

Joint Audit and Governance Committee



Report of: Head of Corporate Services
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To: Joint Audit and Governance Committee
DATE: 31 January 2023

Review of complaints received during 2021-22

Recommendation

That the committee notes the formal complaints received in 2021-22 and performance in responding to complaints against timescales set out in our Corporate Complaints Policy and Procedure.

Purpose of report

1. The purpose of this report is to provide the Committee with a review of formal complaints we received during 2021-22 which were considered under the corporate complaints' procedure.

Strategic objectives

2. This report sets out formal complaints received by the councils, it therefore underpins all our Corporate Plan objectives; along with our ambitions to provide excellent customer service and transparency in decision-making. By recording and dealing with complaints, we can understand when things have gone wrong resulting in us failing to meet customer expectations, failure to provide a service or where we have not followed correct procedure; and we can learn from feedback to achieve improved services and better customer focus.

3. **Appendix 1** includes charts demonstrating the number of formal complaints received and our performance in providing the response within 15 working days.
4. **Appendix 2** includes the official annual complaints reports received from the Local Government and Social Care Ombudsman (Ombudsman).

The Formal Corporate Complaints Procedure

5. Our corporate complaints policy and council-wide procedure for dealing with complaints ensures that:
 - members of the public know what to do if they have a complaint and understand how we will deal with it
 - staff are confident about what to do when they get a formal complaint
 - customers are treated fairly and equally
 - we can improve our services using customer feedback from complaints
6. As stipulated in the Ombudsman guidance on good practice: the purpose of a complaints system is to put right what has gone wrong, and to learn from it. Where a complainant has a justified grievance, there is a duty to put things right at the earliest opportunity. Depending on the seriousness and type of complaint, putting things right could involve a range of outcomes, from a simple written apology to a reimbursement of funds or a compensation payment.

Stage one

7. Previously each service had nominated officers responsible for logging stage one complaints. Since April 2022, the administration for all formal complaints including stage one is the responsibility of the customer service team. It remains the responsibility of the relevant service manager to investigate and respond to the complainant within 15 working days.

Stage two

8. If the complainant is not satisfied with the stage one response, then they can ask for their complaint to be reviewed at stage two within six weeks of the date of the stage one response. The complainant must explain what points they feel have not been addressed at stage one, and what outcome they would like to achieve in pursuing a stage two complaint.
9. The stage two complaint will be allocated to the head of service for the relevant service area. However, if the chief executive, deputy chief executive – transformation and operations or head of corporate services, considers it more appropriate, a complaint may be re-allocated to an alternative head of service or deputy chief executive. The head of service or deputy chief executive will investigate the complaint and respond within 15 working days of receipt.

The Local Government and Social Care Ombudsman

10. If the complainant remains dissatisfied with the stage two response, they have the right to ask the Ombudsman to investigate their complaint. The Ombudsman investigates complaints of alleged injustice concerning Local Authorities.

Complaints' reporting

11. Last year's complaints report included figures for financial year 2020-21 and a narrative of the identified themes of complaints, as well as changes in our services that were required as a result of the Covid-19 pandemic.
12. Our report this year includes the numbers of complaints received and our performance against target for issuing a response for 2021-22; these are set out in **Appendix 1**. Please note a copy of this report will be made available on the complaints page of our websites: www.whitehorsedc.gov.uk/complaints and www.southoxon.gov.uk/complaint
13. We have also encapsulated in this report, an interim overview of complaints received in the six-month period between April-September 2022, allowing councillors and staff the opportunity to reflect on our most recent performance and monitor themes before the year end. Please refer to section below entitled 'Interim Overview - Complaints received April-September 2022'.
14. Please note that changes to team structures should be considered when comparing complaint numbers with previous years; licensing and community safety moved from housing and environment to legal and democratic in February 2022.
15. The councils receive annual letters and reports from the Ombudsman, with a summary of their decisions. Extracts of these are available in **Appendix 2** and show a comparison of our performance against other district councils.

