

Report to Cabinet

Subject: Review of complaints received by the Council and Annual Review Letter - Local Government and Social Care Ombudsman 2021/22

Date: 6 October 2022

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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 2021/22.

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 2021/22.

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 and compliments appears below.

1.3 Between 1 April 2021 and 31 March 2022, the Council received a total of 511 complaints (an increase of 1 from 2020/21 but an increase of 132 from 2019/20) and 234 compliments (a decrease of 163 from 2020/21). Of all complaints received 32% were upheld or partially upheld at stage 1 (same percentage as 2020/21). The breakdown of complaints and compliments is set out below;

Service	Complaints received	Upheld/ partially upheld	Compliments
Benefits	4	2	4
Communications	1	0	0
Community Relations	0	0	12
Customer Services	12	2	16
Elections and Member Services	0	0	3
Housing	17	3	11
Legal Services	4	0	0
Leisure	16	15	71
Organisational Development	0	0	1
Parks & Street Care	49	25	46
Planning	36	4	7
Property Services	6	3	8
Public Protection	18	0	11
Revenues Services	54	22	4
Waste	291	87	31
Total	511	163	234

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. 41 complaints were considered under stage 2 between 1 April 2021 and 31 March 2022 (an increase of 25 from 2020/21) and 22% of complaints were upheld at stage 2 (a decrease from 37.5% upheld in 2020/21). The breakdown of stage 2 complaints is as follows;

Service	Stage 2 complaints	Upheld/ partially upheld	Not Upheld
Benefits	0	0	0
Communications	1	1	0
Community Relations	0	0	0
Customer Services	2	0	2
Economic Growth & Regeneration	0	0	0
Election and Member Services	0	0	0
Housing	0	0	0
Legal Services	4	0	4
Leisure	1	0	1
Organisational Development	0	0	0
Parks and Street Care	3	1	2
Planning	7	0	7
Property Services	0	0	0
Public Protection	8	1	7
Revenues Services	7	1	6
Waste	8	3	5
Total	41	7	34

- 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 In general terms, whilst the number of complaints into the Council has remained similar to last year, there was an increase in the number of complaints from 2019/20 – 2020/21 of 131, and this increase is maintained. In terms of individual departments, Waste Services are recording the largest number of complaints at 291, this is actually a reduction from last year's figure of 328. Waste are currently keeping all complaints under review to try and resolve any trends and respond, in addition options for a new waste management system are being explored which should improve the customer experience, enable accurate data gathering and reporting on missed bins and reduce complaints. Other service areas seeing a slight reduction in complaints from last year include PASC and Public Protection. Other service areas

have all seen a slight increase in complaints in 2021/22.

- 1.7 If the complainant is not happy with the response at stage 2, they are entitled to refer their complaint to the Local Government and Social Care Ombudsman (“LGSCO”). Between 1 April 2021 and 31 March 2022, the Council received 13 complaints from the LGSCO. This is an increase from the 2 complaints received by the Council via the LGSCO in 2020/21, and an increase from the 8 complaints received in 2019/20, although it should be noted that due to the Covid-19 pandemic, the LGSCO did not investigate complaints for a period of 3 months in 2020/21. A summary of the decisions of the LGSCO made in 2021/22 appear in the table below.

Service	Decision of LGO
Housing	Upheld: maladministration and injustice
Benefit and Tax *	Referred back for local resolution
Benefits and Tax	Closed after initial enquiries
Environmental Services and Public Protection*	Incomplete/Invalid
Environmental Services and Public Protection	Referred back for local resolution
Benefits and Tax	Upheld: maladministration and injustice
Benefits and Tax*	Referred back for local resolution
Planning	Closed after initial enquiries
Planning	Referred back for local resolution
Planning	Not Upheld
Planning	Closed after initial enquiries
Corporate Services*	Referred back for local resolution
Environmental Services and Public Protection	Closed after initial enquiries
Planning	Closed after initial enquiries
Benefits and Tax	Closed after initial enquiries
Corporate Services	Closed after initial enquiries
Environmental services and Public Protection*	Incomplete/Invalid
Environmental Services and Public Protection	Closed after initial enquiries
Environmental Services and Public Protection*	Incomplete/Invalid

- 1.8 As Members will note, whilst 13 complaints were received by the Council from the LGSCO in 2021/22, the LGSCO actually determined 19 complaints. The first complaint listed, which was upheld and related to housing was a complaint received by the Council from the LGSCO in

2020/21 which was not determined by the LGSCO until 2021/22. The complaints marked with an * are complaints which were determined by the LGSCO without ever coming to the Council, this is often the case where the complainant has not been through the Council's internal complaint's process, the LGSCO will simply reject the complaint and refer the complainant to the Council without ever notifying the Council of the complaint. Of the 13 complaints received by the Council from the LGSCO in 2021/22, 12 have been determined by the LGSCO in 2021/22 and are included in the table above. One complaint was determined in 2022/23 and will be reported in next year's figures.

