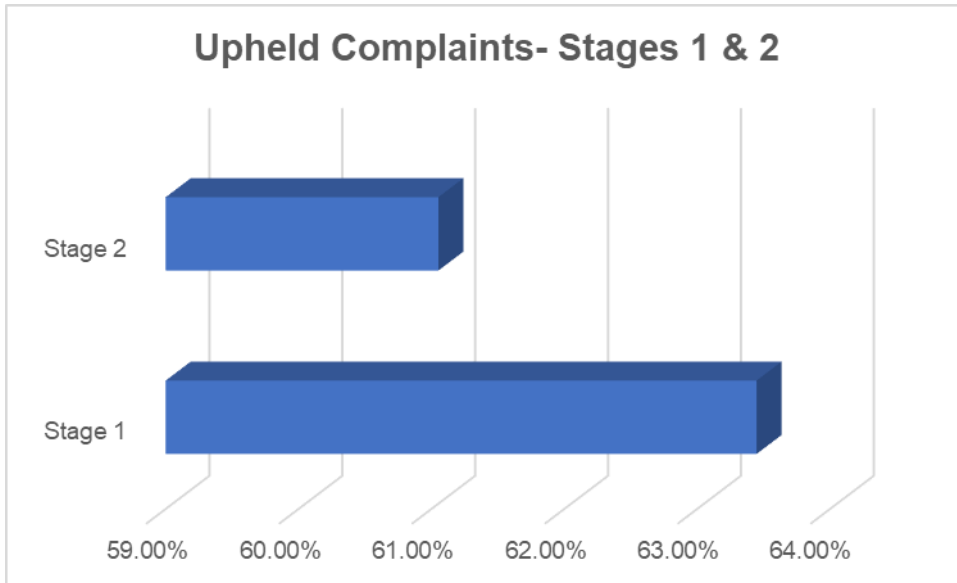
The Housing Ombudsman’s Complaint Handling Code requires Stage 1 complaints to be resolved within 10 working days, and 20 working days for Stage 2 complaints.

This year, the council handled 73.12% (70.97% in 2022/23) Stage 1 complaints within the timescales and 68.29% (88.89% in 2022/23) within timescales for Stage 2. The reduction in performance at Stage 2 can be linked to significant capacity issues in service areas.



### ***Upheld Complaints***

‘Upheld complaints’ is the percentage of complaints where the council has not performed as well as we would expect and therefore the customer’s complaint was ‘upheld’. The chart below shows 63.45% (64.62%) were upheld at Stage 1 and 61.05% (56.92%) at Stage 2 were upheld.



### ***Nature of Complaints***

The most common reasons for complaints in 2023/24 year was ‘Poor Information Supplied’, for example, no clarity provided to the customer when works will be carried out and ‘Lack of Communication’, for example failure by the council to keep in contact with the customer. This is fairly consistent with the nature of complaints made in 2022/23.

Of all complaints received in the year 2023/24, 69% (69% in 2022/23) was in relation to repairs or the condition of properties. This indicates that customers want more information about our services, how and the reasons behind the council’s decisions



and want to have clearer timescales of when they can expect a response. In total, 29% (26% in 2022/23) related to the housing management service and policies.

### **Compliments**

The council received 87 (76 in 2022/23) compliments during 2023/24, 62% (76% in 2022/23) of these were about the service provided by our Repairs Teams and 34% (21% in 2022/23) were about the housing management service.

The council appreciates receiving positive feedback. This information is used to improve services where appropriate and, included as part of ongoing training to demonstrate to staff 'what good looks like'. It is also rewarding for staff and team members to share examples of those who go above and beyond to deliver excellent services to tenants.

### **Types of Complaints Not Accepted by the Council**

The complaints policy is initiated in all cases where an expression of dissatisfaction has been made. There are a few exceptions where complaints have not been accepted by the council which are outlined in the complaints policy. Examples include:

- Making an initial request for service or information.
- Making an initial report about anti-social behaviour, as this is managed in line with our ASB policy.
- Complaints concerning the level of rent or service charge or the amount of the rent or service charge increase.
- Where legal proceedings have started and have been filed at court.
- Where the complaint is about an issue that has not been brought to the council's attention within 12 months.
- Matters that have already been considered under the complaints policy.

There were 6 instances in the year where a complaint could not be accepted, 3 were initial requests for service, 2 had already been through the complaints process, and 1 case was over 12 months ago.

