

## **Report to Cabinet**

**Subject:** Review of complaints received by the Council and Annual Review Letter – Local Government and Social Care Ombudsman 2018/19

**Date:** 5<sup>th</sup> September 2019

**Author:** Director of Organisational Development and Democratic Services

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### **Wards Affected**

Not applicable.

### **Purpose**

To inform Members of the receipt of the Annual Review letter from the Office of the Local Government and Social Care Ombudsman and the complaints dealt with by the Council through the internal Complaints Procedure during the year 2018-19 and to seek approval for minor changes to the Complaints, Compliments and Comments Policy.

### **Key Decision**

This is not a Key Decision

### **Recommendations**

#### **THAT:**

- a) The details of the Annual Review letter from the Local Government and Social Care Ombudsman and the information in relation to the number of complaints dealt with by the Council through the internal complaints procedure in 2018/19 are noted; and
- b) The amendments to the Council's Complaints, Compliments and Comments Policy as detailed in the report and as shown at Appendix 2 are approved.

## Background

- 1.1.1 Members will be aware of the Council's arrangements for dealing with formal complaints, full details of which are available on the website and provided in the Council's Complaints, Compliments and Comments Policy. The Policy was reviewed in 2018 and an updated version approved by Cabinet on 2 August 2018.
- 1.2 The departmental analysis of complaints by Service area appears below. Members are to note that some of the columns will not add up because some complaints have not been dealt with entirely within the year and therefore fall outside the monitoring period.
- 1.3 Between 1 April 2018 and 31 March 2019, the Council received 256 complaints as follows:

Service	Complaints received	Upheld/partially upheld	Not upheld
Community Relations	1	0	1
Customer Services & Communications	5	3	2
Economic Growth & Regeneration	1	0	1
Democratic Services	0	0	0
Legal Services	0	0	0
Leisure	11	1	10
Organisational Development	0	0	0
Parks & Street Care	52	5	47
Planning	19	1	18
Property Services	5	2	3
Public Protection	20	2	18
Revenues & Welfare Support (Housing)	9	2	7
Revenues & Welfare Support (Revenues & Benefits)	60	29	31
Waste	73	20	53
<b>Total</b>	<b>256</b>	<b>65</b>	<b>191</b>

This is a reduction on the 279 complaints received during 2017/18.

- 1.6 Where a complaint is not upheld in full or in part, the complainant may ask for it to be considered further under Stage 2 of the complaints procedure. 27 complaints were considered under Stage 2 between 1 April 2018 and 31 March 2019 as follows:

Service	Stage 2 complaints	Upheld/partially upheld	Not Upheld
Community Relations	0	0	0
Customer Services &	0	0	0

Communications			
Economic Growth & Regeneration	0	0	0
Democratic Services	0	0	0
Legal Services	0	0	0
Leisure	1	0	1
Organisational Development	0	0	0
Parks and Street Care	4	2	2
Planning	12	0	12
Property Services	0	0	0
Public Protection	2	0	2
Revenues & Welfare Support (Housing)	0	0	0
Revenues & Welfare Support (Revenues & Benefits)	7	3	4
Waste	1	0	1
<b>Total</b>	<b>27</b>	<b>5</b>	<b>22</b>

- 1.7 If the complainant is not happy with the response at Stage 2 he or she is entitled to refer the complaint to the Local Government and Social Care Ombudsman. Between 1 April 2018 and 31 March 2019, 9 complaints were received by the Council via the Ombudsman, which is an increase from the 4 complaints received the previous year. A summary of the decisions of the LGO appears in the table below. Two of the complaints received from the Ombudsman in 18/19 were not determined until 19/20 as indicated below.

<b>Service</b>	<b>Decision of LGO</b>
Planning	Not upheld: no maladministration
Leisure	Not upheld: no maladministration
Planning	Closed after initial enquiries
Planning	Not Upheld: no maladministration
Planning	Not Upheld: no maladministration
Parks and Streetcare	Determined in 19/20 not upheld
Planning	Determined 19/20 not upheld
Revenues	Referred back for local resolution
Planning	Referred back for local resolution

- 1.8 The Annual Review letter for the year ending 31 March 2019 is attached at Appendix 1. The statistics include all the complaints and enquiries received by the Ombudsman in 2018/19 and decided by the Ombudsman in 18/19. Members are to note that the number of complaints and enquiries received do not match the Council's figures as a number of cases will have been received and decided in different business years. In addition, those categorised as 'referred back for local resolution' by the Ombudsman include those who are signposted back to the Council and therefore are not treated as an Ombudsman complaint. The Council may never ultimately be contacted by some complainants who have approached the Ombudsman as the

Ombudsman may refer them back to the Council and they never subsequently get in touch.