South Oxfordshire District Council

During 2021-22 South received 131 stage one complaints, an increase of 35 on the previous year. The noticeable difference is the increase in stage one complaints received by Finance from 28 in 2020-21 to 69 in 2021-22. The number of complaints referred to stage two has decreased from 33 in the previous year to 29, and the percentage of complaints referred to stage two has decreased by 8 per cent.

A total of 15 complaints were referred to the Ombudsman, which is a decrease of one on the previous year. The Ombudsman investigated four complaints, of which two were upheld. The remaining 11 complaints were referred to the council for local resolution or closed after initial enquiries.

Vale of White Horse District Council

Vale also received an increase in stage one complaints in 2021-22 compared to previous years, with 120 complaints compared to 96 in 2020-21. Again, the noticeable difference is an increase in complaints received by Finance from 35 in 2020-21 to 67 in 2021-22. A total of 23 complaints were referred to stage two, which is a decrease by one on the previous year and the percentage of complaints being referred to stage two decreased by 6 per cent.

For Vale a total of 24 complaints were referred to the Ombudsman, an increase of 12 on the previous year. One was investigated formally and not upheld. The remaining 23 complaints were recorded as invalid or incomplete; referred back to the council for local resolution; or closed after initial enquiries.

Ombudsman investigations

16. The Ombudsman upholds complaints when they find fault in an authority's actions, including where the authority accepted fault before their investigation. A focus on how often things go wrong, rather than simple volumes of complaints, provides a clearer indicator of performance.

17. The Ombudsman recommend ways for authorities to put things right when faults have caused injustice. Recommendations try to put people back in the position they were in before the fault. Monitoring is carried out to ensure recommendations are complied with.
18. The Ombudsman encourages the early resolution of complaints, and credit authorities that have a positive and open approach to resolving complaints, and where satisfactory remedies have been provided.

Of the 24 complaints received for Vale, only one was investigated formally which was not upheld. This compares with one upheld complaint in the previous year 2020-21.

The Ombudsman received 15 complaints for South, of which four were investigated formally and two upheld. None were upheld for South in the previous year 2020-21.

A summary of the two South upheld complaints is available in **Appendix 2**.

Interim Overview - Complaints received April-September 2022

19. The figures for 2022-23 will be provided in next year's annual report, but here we highlight the service areas with noticeable trends that will allow each service area to reflect and where required, implement service improvements and help influence the second half of the year.
20. The service areas to note for this six-month period are as follows:

Finance

An increase in Finance complaints of 12 for South and 1 for Vale on the same six-month period last year was mainly due to recovery action, the backlog of correspondence for council tax and benefits, correspondence being missed and transactional errors.

Whilst good headway had been made reducing the backlog of correspondence caused by the pandemic, the situation was impacted by the cost-of-living crisis and the Government's recent council tax energy rebate scheme. Both matters created a surge in contact as well as additional work to process the rebate on top of business as usual. Correspondence levels remain higher than normal for the time of year, but the backlog has been greatly reduced.

General themes included a lack of, or delay in response to customer contact and objections to recovery action. Note that complaints which are solely about inability to access the council tax or benefits team are counted as customer service issues under corporate services.

Housing and Environment

The reduction in complaints received for housing and environment is evident this year and can be explained by the previous year being unusually high in the main due to the garden waste service suspension and disruption in 2021. The number of complaints in the six-month period are on trend with previous years.

Financial Implications

21. Where considered appropriate given the specific circumstances surrounding a formal complaint, a head of service may authorise a compensation payment to the complainant; there are no financial implications arising directly from this report.

Legal Implications

22. Any legal implications in connection with a specific complaint are considered as part of the resolution of that complaint with input from the Legal team where relevant; there are no legal implications arising directly from the recommendation in this report.

Other implications

23. There are no other implications arising directly from this report.

Risks

24. It is important to have a robust and efficient complaints system in place to ensure that members of the public receive clear and fair responses to their queries and concerns; and to have oversight and review of the process. This provides transparency for customers and manages reputational risk.

