

Audit and Performance Committee Report

Meeting:	Audit and Performance Committee
Date:	22 October 2024
Classification:	General Release
Title:	Annual Complaints Review 2023-24
Wards Affected:	All
Financial Summary:	There are no financial implications from this report
Report of:	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 2023/24 (**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 2024 (**Appendix 2**) and the DRAFT Housing Ombudsman Landlord Performance Report for 2023/24 (**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 service has published its own annual complaints report in order to comply with the new Housing Ombudsman code of practice which came into effect on 1 April 2024 (**Appendix 6**).

2 Recommendations

- 2.1 Members are requested to review and note the information about complaints set out in the Annual Complaint Review 2023/24 (**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 2023/24 (**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. 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 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 – 2858 stage 1 complaints were received which is a 21% increase on the previous year. This was mainly attributable to a significant increase in complaints about the Housing service (Needs and Management).
- 4.2 Response times – The 10-working day response target has been met in 57% of stage 1 complaints which is a 4% 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 – 534 stage 2 complaints have been received which was a 27% increase on the previous year.
- 4.5 Response Times – 33% of stage 2 complaints were responded to in target response time (20 working days) against 47% in the preceding year. This was due to high volumes, delays in obtaining relevant information and some delays with the Director sign-off process.
- 4.6 Complaint Escalation Rate – across all services the escalation rate from stage 1 to stage 2 is 19%.

Local Government and Social Care Ombudsman (LGSCO)

- 4.7 Complaint outcomes – 103 LGSCO complaints and enquiries were received in 2023/24. 70 were referred back to the Council's complaints procedure or the case was closed after initial enquiries were made, the remaining 33 were formally investigated and of those, 27 were upheld and 6 were not upheld.
- 4.8 There were no public reports issued against the Council in 2023/24.

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 launched their own complaints management CRM tool on 1 April 2024. All other Council services 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.

From 1 April 2024, the Housing Ombudsman's complaint handling code is a statutory requirement for social landlords. The code introduces timescales for acknowledging and dealing with complaints, as well as a requirement for a 2-stage complaints process. The Social Housing (Regulation) Act 2023 requires the Housing Ombudsman to monitor social landlords' compliance with the code.

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

BACKGROUND PAPERS

None