### **Our Tenant Satisfaction Measures (TSMs) on Complaint handling - Perception Data**

Tenant satisfaction measures are a new system developed by the Regulator of Social Housing to assess how well social housing providers are doing at providing good quality homes and services. The TSMs cover areas such repairs, safety checks, anti-social behaviour and complaints. Of significance is the emphasis on tenant perception of the services they receive from their landlord, which is an integral part of the TSMs. All social housing providers were required to start collecting data for TSMs from 1<sup>st</sup> April 2023. The deadline for the first year's (1<sup>st</sup> April 23 – 31<sup>st</sup> March 24) submission of data to the Regulator was 30<sup>th</sup> June 2024.

Complaints handling forms part of the TSMs 'Tenant Perception' Measures based on tenants' views of how the council is performing. The TSMs includes two specific

questions on the topic of complaints and the following shows the results from the TSM survey undertaken in 2023 where 2,636 (or 13%) of households took part:

- a) *Have you made a complaint to Kirklees Council Housing Services in the last 12 months?* – 30% of tenants said they complained
- b) *How satisfied or dissatisfied are you with Kirklees Council Housing Services approach to complaints handling* – 23% said they were satisfied.

The Tenants Perception question is considered very broad, and it is important to understand these questions in the context of the wider experience of customers when discussing repairs and other issues, as opposed to the much narrower formal complaints procedure. Almost a third of tenants that responded to the survey claim to have made a complaint, which is a very large proportion. Experience with this question has shown that it will include relatively few who used the formal complaints process. Instead, this group should be better understood as those who had some sort of issue or problem over the last 12 months that they believed the council was responsible for resolving. The results should therefore be viewed as comments on how the council deals with issues or problems that arise, rather than a measure of how the formal complaint process performs.

### **Learning from Complaints**

Complaints need to be used as a source of intelligence to identify issues and introduce positive changes in service delivery. Effective and positive complaint handling also offers a valuable insight into the services provided by the council as a landlord and how we are perceived and received by tenants. Complaints or lessons learned from a complaint can improve the quality and focus of services provided to all customers.

The priority for the council is to realign the emphasis on simply tackling ‘volumes’ of complaints, meeting timescales to ‘respond’ and addressing the ‘outcomes’ of complaints, to focus on good service delivery as a means of preventing the complaint in the first place. This includes greater concentration on reducing repeat types of complaints that are being upheld by addressing the underlying causes and embedding the learning to improve services to tenants.

As outlined in this annual report over 60% of complaints have been upheld. The high number of upheld cases is a clear indication that further service and competence and conduct changes are required to improve customer satisfaction by meeting the council’s published service standards.

The following provides a summary of learning identified and improvements already made as a result of complaints.

- Improvements to the data gathered when we take details of complaints. This is helping the council to identify underlying thematic causes and trends and develop solutions at the earliest opportunity.
- Quality assurance checks carried out on sample of complaint responses and supported investigating officers with training, advice, and guidance.

- Established a new Damp & Mould Team that customers can contact directly, ensuring reports of damp and mould are recorded and responded to quickly by identifying the root causes, and customers are kept updated.
- Improved the information available to customers about the complaints process on the council's website.
- Amended information on how to make a complaint online to make it more user friendly.
- Reviewed the council's approach to better capture customer feedback on the complaint handling process by introducing a telephone based approach in addition to the text surveys.
- Updated the Complaints Policy to reflect the new Housing Ombudsman Complaint Handling Code.

This year we will:

- Improve record keeping as recommended by the Housing Ombudsman.
- Continue to support staff with updated training to better respond to complaints.
- Provide clear timescales in relation to actions and remedies to resolve complaints and prevent escalation.
- Review the Repair and Maintenance Policy to ensure it is clear and up to date for customers on the services they can expect to receive.
- Update our internal processes to record and hold customer information better.
- Continue to review and improve our approach to tackle damp and mould and have already allocated a further £2 million per year to the budgets over the next three years, following a notice from the Regulator of Social Housing in March 2024.
- Reviewing what happens if a customer is not home when we come to carry out repairs. The council aims to reduce the time it takes for these repairs to be rescheduled and completed.
- Update our internal processes to record and hold better customer information to ensure any reasonable adjustments are adhered to on every occasion no matter what part of the council customers are in touch with.
- Closer working with the corporate insurance and corporate customer standards teams in to improve insurance claim and complaint handling.

## **Housing Ombudsman Cases**

Where the council has not been able to resolve an issue, customers can refer their case to the Housing Ombudsman to carry out an independent review of how the council has dealt with a complaint.

The council are obliged to comply with any orders made in a determination by the Housing Ombudsman where failures have been identified. The target dates for orders to be complied with, are set out with the orders in both the investigation report and the determination letter.

In 2023/24, the Housing Ombudsman made 3 maladministration determinations against the council where services or officers had failed to do something, did something that should not have happened or, unreasonably delayed dealing with the

matter. A summary of the basis for the maladministration cases against the council is as follows:

Case 1 - How the council responded to a tenant's reports of anti-social behaviour (ASB) and disrepair to their home. The council was ordered to pay compensation of £650, to review the tenant's reports of ASB and set out our actions following the review, in writing. This was actioned and completed.

Case 2 - How the council handled reports of leaks from a tenant's shower and service failure in respect of the council's poor handling of the associated complaint. The council was ordered to pay the tenant a total amount of £425 in compensation (£350 for the delays in completing repairs to the shower and £75 for poor complaint handling). This was actioned and completed.

Case 3 - How the council handled the tenant's reports of damp, mould and condensation in the property and the way the council handled the tenant's subsequent complaint. The council was ordered to pay compensation totalling £1,250. This was made up of £750 for the distress and inconvenience caused by council's delay in identifying the required repairs and £500 for the delay in the council's stage 1 response. The council was also ordered to conduct a case to find out why it failed to identify consistent reports of the same nature, over an extended period so the root cause of the failure could be fully understood. This was actioned and completed.

You can view our determinations on the Housing Ombudsman website [here](#)

### **Self-Assessment against the Housing Ombudsman Complaints Handling Code**

The council is required to carry out an annual self-assessment against the Housing Ombudsman Complaints Handling Code and publicise this to customers. Details of the latest assessment can be found at here (*this will be a link when published*)

The council updated its Complaints Policy to ensure complaints are handled within the framework of the Housing Ombudsman Complaint Handling Code. The Complaints Policy can be viewed [here](#).

### **Complaints Handling Governance Arrangements**

A quarterly programme of performance reporting is in place which is reported to the Homes and Neighbourhoods' Senior Management Team (SMT), the Council's Cabinet Portfolio Holder for Housing, Homes and Neighbourhoods Improvement Board (HNIB) which is independently chaired and the Tenant Led Panel. The Cabinet also receives periodic updates as well as the Council's Scrutiny Function. These reports include updates on complaint volumes, performance, learning, Housing Ombudsman casework including compliance with maladministration orders and updates on self-assessments. Ultimate responsibility for compliance against the Housing Ombudsman's Complaints Handling Code and the Regulator for Social Housing's Consumer Standards (which includes complaints handling) lies with the Council's Cabinet as the overall governing body.

### **Making a Complaint**

For more information on making a complaint please visit the council's [website](#) or contact the Homes and Neighbourhoods' Customer Support and Information Team on 01484 414886 where a member of the team can discuss and log your complaint.

## Appendix 5 Resources Improvements & Partnerships

### Compliments, Representations & Statutory Complaints Procedure

#### Childrens Complaints Summary Report

#### 1: Introduction

The statutory Children's complaints process is comprised of the following stages:

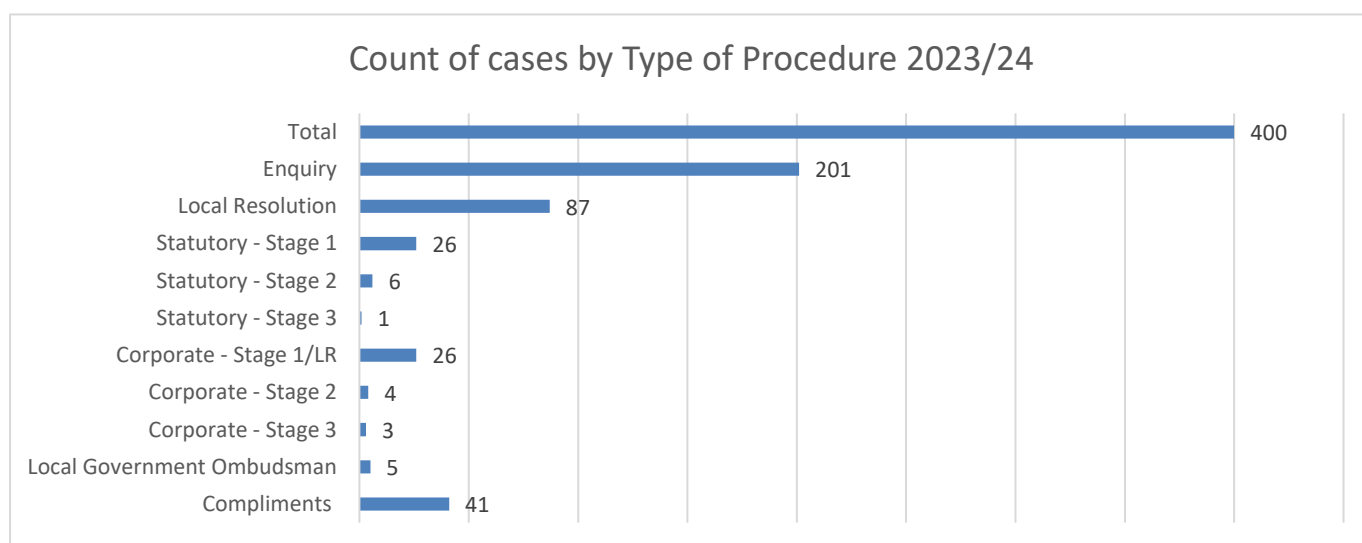
- Local Resolution: Complainants are asked to consider if they would like to first raise a complaint directly with the service they wish to complain about, being mindful that the service is in best position to put things right quickly.
- Stage One: This is the first formal stage of the statutory process and is initiated where a Local Resolution has not been achieved. The timescale for a response from the service is within 10 working days (with an extension of a further 10 days if complex and where necessary).
- Stage Two: This stage is generally implemented when a Complainant is dissatisfied with the findings of a Local Resolution / Stage One response. Stage Two is an investigation usually conducted by an Investigating Officer with an Independent Person. An Independent Person must be appointed to the investigation (regulation 17(2)). The Independent Person must be involved in all aspects of consideration of the complaint, including any discussions about the action to be taken in relation to the child. The manager responsible for the service which has been complained about adjudicates the findings. Stage Two complaints should be dealt with within 25 days, although in certain cases this can be extended to 65 days.
- Stage Three. This is a Review Panel to which Complainants who are not satisfied with a Stage Two response can proceed to, and which the Local Authority is required to establish. The Panel makes recommendations to the relevant Service Director, who makes decisions about the complaint and any action to be taken. Stage 3 Review Panels are made up of three independent panelists. There are various timescales relating to Stage 3 complaints. These include:
  - Setting up the Panel as soon as is reasonably practicable.
  - Producing a Panel report within 5 working days of the Panel meeting.
  - Producing the Local Authority's response within 15 days of the Panel report being received.
- A further option for Complainants is to progress a complaint to the Local Government Ombudsman (LGO), who is empowered to investigate where it appears that a Local Authority's own investigations have not resolved a complaint. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the matter back to the Local Authority if it has not been considered under the Local Authority's procedure.

Complaints can also be registered under the Corporate Complaints procedure where complainants are members of the public and do not qualify to use the Statutory Children’s Complaints Procedure.

Childrens Social Care Complaints Unit also Manage Complaints under the Corporate Stage One and Corporate Stage Two of the Complaints Procedure in respect of Childrens Social Care and assist in the enquires in respect of the Corporate Stage Three.

## 2: Overview of all cases

The below graph shows the total number of contacts received by the Children’s Compliments & Complaints Service in the 2023/24 year. The Service received **400 contacts** in total, compared to 353 received last year.



## 3: Headlines for 2023/2024:

### a) Total number of Contacts received.

- 201 enquiries
- 41 compliments
- 158 complaints

### b) Total number of Enquiries received.

- Enquiries increased from 143 in 2022/23 to **201** in 2023/24.

### c) Total number of Compliments received by the service.

- Compliments decreased from 67 in 2022/23 to 41 in 2023/24.
- **3** compliments were from children / young people, equating to 7% of the overall number recorded.

### d) Total number of Complaints received.

## Local Resolution

- This increased slightly from 85 in 2022/23 to 87 in 2023/24.
- Of the 87, **44%** were responded to within 20 working days.
- **100%** were resolved and did not progress further.
- Issues upheld decreased from 30 to 21.
- Issues partially upheld decreased from 53 to 36.
- Issues not upheld decreased from 73 issues to 69.

### **Children / Young People:**

- Of the 87, **3** were raised by children / young people with **1** child /young person supported by Advocate from the Children's Rights Team

### **Statutory Stage One:**

- The number of Complaints that progressed to Stage One increased slightly from 23 in 2022/23 to **26** in 2023/24.
- Of these, **69%** were responded to within the statutory timescales.
- **77%** were resolved and did not progress further.
- Issues upheld decreased from 18 issues to 2.
- Issues partially upheld increased from 6 to 12.
- Issues not upheld increased from 4 to 21.

### **Children / Young People:**

- Of the 26, **10** were raised by children / young people, with **9** children/young people being supported by an Advocate from the Children's Rights Team.
- **80%** were responded to within the timescales and **100%** were resolved at Stage One.

### **Statutory Stage Two:**

- The number of Complaints that progressed to Stage Two increased from 2 in 2022/23 to **6** in 2023/24. None of these complaints were raised by children / young people.
- **83%** were responded to within statutory timescales.
- **83%** were resolved and did not progress further.
- Only One Complainant progressed to Stage 3.

### **Statutory Stage Three:**

- The number of Complaints that progressed to Stage 3 decreased from 3 in 2022/23 to **1** in 2023/24. This complaint was responded to within the statutory timescale and was resolved, with 1 issue being upheld: Failure to consult/listen communicate effectively.

### **Corporate Stage One**



- The number of Complaints considered at Stage One of the Corporate Complaints process increased from 23 in 2022/23 to **26** in 2023/24. None of these were raised by children /young people and **85%** were resolved and did not progress further.

### **Corporate Stage Two**

- The number of Complaints considered at Stage Two increased from 1 in 2022/23 to 4 in 2023/24.
- **1 (25%)** was resolved and did not progress further, with the remaining **3 (75%)** progressing to Stage 3.

### **Corporate Stage Three**

- The number of Complaints considered at Stage Three increased by 1 from 2 in 2022/23 to **3** in 2023/24, and all (**100%**) were resolved and did not progress further.

### **Local Government Ombudsman (LGO)**

The number of new Complaints which progressed to the Local Government Ombudsman and were received by Childrens Complaints Unit increased from 4 in 2022/23 to **5** in 2023/24 and **80%** were resolved and did not progress further to the LGO. One complaint was investigated by the LGO and the Local Authority accepted the decisions and recommendations made by the LGO.

### **Key points to note:**

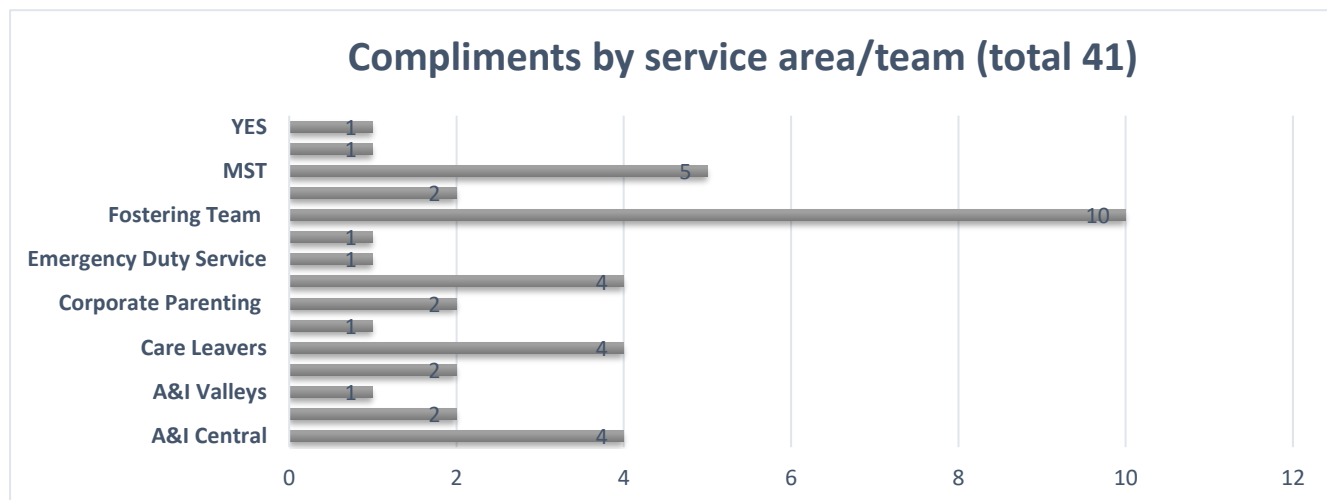
- Complaints are resolved at early stages - for example of the 87 complaints logged at the Local Resolution stage, none progressed, and of the 26 complaints logged at Statutory Stage One, 20 of these did not progress any further.
- Of the 13 complaints raised by children / young people, 85% were responded to within the timescales, an increase from 66% from 2022/23.
- Of 158 complaints, contact with the Local Government Ombudsman was sought by Complainants on only 5 occasions, and only 1 of these led to an LGO investigation.