- 1.9 Members will note that there has been two complaints determined by the LGSCO in 2021/22 which were upheld, and led to findings of maladministration and injustice. Members may recall that both these determinations have previously been reported to Cabinet by the Monitoring Officer in accordance with s.5A of the Local Government Housing Act 1989. The first complaint, reported to Cabinet 5th August 2021 and made by Ms X, was about the Council's assessment of her priority on the Housing Register and her bids for social housing. The Ombudsman concluded that there was fault in the way the Council communicated its housing review decision to Ms X in September 2020, however did find that in one review letter sent to Ms X, there were errors which would have led to confusion by Ms X about her banding.

The LGSCO:

- Noted that the Council apologised for this error and took steps to improve the quality of review letters.
- Has not suggested any further remedy, due to the actions already taken.
- Only upheld this element of the complaint.
- Found no fault in the decision in relation to priority banding or the way in which the complainant's bids for properties were considered and ranked.

Cabinet recommended no further action be taken in relation to this complaint.

- 1.10 The second complaint upheld by the LGSCO with a finding of maladministration with injustice was reported to Cabinet in February 2022 and related to a complaint by Mr M about the way the Council had dealt with his application for an Additional Restrictions Grant (ARG), one of the Covid-19 business grant schemes administered by the Council. Following investigation, the LGSCO determined that there was no fault in the way the Council had considered the complainant's application for ARG, however during the handling of the application, the Council had sent out an email to

Mr M in error, advising him he was eligible to apply for a different grant as he had been awarded ARG. The Council had not actually made a determination in relation to Mr M's ARG at this point. The Council sent an email the following day apologising and explaining the mistake.

The LGSCO:

- Noted that the Council acted quickly to rectify and apologise for the email sent in error on 2 March 2021.
- Has not suggested any further remedy, due to the actions already taken by the Council.
- Only upheld this element of the complaint.
- Found no fault in the way the Council had considered Mr M's application for ARG, or any of his other grant applications.
- Found that whilst there was some delay in determining the ARG application, this was partly down to requiring additional information from Mr M and the delay was not considered to be a significant point.

Cabinet recommended no further action be taken in relation to this complaint.

- 1.11 The Annual Review letter for the year ending 31 March 2022 is attached at Appendix 1. Members will note that of the 19 complaints determined by the LGSCO in 2021/22, only three progressed to formal investigation. Two investigations resulted in the complaint being upheld, the details of which are reported above, one complaint was not upheld after investigation. As a result, the percentage of complaints upheld for the Council appears to be above average at 67% (average 51%). As explained, this figure relates to only three complaints that proceeded to investigation.
- 1.12 Since April 2013, the LGSCO 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 LGSCO 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.
- 1.13 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.
- 1.14 The Council's Complaints, Compliments and Comments Policy and Unreasonably Persistent Complainant's Policy was reviewed and updated by Cabinet in October 2022. Since this review, in 2021/22 there have been a number of complaints dealt with by the Council that have been particularly

complex and involved a large amount of resource. There have been two occasions where the Unreasonably Persistent Complainant's Policy has been applied. There has also been an increase in customers contacting the Council who have not got a complaint, but have expressed frustration and on occasion aggression with members of staff. For this reason, a further review of the two policies is underway to ensure they remain robust, ensure timescales for response remain achievable and ensure that for those officers handling complaints and customers generally, it is clear what level of conduct is expected from both officers and customers. In addition, the Council's Customer Promise is also under review. Both reviews will involve consultation with staff and updated policies will be reported to Cabinet for approval in due course.

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 2021/22.

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.

4 Financial Implications

- 4.1 In terms of the financial implications, there were no compensatory payments to complainants resulting from upheld complaints in 2021/22. There is an impact across the Council on capacity, when resources are diverted to dealing with and investigating complaints. Work is currently being undertaken to try and quantify this impact on resource and the resulting cost in terms of staff time. It is recognised that efficient use of complaints data can unlock some key trends in complaints and identify where solutions to reduce complaints could be found.

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 LGSCO 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 LGSCO 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 LGSCO. Where the LGSCO makes a finding of maladministration with injustice following an investigation, by virtue of s.5A of the Local Government and Housing Act 1989, the Monitoring Officer is required to prepare a report to the Executive. This process was followed in relation to both findings highlighted above.

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. The review of the policies relating to this process will be undertaken with a view to ensuring that accessibility is paramount.

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.

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 2021/22.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer