

## **Report to Cabinet**

**Subject:** Review of complaints received by the Council and Annual Review Letter - Local Government and Social Care Ombudsman 2022/23

**Date:** 7 September 2023

**Author:** Interim Corporate Director

### **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 2022/23.

### **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 2022/23.

## **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"). This policy was reviewed and updated in December 2022 alongside the adoption of a new Unacceptable Customer Behaviour Policy and both

remain fit for purpose.

1.2 The Council operates a two stage complaints process, initial complaints are handled at stage 1, if the complainant is not satisfied with the handling of the complaint it can be escalated by the complainant to stage 2 and investigated by a more senior officer. Ultimately, if the complainant is not satisfied with the handling of the complaint at stage 2, the complaint can be escalated to the Local Government and Social Care Ombudsman, details of which are provided to the complainant. The departmental analysis of complaints and compliments appears below.

1.3 Between 1 April 2022 and 31 March 2023, the Council received a total of 404 complaints, which is a reduction in 107 complaints from the 511 received in 2021/22. Whilst complaint levels still sit at a slightly higher level than pre-covid complaint levels, (379 in 2012/20) the overall trend is showing a reduction. Of all complaints received 33% were upheld or partially upheld at stage 1, which is a 1% increase from 2021/22. The Council has received 225 compliments in 2022/23 a slight decrease from the 234 received last year. The breakdown of complaints and compliments is set out below;

<b>Service</b>	<b>Complaints received</b>	<b>Upheld/ partially upheld</b>	<b>Compliments</b>
Benefits	3	0	2
Communications	1	0	1
Community Relations	0	0	20
Customer Services	3	3	16
Economic Growth and Regeneration	2	1	1
Elections and Member Services	1	0	1
Housing	12	0	0
Legal Services	2	0	0
Leisure	20	14	73
Organisational Development	0	0	0
Parks & Street Care	33	21	35
Planning	28	5	8
Property Services	1	0	6
Public Protection	25	1	10
Revenues Services	41	10	4
Transport Services	1	1	0

Waste	231	76	34
<b>Total</b>	<b>404</b>	<b>132</b>	<b>211</b>

- 1.4 In 2022/23, changes were made to the categories of complaints to enable complaints which related to Equalities being recorded. In 2022/23 39 complaints related to equality matters. Details of these complaints will be reported through the Strategic Equality and Diversity Group and reported as part of the annual equality report to Cabinet later in the year.
- 1.5 The number of complaints across some departments have reduced significantly from 2021/22. In particular waste complaints reduced from 291 in 2021/22 to 231 in 2022/23, Customer Services has reduced from 12 complaints in 2021/22 to 3 in 2022/23, PASC has reduced from 49 to 33 and Revenues has reduced from 54 to 41 over the same period. Waste have higher levels of complaint than any other service, as has been the case in previous years, however, complaints are reducing and significant work is currently underway to implement a new waste management software system which will improve efficiency of collection rounds and the reporting of and response to missed bins.
- 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. 22 complaints were considered under stage 2 between 1 April 2022 and 31 March 2023 (a decrease from the 41 in 2021/22) and 18% of complaints were upheld at stage 2 (an increase from 17% upheld in 2021/22). The breakdown of stage 2 complaints is as follows;

<b>Service</b>	<b>Stage 2 complaints</b>	<b>Upheld/ partially upheld</b>	<b>Not Upheld</b>
Housing	1	0	1
Legal Services	1	0	1
Planning	10	2	8
Public Protection	7	0	7
Revenues Services	3	2	1
<b>Total</b>	<b>22</b>	<b>4</b>	<b>18</b>

- 1.7 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. Any complaints relating to equalities matters are also considered by the Strategic and Officer equality groups to identify any equality related actions.

- 1.8 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 2022 and 31 March 2023, the Council received 12 complaints from the LGSCO. This is a decrease from the 13 complaints received by the Council via the LGSCO in 2021/22. A summary of the decisions of the LGSCO made in 2022/23 appear in the table below.

<b>Service</b>	<b>Decision of LGO</b>
Environmental Services and Public Protection	Upheld: maladministration and injustice
Environmental Services and Public Protection	Closed after initial enquiries
Environmental Services and Public Protection	Closed after initial enquiries
Planning and Development	Closed after initial enquiries
Environmental Services and Public Protection	Closed after initial enquiries
Planning and Development	Closed after initial enquiries
Planning and Development	Closed after initial enquiries
Housing	Closed after initial enquiries
Benefits and tax	Closed after initial enquiries
Benefits and Tax	Closed after initial enquiries
Planning and Development	Closed after initial enquiries
Planning and development	Closed after initial enquiries
Planning and development	Closed after initial enquiries

- 1.9 As Members will note, whilst 12 complaints were received by the Council from the LGSCO in 2022/23, the LGSCO actually determined 13 complaints. The first complaint listed, which was upheld and related to waste, was a complaint received by the Council from the LGSCO in 2021/22 which was not determined by the LGSCO until 2022/23. It is this complaint and investigation that is referenced in the annual letter at Appendix 1.
- 1.10 Members may recall that the upheld complaint was previously reported to Cabinet by the Monitoring Officer in accordance with s.5A of the Local Government and Housing Act 1989. The complaint, reported to Cabinet on 16 June 2022 related to the Council’s failure to collect the complainant’s garden waste on a number of occasions through 2020 and 2021. The Council paid the complainant £100 compensation and

reimbursed the garden waste collection fee for 2020 and 2021 as well as issuing apologies to the complainant. In addition, and beyond the compensatory remedy proposed by the Ombudsman, the Council committed to review the waste management software and prepare a business case to support acquisition of a new system which would improve the process of reporting missed bins. There was also a commitment to adopt a new waste policy which clarified customer expectations around waste collection. Since the report was considered by Cabinet in June, a new waste management system has been procured and the process of implementation is underway, a Waste Policy was also adopted by Cabinet at the June meeting.

- 1.11 The Annual Review letter for the year ending 31 March 2023 is attached at Appendix 1. Members will note that of the 13 complaints determined by the LGSCO in 2022/21, only one progressed to formal investigation. This one investigation resulted in the complaint being upheld. As a result, the percentage of complaints upheld for the Council appears to be above average at 100% (average 59%). As explained, this figure relates to only one complaint that proceeded to investigation, details of which are provided above. In 2021/22, 3 complaints were determined after investigation by the Ombudsman, 2 of which were upheld so there has been a reduction in 2022/23.
- 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](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 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 Since the adoption of the Council's Unacceptable Customer Behaviour Policy in December 2022 which covers a range of behaviours including persistent complainants, there have been 2 occasions where the policy has been engaged as of a result persistent complaints.

## **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 2022/23.

### **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 was one compensatory payment to a complainant resulting from upheld complaints in 2022/23. This was met from departmental budgets. There is an impact on resource where resource is utilised to investigate and manage complaints. It is positive to see a reduction overall in the number of complaints to the Council and those progressing to investigation through the LGSCO.

### **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 the complaint 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.

6.2 Complaints relating to equality are now categorised separately through the complaint's system so that any issues or trends can be identified and any necessary improvements made. Information in relation to these complaints will be considered as part of a separate report to Cabinet.

## **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 2022/23.

### **Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**