### **Accessibility of the Complaints procedure:**

- a) Complaints leaflets are available to all individuals who wish to make a complaint.
- b) Child-friendly complaints leaflets are distributed to children who are looked after.
- c) Community Languages Leaflets - these are available in Chinese, Gujarati, Punjabi, Urdu and Polish. In addition, one of the Complaints Manager speaks three languages.
- d) Website – The Complaints procedure is available on the Kirklees Local Authority website <https://www.kirklees.gov.uk/beta/contact-the-council/children-young-people-complaints.aspx>
- e) Visually impaired – The Complaints procedure is available in braille, CD, video, and large print.

### **4: Compliments:**

The Compliments & Complaints Service had 41 Compliments shared with them from 1<sup>st</sup> April 2023 – 31<sup>st</sup> March 2024: Of those, 3 were received from children or young people, 2 of which related to Children’s Rights Service and 1 related to Care Leavers Service.



There are many compliments received about frontline staff and managers which are not always forwarded to the Compliments & Complaints Service for registration. Although the service encourages compliments to be submitted for formal registration, some of these compliments are sent to the communications team to be registered for Kirklees High Five Staff Awards, where work undertaken by individual staff members and teams is recognised and then shared across the Local Authority. The graph above shows the compliments shared directly with the Compliments & Complaints Service for registration.

The aim of the Compliments & Complaints Service is to increase the number of compliments the Service receives. In 2024/25 the service will be encouraging and reminding more staff at monthly intervals to share compliments with the service by producing a new, specific form with structured questions for those wishing to feedback and creating a link on the Complaints webpage for members of the public to use so they can easily log compliments quicker and easier. A new email address will also be created to allow for consistency of recording compliments, and monthly reminders sent to Team Managers, Service Managers and Head of Services about logging compliments. Data relating to compliments collated and shared, to support increased reporting.

Examples of compliments received this year include:

- A young person who was a former Child Looked After thanked their Childrens Rights Advocate for always respecting them, for the time they gave and the kindness they had shown. The young person wanted to note how much they appreciated their Advocate and said, *‘when no one else was there, you were... there are not many people like you, you are one of a kind.’*
- A parent complimented a Social Worker following domestic abuse awareness direct work they completed together, saying *‘thank you so much for everything you’ve done, your support has been incredibly helpful and supportive, and I’ll never forget that... Thank you so much for everything again, you are an absolute star :)’*

- Panel Members from the Fostering Panel shared that two Foster Carers who had attended panel been very complimentary about the support they received from the fostering service and children's services.
- A young person sent a thank you card to their Support Worker in the Leaving Care team to show their appreciation whilst they were working together. The young person said *'Thank you so much for everything you did for us we will miss you a lot.....anyone that gets you for a support worker will be lucky. I think of you not just as my support worker but as my friend – thank you again, Much appreciated!'*
- A Compliment was received from the Police regarding work undertaken by a Senior Practitioner, who was described as an asset to the service, and as extremely friendly, professional, and hardworking and that nothing was too much trouble. The feedback noted that the practitioner prioritised safeguarding of children/young people and families whilst doing Daily Risk Assessment Management Meeting (DRAMM) screening for high and medium risk cases, that they were prepared, had good decision-making skills and were knowledgeable about multi-agency working.

### **Summary: Learning Complaints in 2023/24**

Each Responding Manager to a complaint is asked to identify the learning from the complaint in order to seek to prevent recurrent complaints and to improve service delivery. The Compliments & Complaints Service collates the learning from complaints into themes and these are shared with managers across Children's Services as part of the Quality Assurance Board and through other learning opportunities such as Practice Progress events. The Compliments & Complaints Service also offer training for Responding Managers and learning from complaints is included in that training. There is an embedded practice of 'Learning from Complaints' which is working well and evidenced by the significant increase in learning shared by Responding Managers with the Compliments & Complaints Service.