Conclusion

25. This report sets out a review of formal complaints received during 2021-22. The Committee is asked to review complaints received, and response times.

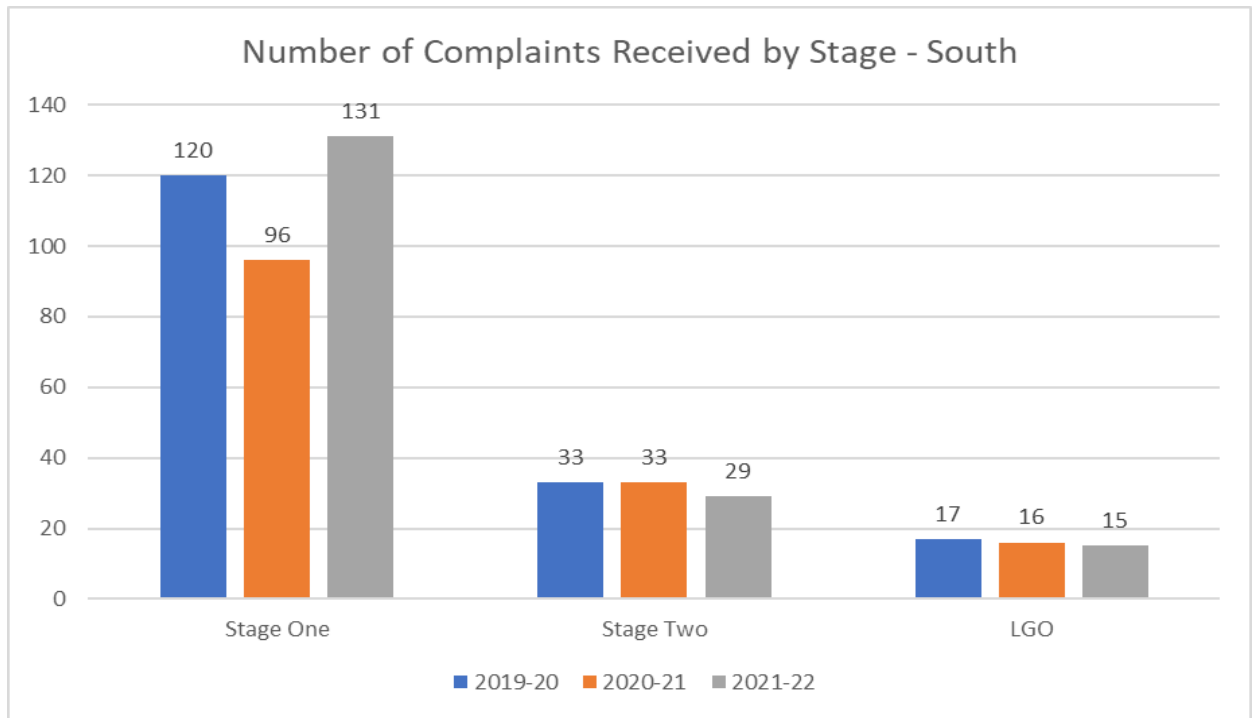
