

# Audit and Performance Committee Report

<b>Meeting:</b>	Audit and Performance Committee
<b>Date:</b>	24 October 2023
<b>Classification:</b>	General Release
<b>Title:</b>	Annual Complaints Review 2022-23
<b>Wards Affected:</b>	All
<b>Financial Summary:</b>	There are no financial implications from this report
<b>Report of:</b>	Zoe Evans, Complaints and Customer Manager

## 1 Executive Summary

- 1.1 The purpose of this report is to present to the Audit and Performance Committee the Council's Annual Complaints Review for 2022/23 (**see Appendix 1**).
- 1.2 The attached report (**Appendix 1**) summarises the Council's complaints performance (complaint stages 1 & 2) and complaints received from the Local Government and Social Care Ombudsman (LGSCO). Copies of the Local Government and Social Care Ombudsman Annual Letter/Review for the year ended 31 March 2023 (**Appendix 2**) and the DRAFT Housing Ombudsman Landlord Performance Report for 2022/23 (**Appendix 3**) are also attached.
- 1.3 Adults and Children's Social Care Services each have their own separate statutory complaints procedure and as such separate reports are produced (**Appendix 4 and 5**).
- 1.4 The housing management services continue to receive a large volume of complaints, in particular about the repairs service. There is a Housing Improvement Programme in place which is driving improvements in the service. The programme aims to improve service quality for residents which over time should lead to a reduction in complaints received.

## 2 Recommendations

- 2.1 Members are requested to review and note the information about complaints set out in the Annual Complaint Review 2022/23 (**Appendix 1**) and review the Local Government and Social Care Ombudsman Annual Letter/Review (**Appendix 2**) and the DRAFT Housing Ombudsman Landlord Performance Report for 2022/23 (**Appendix 3**).

### **3 Complaints Handling**

- 3.1 The Council has a two stage complaints procedure. The two-stage procedure is as follows:
- **Stage 1** - Complaints are addressed by the local service manager (10 working day turnaround).
  - **Stage 2** - A Chief Executive's review (20 working day turnaround). This is currently delegated to ELT members.

If the complainant remains dissatisfied, they can take their concerns to the Local Government and Social Care Ombudsman (LGSCO)

- 3.2 The procedure covers most council services. However, Adults and Children's Social Care Services each have their own separate statutory complaints procedure and as such separate reports are produced for Member and Officer oversight (**Appendix 4 and 5**).
- 3.3 The Council's definition of a complaint is:
- ' Dissatisfaction, however expressed by the customer, which they wish to be treated as a complaint.'**
- 3.4 It should be noted that most contacts from the members of the public are dealt with outside the Council's complaints procedure, and there can be confusion about what constitutes a complaint. Generally, when an initial request from a customer is received this is not usually considered a formal complaint. The request becomes a complaint should the person make further contact if they consider the matter has not been dealt with satisfactorily, or to protest the Council's policies and procedures. Departments apply common sense when deciding what is a complaint as the majority of customers simply wish the Council to put something right and a service area may attempt to do this a couple of times before the matter is put into the formal complaint's procedure.
- 3.5 There are some concerns which cannot be dealt with under the Council's corporate complaints procedure. These include issues where there are separate statutory appeals procedures such as disputes over parking tickets, planning applications appeals and Housing Benefit appeals, as an appeals process takes precedence over the complaint's procedure. Issues which are, or have been subject to Court action, complaints about staff and issues involving insurance claims against the Council also cannot be addressed in our complaints procedure. For this reason, the complaints included in this report only relate to allegations of service failure

which constitute a formal corporate complaint, and where there is not a legal, statutory procedure or an alternative complaint procedure to deal with the specific issue.

#### **4 Findings from the Annual Complaints Review (Appendix 1)**

##### **Stage 1 summary**

- 4.1 Complaints received – 2366 stage 1 complaints were received which is an 8% increase on the previous year. This is generally due to the increase in complaints about the Housing Management service (1338) (specifically complaints about the repairs service), the Council Tax service (154) and the Waste service (214).
- 4.2 Response times – The 10-working day response target has been met in 61% of stage 1 complaints which is a 1% reduction on the previous year. Performance was low for many services and improvements need to be made in this area.
- 4.3 Complaint Learning – Section 5 of the Annual Complaints Review provides some examples of how complaint data has been used for complaint learning.

##### **Stage 2 summary**

- 4.4 Complaints received – 419 stage 2 complaints have been received which was a slight decrease on the previous year when 422 complaints were received.
- 4.5 Response Times – 47% of stage 2 complaints were responded to in target response time (20 working days) against 55% in the preceding year. This can be attributed to the Housing Management Service clearing their backlog of stage 2 complaints and also some delays in the ELT Director sign-off process.
- 4.6 Complaint Escalation Rate – across all services the escalation rate from stage 1 to stage 2 is 18%.

##### **Local Government and Social Care Ombudsman (LGSCO)**

- 4.7 Complaint outcomes – 111 LGSCO complaints and enquiries were received in 2022/23. 77 were referred back to the Council's complaints procedure or the case was closed after initial enquiries were made, the remaining 34 were formally investigated and of those, 28 were upheld and 6 were not upheld.
- 4.8 There were no public reports issued against the Council in 2022/23.

##### **Housing Ombudsman**

- 4.9 There were 39 determinations and 64 findings (there can be more than 1 finding for each complaint). Of the 64 findings, there were 36 findings of maladministration (61%). This compares to a national average for Councils, ALMOs and TMOs of 62%.
- 4.10 The council received 1 finding of 'severe maladministration' in November 2022. The Ombudsman found fault because the Council failed to address damp and mould issues in the resident's home for over 2 years and there was a newborn baby in the property. The resident has now been rehoused permanently.

## **5 The Management of Complaints**

- 5.1 The Housing Management service continue to manage their own stage 2 complaints. All other stage 2 complaints are handled by the Corporate Complaints team.
- 5.2 The Housing Management service will be launching their own complaints management CRM tool during 2023/24. All other Council services will continue to use icasework to manage their complaints.

## **6 Financial Implications**

There are no financial Implications associated with this report.

## **7 Legal Implications**

There is a statutory requirement for the Council to have a complaints process in relation to certain established services, for example, Children's Services under the Children Act 1989 and Adult Social Care services under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

The Local Government and Social Care Ombudsman, set up under the Local Government Act 1974; and the Housing Ombudsman, under the Housing Act 1996, are independent and responsible for dealing with complaints about local authorities that there has been maladministration causing injustice or a service failure.

The Housing Ombudsman, as set up under the Housing Act 1996, are responsible for dealing with social housing complaints and can make various determinations which include maladministration, severe maladministration and service failure and will provide a decision which will include recommendations the council will be required to implement.

Section 5A of the Local Government and Housing Act 1989 requires the Monitoring Officer to report annually on any relevant Ombudsman complaint decisions against the Council. The October 2020 Local Government and Social Care Ombudsman guide says the Ombudsman will support a flexible approach to how the council will

discharge this duty as long as the intent is fulfilled in some meaningful way, and a council's performance in relation to Ombudsman investigations is properly communicated to elected members.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Zoe Evans, Complaints and Customer Manager at [zevans@westminster.gov.uk](mailto:zevans@westminster.gov.uk)**

## **BACKGROUND PAPERS**

None