

## **Report to Cabinet**

**Subject:** Review of complaints received by the Council and Annual Review Letter - Local Government and Social Care Ombudsman 2023/24

**Date:** 7 November 2024

**Author:** Deputy Chief Executive and Monitoring Officer

### **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 (LGSCO) and the complaints dealt with by the Council through the internal complaint's procedure during the year 2023/24.

To seek approval of amendments to the Council's Complaints, Compliments and Comments Policy to align with the LGSCO Complaint Handling Code.

### **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 complaint's procedure in 2023/24.
- 2) Approves amendments to the Council's Complaints, Compliments and Comments Policy at appendix 2, to align with the Local Government and Social care Ombudsman's complaint code.

## 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.
- 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 LGSCO, details of which are provided to the complainant. The departmental analysis of complaints and compliments appears below.
- 1.3 Between 1 April 2023 and 31 March 2024, the Council received a total of 417 complaints, which is a slight increase from 404 complaints received in 2022/23. Complaint levels still sit at a slightly higher level than pre-covid complaint levels, (379 in 2019/20). Of all complaints received 39% were upheld or partially upheld at stage 1, which is a 6% increase from 2022/23. The Council has received 190 compliments in 2023/24 a slight decrease from the 225 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	6	3	0
Communications	1	1	0
Community Relations	1	0	28
Customer Services	12	9	20
Economic Growth and Regeneration	0	0	0
Elections and Member Services	1	1	0
Housing	18	1	3
Legal Services	2	0	0
Leisure	15	9	68
Organisational Development	0	0	0
Parks & Street Care	64	32	27
Planning	14	2	5
Property Services	5	2	1

Public Protection	28	4	8
Revenues Services	22	5	4
Transport Services	3	2	0
Waste	225	90	26
<b>Total</b>	<b>417</b>	<b>161</b>	<b>190</b>

- 1.4 In 2022/23, changes were made to the categories of complaints to enable complaints which related to Equalities being recorded. In 2023/24 47 complaints related to equality matters this is an increase in 8 from the previous year. Details of these complaints are 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 2022/23. In particular revenues complaints reduced from 41 in 2022/23 to 22 in 2023/24, there has also been a significant reduction in planning complaints from 28 in 2022/23 to 14 in 2023/24. There has also been a slight reduction (6) in waste services and leisure services (5). There has however been an increase in complaints in other areas including Parks and Street care which has increased from 33 complaints in 2022/23 to 64 in 2023/24 with smaller increases in Customer Services (9) and Housing (6). Waste continues to have the highest level of complaints across all services, although they are gradually reducing. The waste modernisation programme and wider transformation programmes including Customer experience have service improvement at their heart and should result in greater customer satisfaction and reduction in complaints across the organisation.
- 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 complaint's procedure. 22 complaints were considered under stage 2 between 1 April 2023 and 31 March 2024, this is the same amount as the previous year. 23% of complaints were upheld at stage 2 (an increase from 18% upheld in 2022/23). The breakdown of stage 2 complaints is as follows;

Service	Stage 2 complaints	Upheld/ partially upheld	Not Upheld
Housing	5	1	3 (NB 1 ongoing)
Parks and Street Care	1	1	0
Planning	4	0	4
Public Protection	5	1	4

Revenues Services	7	2	5
<b>Total</b>	<b>22</b>	<b>5</b>	<b>16</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 2023 and 31 March 2024, the Council received 10 complaints from the LGSCO. The LGSCO also received 3 complaints from residents which had not been through the Council’s complaints process so were rejected and referred back through the Council’s complaints process. This is a decrease from the 12 complaints received by the Council via the LGSCO in 2022/23. A summary of the decisions on complaints of the LGSCO made in 2023/24 appear in the table below.

<b>Service</b>	<b>Decision of LGO</b>
Environmental Services and Public Protection	Closed after initial enquiries
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
Planning and Development	Closed after initial enquiries
Benefits and Tax	Closed after initial enquiries
Corporate and Other Services	Not upheld: no fault
Housing	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 10 complaints were received by the Council from the LGSCO in 2023/24, of the 10 complaints determined by the LGSCO one complaint was received by the LGSCO in 2022/23 and one received in 2023/24 has not been determined in the same year. was not

determined by the LGSCO until 2022/23.

- 1.10 Members will note that none of the complaints determined by the LGSCO in 2023/24 were upheld.
- 1.11 The Annual Review letter for the year ending 31 March 2024 is attached at Appendix 1. Members will note that of the complaints determined by the LGSCO in 2023/24, only one progressed to formal investigation. This one investigation resulted in the complaint not being upheld. As a result, the percentage of complaints upheld for the Council is 0%.
- 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 Members will also note that in the Annual Review Letter, the LGSCO make reference to the launch of the Complaint Handling Code for Councils which sets out a clear approach for responding to complaints effectively and fairly. Local Authorities are encouraged to adopt the code without delay. In light of this recommendation, the Council's Complaints, Compliments and Comments Policy has been reviewed against the LGCSO Complaint handling Code. The Council's policy already largely aligns with the LGCSO Code, however, in order to fully align, some changes are proposed to the Council's policy.

## **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 2023/24.
- 2.2 It is proposed that Cabinet approves changes to the Council's Complaints, Compliments and Comments Policy to align it with the LGCSO Complaint Handling Code. In particular the following changes have been made:
  - Reference to the LGCSO Code is included within the policy with a link

provided.

- Definitions of service requests and complaints have been updated to align with the LGSCO Code.
- Reasons for exclusion of complaints has been added, complaints about issues which occurred over 12 months ago will not be accepted without good reason.
- Complainants are advised that where complaints are made in person or dealt with by face to face meetings the complainant can have someone with them to support.
- A link to the Council's Reasonable Adjustments Policy is provided to ensure Complainants understand how adjustments can be made.
- Complaints handling training is referenced and can be provided.
- Further clarity is provided as to how complaints will be handled, on their own merits and with clarity sought when necessary to ensure all information is provided.
- Complaints at all stages will be acknowledged within 5 working days. Stage 1 complaints will be dealt with in 10 working days and stage 2 within 20 working days. Any extensions will be fully explained to the complainant with reasons given.
- Further information is provided in relation to remedies to complaints.
- More information is provided on how complaints are reported and monitored.

### **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 amend the Council's Complaints, Compliments and Comments policy, however the LGSCO has strongly recommended that councils adopt the Code without delay, and have indicated that the Code will be considered as part of the LGSCO practices from April 2026.

## **4 Financial Implications**

- 4.1 In terms of the financial implications, 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 upheld following 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.

The LGSCO have issued their complaint handling Code under their powers to provide guidance about good administrative practice in s.23(12A) of the Local Government Act 1974. It is expected that local authorities consider the Code when developing policies and procedures. Where an authority's policies and procedures depart from the LGSCO Code, there may be a finding of maladministration.

## **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.

## **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.

Appendix 2 - Revised Complaints, Compliments and Comments policy

Appendix 3 – Equality Impact Assessment

## **9 Background Papers**

9.1 [Complaint Handling Code \(lgo.org.uk\)](http://lgo.org.uk)

## **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 2023/24.

To ensure the Council's complaints policy and processes remain fit for purpose and align with LGSCO recommendations.

### **Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**