Background papers

- None

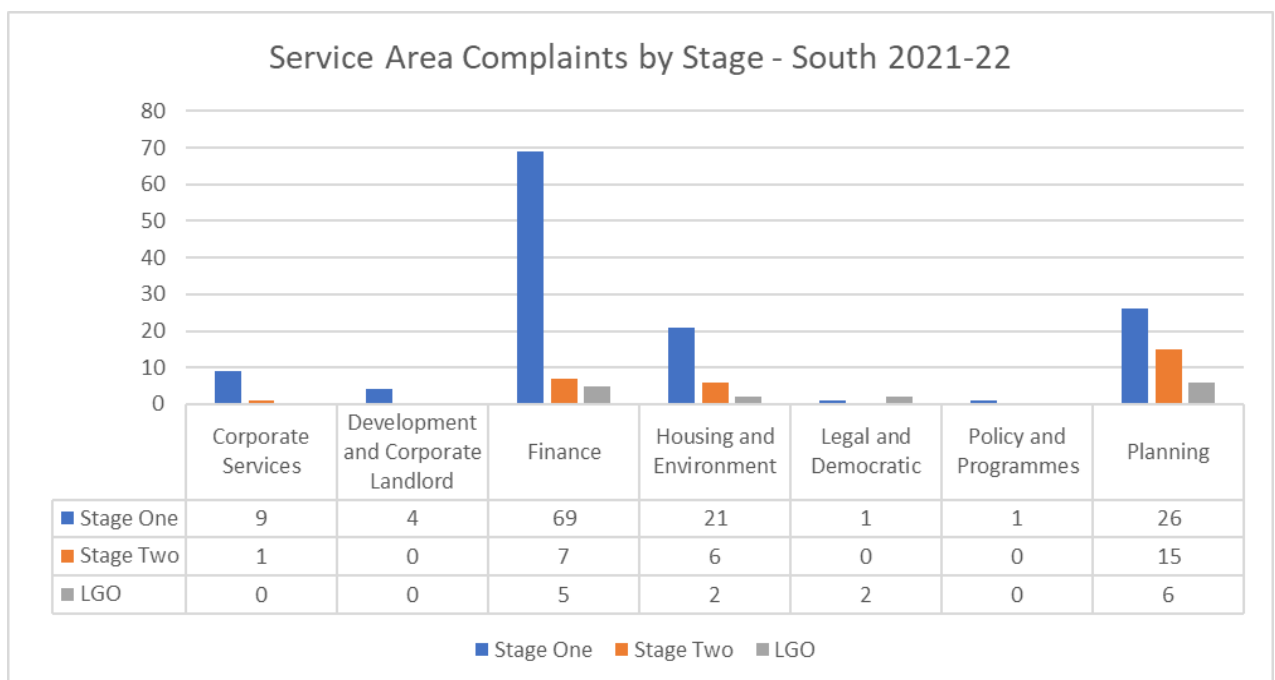
South Oxfordshire District Council

Number of formal complaints received and performance in providing the response within 15 working days

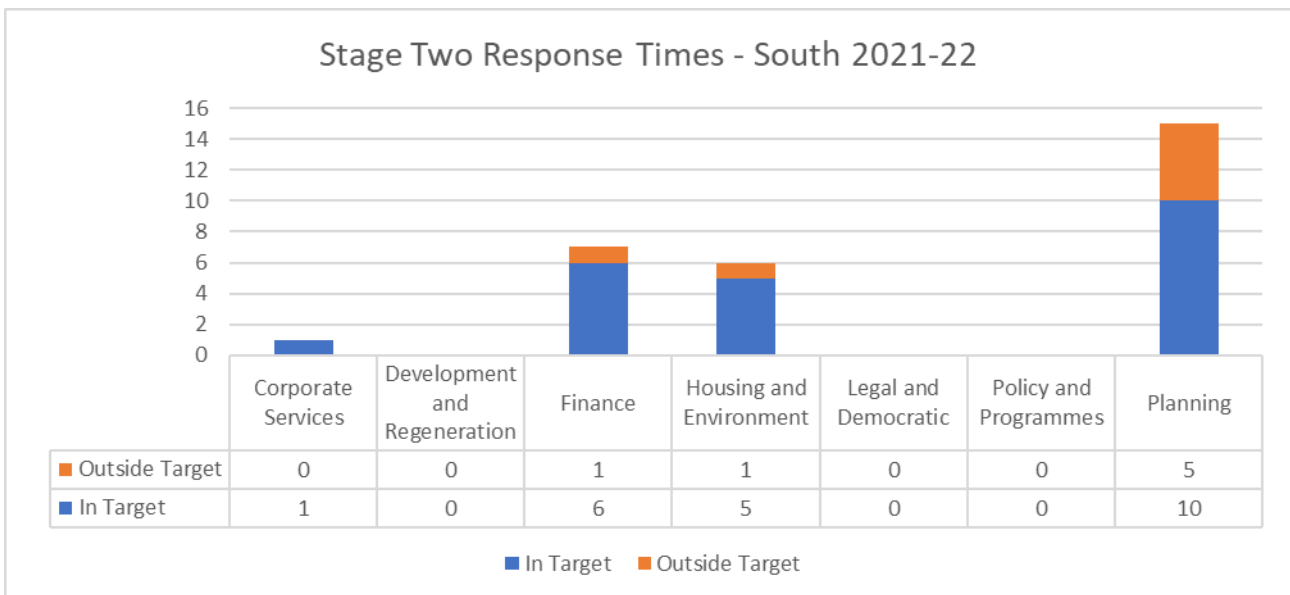
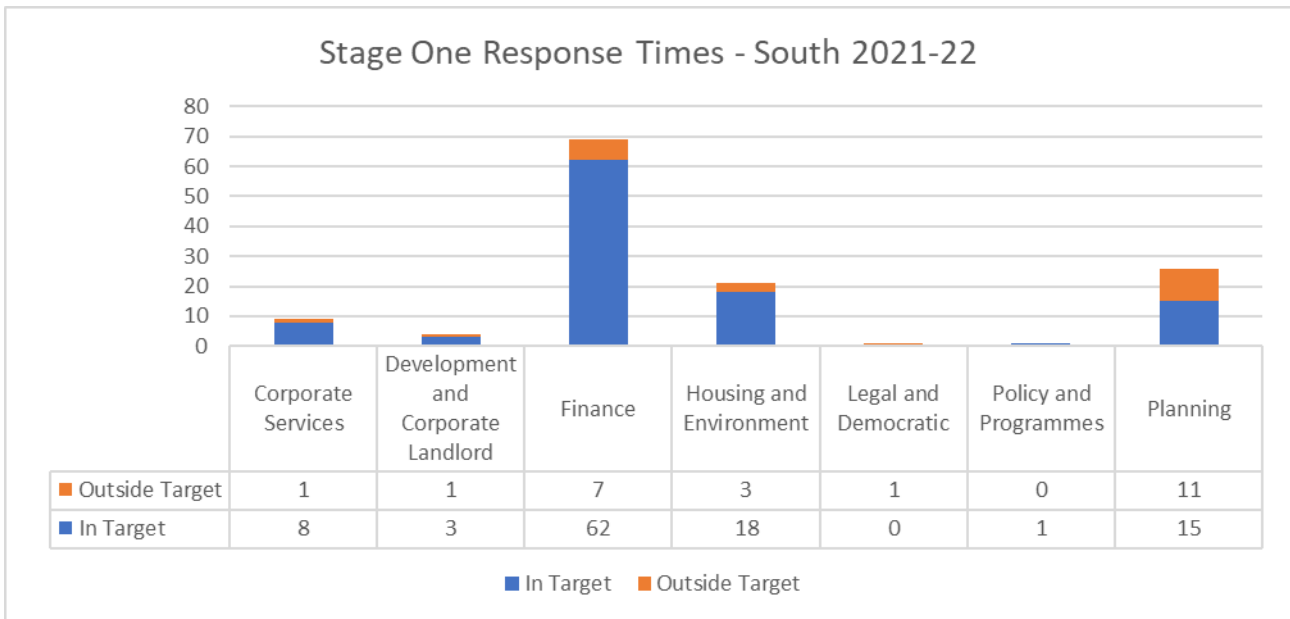
1. The following charts show the number of complaints received at each stage of the process over the past three completed years.



2. The following charts show the number of complaints received in 2021-22 for each service area at each stage of the complaints process.

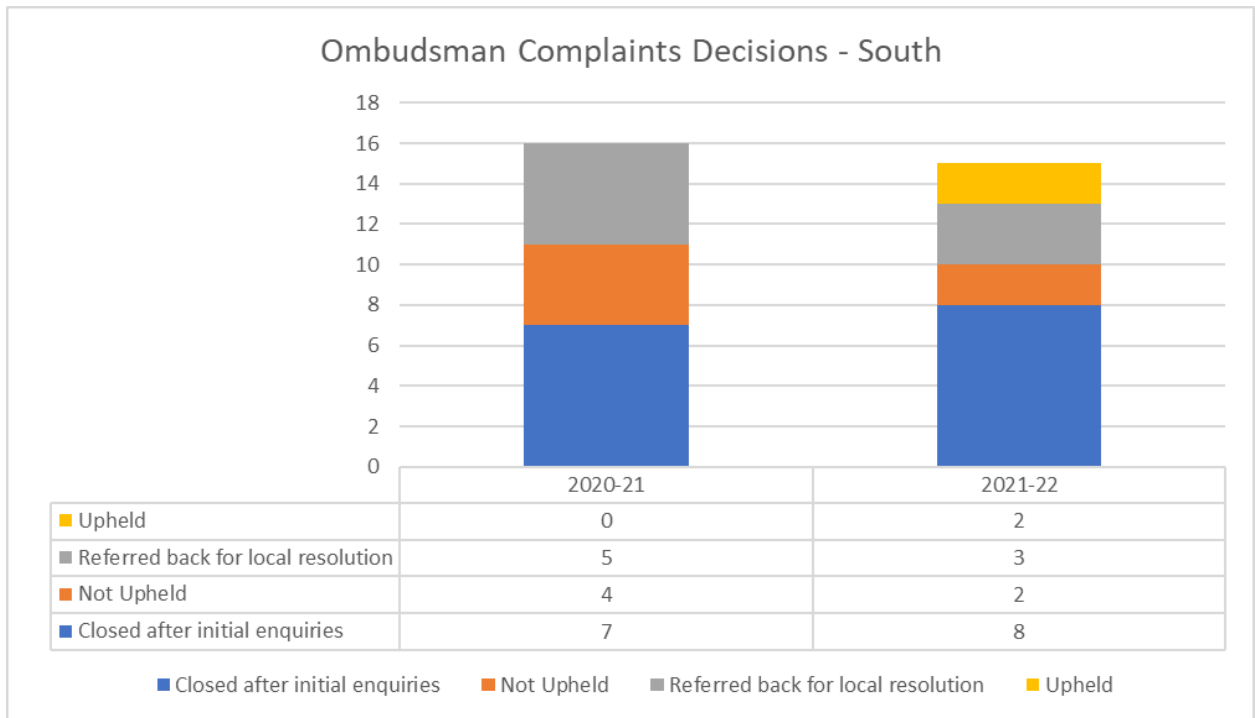


3. The following charts show service area performance in providing the response within 15 working days in 2021-22.



On the occasions that circumstances do not allow us to meet our deadline, an extension of time will be agreed with the complainant, although they are recorded as outside target because they have exceeded 15 working days as set out in our policy.

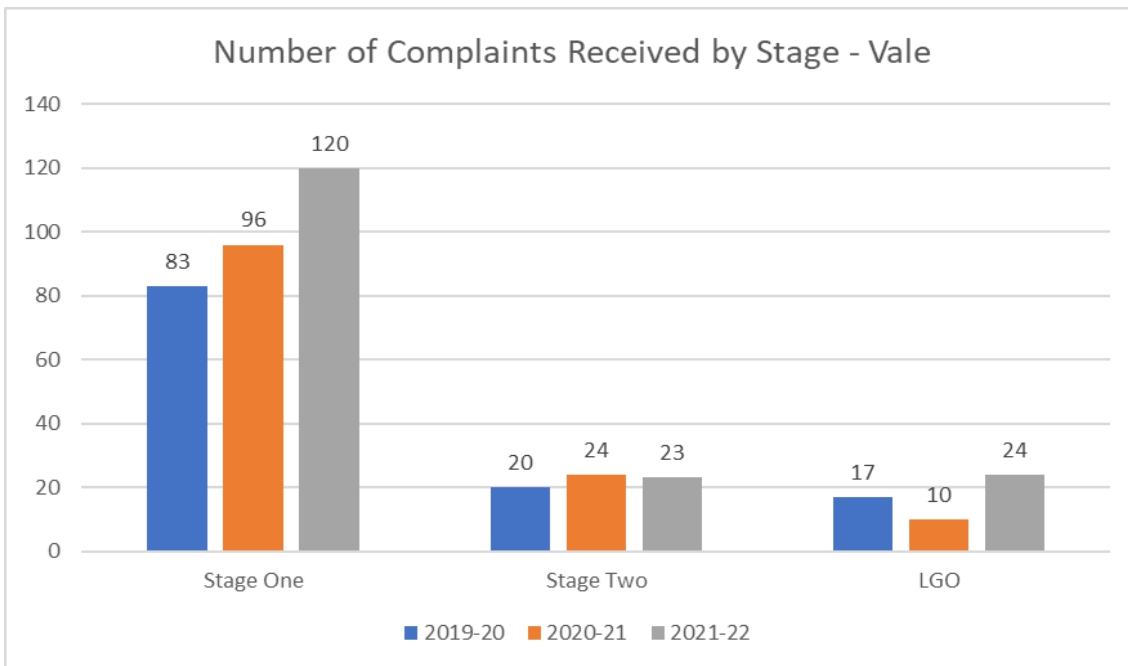
4. The following chart shows the outcomes of Ombudsman complaints received in 2020-21 and 2021-22.



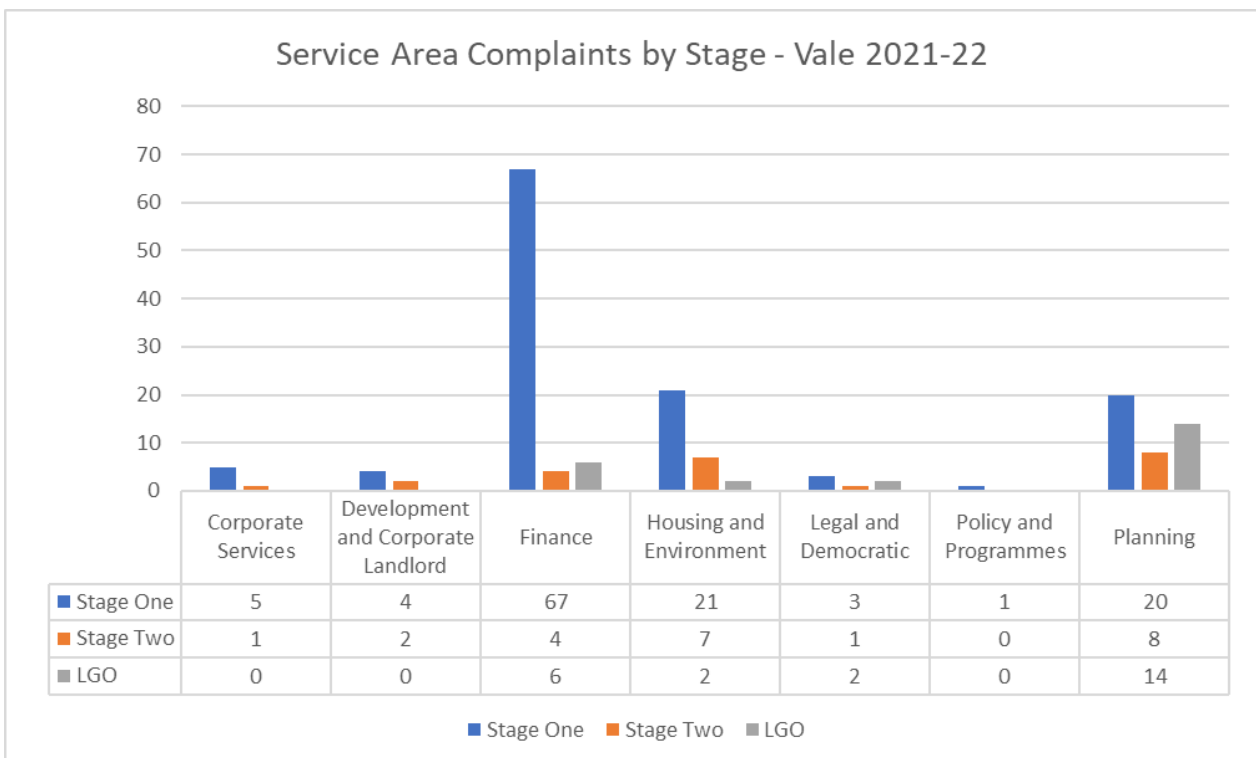
Vale of the White Horse District Council