- 1.9 Since April 2013, the Ombudsman has been publishing all decisions on complaints they receive. Decision statements are published on the Ombudsman website at [www.lgo.org.uk](http://www.lgo.org.uk) no earlier than three months after the date of the final decision. The information published does not name the complainant or any individual involved with the complaint. The Ombudsman also retains discretion not to publish a decision, for example where it would not be in the interests of the person complaining to publish or where there's a reason in law not to.
- 1.10 In addition, the Ombudsman has published its review of local government complaints for 2018/19. The report provides complaint statistics for each English local authority, all in one place. A copy of the review is available on the Ombudsman website.
- 1.11 Senior Leadership Team (SLT) receives quarterly reports on complaints and compliments. Upheld complaints are considered in detail together with remedial action proposed to avoid the subject of the complaint arising again, where possible. In addition, an explanation is provided where a complaint response has been sent outside the 10 working day period set out in the Policy. This focus has resulted in an improvement in complaint response times since 2015/16 and just under 90% of complaints received in 2017/18 and 2018/19 were responded to within 10 working days.
- 1.12 In considering the details of individual complaints it is evident that service areas are responding to complaints as a priority and in a timely fashion, however where complaints come in late during a working day, in effect, services have only 9 working days to respond. In addition, complex complaints are being dealt with, in particular by Planning Services and Revenues Services, where it is not realistic to provide a thorough response to the complainant within 10 working days. The current Policy allows for an extension to the 10 working day response time, but there are currently no limits on the length of extension allowed. This does not provide a clear time frame for customers or officers dealing with complaints and does not assist appropriate monitoring.

## **Proposal**

- 2.1 It is proposed that Cabinet note the contents of the report in respect of complaints data and the Local Government and Social Care Ombudsman's Annual letter.
- 2.2 It is also proposed that the following minor amendments to the Policy are made to enable complaints to be dealt with within reasonable timescales and to ensure clarity for customers and officers in relation to more complex complaints:

- a. Making it clear that the timescales for acknowledging and providing a full response to a complaint will commence the first full working day following receipt of the complaint. For example, this would mean that if a complaint is received at 4pm on a Friday, the 10 working days for responding will commence the following Monday.
  - b. Amending the facility to extend timescales in complex or exceptional cases from an undefined period to a maximum period of 20 working days at the discretion of the lead SLT member for the relevant service area.
- 2.3 In addition, it is proposed that reference to the requirement to log complaints referred by the Ombudsman on the LGO system is removed. At the time the LGO system was introduced, Legal Services did not have a case management system in place, therefore the LGO system was created to ensure Ombudsman complaints could be managed and monitored. However, this can now be achieved through the legal case management system.
- 2.4 A copy of the amended Policy is attached at Appendix 2 for approval with the amendments shown in strikethrough and italics for ease of reference.

### **Alternative Options**

- 3 Members could amend the Policy to provide different timescales for responses than those proposed. Customers however should have their complaints dealt with in a timely manner and should have clarity around timescales for provision of a response. By amending the commencement date for responses, this will ensure that where responses are received late on a working day managers still have 10 working days to respond. Also, the complex complaints responses now have to be dealt with within a reasonable and clear time.

### **Financial Implications**

- 4 None arising from this report.

### **Appendices**

- 5.1 Appendix 1 – Local Government and Social Care Ombudsman Annual Review Letter.
- 5.2 Appendix 2 - Complaints, Compliments and Comments Policy with proposed amendments.

### **Background Papers**

- 6 None identified.

## **Reasons for Recommendations**

- 7.1 To alert the Executive to the contents of the Local Government Ombudsman Annual Review Letter and raise awareness of the complaints received by the Council during 2018/19.
- 7.2 To ensure the Council's Policy and processes for dealing with complaints remains fit for purpose, transparent and provides officers and customers with a reasonable timescale for handling and responding to complaints.