### **Conclusion**

Kirklees Children's Services continues its restorative approach to complaints. We continue to encourage complainants to be involved in the resolution of their complaint throughout the process, leading to more lasting solutions and stronger relationships. The Compliments & Complaints Service is committed to ensuring learning is shared widely to support improvements in practice and service delivery.

**If you would like to comment on this report, please contact Children Complaints Management on:**

Tel: 01484 225140 Email: [childrens.complaints@kirklees.gov.uk](mailto:childrens.complaints@kirklees.gov.uk)

## **Appendix 6: Summary of Whistleblowing Concerns**

There were 14 Whistleblowing enquiries in 2023/24. [2022-3=9, 2021-2=16] so this is within the range that might be anticipated.

### **Misuse of equipment/works time**

1: An employee complained that colleagues were taking payments for private jobs undertaken during works time and using Council plant and resources. This issue was brought to the attention of the Service Director. The WB left the Council before the investigation was complete and didn't accept an offer of a further discussion, with only partial information received by them which hindered the progress of the allegation.

2: A complainant alleged that an officer was working from a public space and was in an inappropriate relationship with a client. This was investigated by the Service Manager with HR support, where a detailed fact-finding investigation took place and findings progressed.

### **Misuse of Council knowledge**

An employee complained that staff parked in controlled areas but had an arrangement with parking attendants to ensure they were not ticketed. The issue was brought to the attention of the Service Director who confirmed that staff worked on patrolling different areas so any alleged arrangements of this nature would be very difficult to work successfully.

### **Substance misuse**

A staff member in a person-centred role was accused of being unfit to work in such a role due to substance misuse. The person who brought this to our attention did not work for the Council.

The matter was brought to the attention of the employee's line managers and HR. The employee was temporarily removed from frontline duties, and a support plan agreed to enable them to address issues in their personal life enabling them to resume their usual duties.

### **Concern about unsafe practices**

1. A worker in a partner agency complained that a staff member had advised them to undertake unsafe work practice. The investigation found that the situation was an unusual one and the work practice was appropriate. There had also been a complaint made by the staff member about the attitude of the worker in the partner agency.

2. A worker in a partner organisation where Council residents are supported, voiced concerns about safety and working practices. The allegations were considered by a service manager who discussed the matter with both the partner agency management and the WB. There were some learning points to be taken from this by the partner agency, although some of the concerns were found to be unfounded. The WB was satisfied that the issues raised had been properly addressed

3: A member of the public alleged generally without evidence that officers were paedophiles and/or selling drugs. It was decided that this matter would be best dealt

with by the police as the matters raised were criminal in nature. The complainant was advised of this.

### **Bullying and harassment**

1. A staff member left the Council after some conflict with a small number of work colleagues. They were concerned their complaint had not been progressed appropriately.

The investigation determined that support had been provided to the staff member through employee health care and personal coaching from a manager.

Unfortunately, the Senior Manager had moved on, before the specific complaint had been concluded and the staff member had not been updated on progress relating to the behaviour they had witnessed. The conclusion confirmed the responsibility for issue should have been passed on to another manager before the senior manager had left.

2. A family member of a former Kirklees employee complained about the way the former employee had been spoken to by their manager whilst absent from work, and there were issues around incorrect payment. The matter was investigated but information could not be passed to the complainant. There were matters which the family member was not aware of, and the complaint could not be upheld.

### **Schools and other Partner Agencies**

1. A concern was raised about a partner agency fabricating clients to claim funding. The matter was reviewed by internal audit but the council was not a significant user/funder of the entity.

2. Poor treatment of staff and poor leadership in a school. The learning partner was asked to work with the school to produce an improvement plan for it.

3. Allegations of poor management of an independent school, Head of Children's Integrated Commissioning advised that a contract monitoring visit was due, where the issues would be incorporated and considered.

4 Allegations that the headteacher was unfair to some staff and pupils and was not taking action when a staff member was at work intoxicated. The learning partner had been liaising with the school, where the staff member was working to a support plan. The member of staff left the school shortly afterwards.

5 A member of staff at a school was concerned about unqualified support staff having to supervise too many children and the inappropriate use of volunteers without DBS checks. This information was passed to a Learning Partner