

Report to Cabinet

Subject: Review of complaints received by the Council and Annual Review Letter - Local Government and Social Care Ombudsman 2020/21

Date: 4 October 2021

Author: Head of Corporate Governance and Customer Services

Wards Affected

All Wards

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 2020/21.

To seek approval of amendments to the Councils Complaints, Compliments and Comments Policy and Unreasonably Persistent Complaints Policy as detailed in the report.

Key Decision

This is not a key decision.

Recommendation

THAT Cabinet:

- 1)** Notes 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 2020/21.
- 2)** Approves the amendments to the Council's Complaints, Compliments and Comments Policy as shown in Appendix 2.
- 3)** Approves amendments to the Council's Unreasonably Persistent Complainants Policy as shown at Appendix 4.

1 Background

- 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").
- 1.2 The departmental analysis of complaints appears below.
- 1.3 Between 1 April 2020 and 31 March 2021, the Council received a total of 510 complaints (an increase of 131 from 2019/20) and 397 compliments (an increase of 37 from 2019/20). Of all complaints received 32% were upheld or partially upheld at stage 1 (an increase from 29% upheld or partially upheld in 2019/20). The breakdown of complaints and compliments is set out below;

Service	Complaints received	Upheld/ partially upheld	Compliments
Community Relations	0	0	18
Customer Services and Communications	7	3	34
Economic Growth & Regeneration	1	0	14
Elections and Member Services	1	0	0
Housing	9	1	17
Legal Services	1	0	0
Leisure	8	2	126
Organisational Development	1	0	1
Parks & Street Care	57	22	84
Planning	19	5	9
Property Services	5	0	1
Public Protection	24	2	21
Revenues Services	50	21	10
Waste	328	108	62
Total	510	164	397

- 1.4 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. 16 complaints were considered under stage 2 between 1 April 2020 and 31 March 2021 (a decrease of 10 from 2019/20) and 37.5% of complaints were upheld at stage 2 (a decrease from 45% upheld in 2019/20). The

breakdown of stage 2 complaints is as follows;

Service	Stage 2 complaints	Upheld/ partially upheld	Not Upheld
Community Relations	0	0	0
Customer Services & Communications	0	0	0
Economic Growth & Regeneration	0	0	0
Democratic Services	1	0	1
Housing	1	0	1
Legal Services	0	0	0
Leisure	0	0	0
Organisational Development	0	0	0
Parks and Street Care	0	0	0
Planning	1	0	1
Property Services	0	0	0
Public Protection	2	0	2
Revenues Services	5	1	4
Waste	6	5	1
Total	16	6	10

- 1.5 Members should note that complaints and compliments data is analysed and reported to Senior Leadership Team (SLT) quarterly as part of performance monitoring, to ensure that any trends can be identified and appropriate action taken. SLT scrutinise complaints data quarterly to ensure appropriate action is taken when required. Details of complaints are also reported annually through the Overview and Scrutiny Committee.
- 1.6 The increase in complaints from 2019/20 – 2020/21 of, was predominantly due to an increase in complaints to waste services. In 2019/20 158 complaints were received which increased to 328 for 2020/21. Analysis of these complaints has revealed that 65% of the complaints were recorded as a service failure, predominantly missed bins. This increase has prompted a detailed review of complaint handling and waste policy by the Corporate Director of Environment, Communities and Leisure. It should also be noted that during 2020/21 there was some disruption to waste services due to Covid-19.

- 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 (“LGSCO”). Between 1 April 2020 and 31 March 2021, 2 complaints were received by the Council via the Ombudsman, which is a decrease from the 8 complaints received the previous year. A summary of the decisions of the LGSCO made in the same period appear in the table below.

Service	Decision of LGO
Public Protection	Closed after initial enquiries

- 1.8 The Annual Review letter for the year ending 31 March 2021 is attached at Appendix 1. Members will note that due to the Covid-19 pandemic, at the end of March 2020, the LGSCO suspended casework until June 2020. Members are to note that whilst 2 complaints were received from the LGSCO in 202/21, only one of those cases was determined. The other was determined in 2021/22 and the outcome will be reported in next year’s statistics.
- 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 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 The data contained in the Annual Review letter has been uploaded onto the Ombudsman’s interactive map, also available on the LGSCO website, which shows the annual review data for all Councils.

Policy Review

- 1.11 In order to ensure that complaints are handled effectively, a review of the Council’s Complaints, Compliments and Comments Policy has been undertaken. The policy remains largely fit for purpose, with some minor amendments necessary to reflect changes in job roles. In addition, as part of the Council’s plan to develop Council owned affordable housing in the Borough and become a Registered Social Landlord, it is a requirement of registration that the corporate complaints policy reflects the correct reporting process for complaints from social housing tenants. Complaints in respect of social housing provided by the authority as a landlord, which go through stage 1 and 2 of the Council’s internal complaint’s process, must then be directed to the Housing Ombudsman, rather than the LGSCO. The Council’s Complaints, Compliments and Comments Policy document has therefore

been amended to reflect this change. The amended version of the policy can be seen at Appendix 2, with a “clean” amended version at Appendix 3.

- 1.12 Whilst the aim of the Council is always to try to find a way to resolve complaints, there are occasions when a complainant can become unreasonable or unreasonably persistent in their actions. There is a need to deal with complaints fairly but also to ensure that Council resources are used effectively and that other customers or employees do not suffer any detriment as a result of a persistent or unreasonable complainant. The Council has a separate policy for dealing with such complainants, the Unreasonably Persistent Complainants Policy. This policy has also been reviewed, and again, whilst the policy largely remains fit for purpose, some slight amendments to the policy are required to reflect changes in job roles, and to ensure reference to the Housing Ombudsman is included. The proposed amendments to the Unreasonably Persistent Complainants Policy, can be seen at Appendix 4, with a “clean” version shown at Appendix 5.

2 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 for 2020/21.
- 2.2 It is proposed that Cabinet agree the amendments to the Council’s Complaints, Compliments and Comments Policy, and the Unreasonably Persistent Complainant’s Policy, to reflect the requirement to direct complaints in respect of social housing, after stage 2, to the Housing Ombudsman, who are the correct body for dealing with such complaints and to reflect changes in job roles.

3 Alternative Options

- 3.1 This information could no longer be reported to members, however, it is considered important that members are informed of the number and origin of complaints on an annual basis, including details of the Annual Review letter, to enable proper assessment of performance.
- 3.2 Cabinet could determine not to accept changes to the Council’s Complaints policies, however these changes are necessary to ensure future social housing tenants of the Council are directed to the correct Ombudsman’s office. It should be noted that complaints in respect of the Council’s responsibilities in respect of homelessness, will still be directed to the LGSCO after completing the Council’s internal complaints process.

4 Financial Implications

- 4.1 None arising from this report.

5 Legal Implications

- 5.1 The Local Government and Social Care Ombudsman is the independent body responsible for investigating complaints made against public bodies where it is alleged there has been maladministration causing injustice. The powers of the Local Government and Social Care Ombudsman come from the Local Government Act 1974. The Ombudsman will generally only investigate a complaint against a public body where the complaint has firstly been taken through that body's internal complaints procedure. It is therefore essential that the Council maintains a robust complaints process. The Ombudsman does have the power to make recommendations to a public authority following a complaint however the recommendations are not mandatory, findings and recommendations are however published by the Ombudsman. In relation to complaints from tenants of a Registered Social provider, the Housing Ombudsman is the correct body to investigate such complaints, once they have been through the relevant authority's complaints process.

6 Equalities Implications

- 6.1 The Council's Complaints process is designed to enable accessibility for all as complaints are invited by a variety of methods, including; by telephone, in writing, by email, via a councillor, in person and online.

7 Carbon Reduction/Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

- 8.1 Appendix 1 – Local Government and Social Care Ombudsman Annual review Letter.
- 8.2 Appendix 2 – Council's Complaints, Compliments and Comments Policy showing amendments.
- 8.3 Appendix 3 – Council's Complaints, Compliments and Comments Policy amended.
- 8.4 Appendix 4 – Council's Unreasonably Persistent Complainants Policy showing amendments.
- 8.5 Appendix 5 – Council's Unreasonably Persistent Complainants Policy amended.

9 Background Papers

9.1 None

10 Reasons for Recommendations

10.1 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 2020/21.

10.2 To ensure the Council's Complaints Policies remain up to date and directs complainant's to the correct investigative authority.

Statutory Officer approval

Approved by

Date:
Chief Financial Officer

21 September 2021

Drafted by the Monitoring Officer