Number of formal complaints received and performance in providing the response within 15 working days

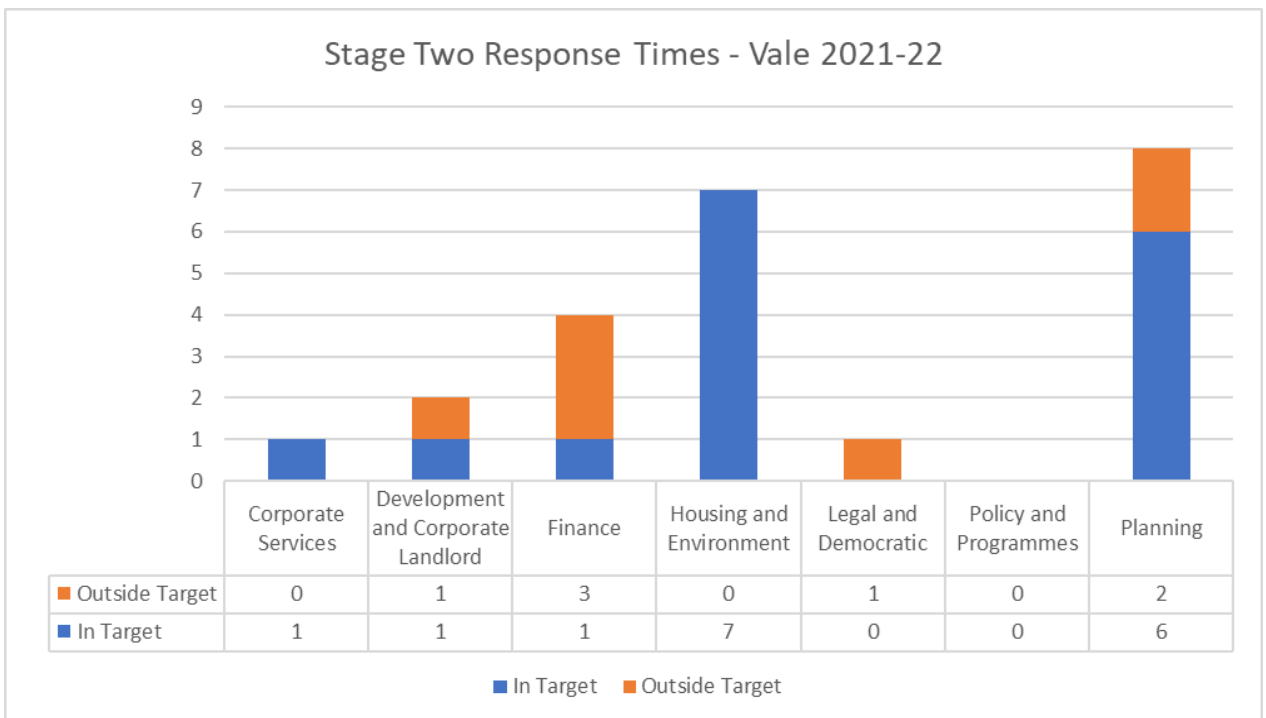
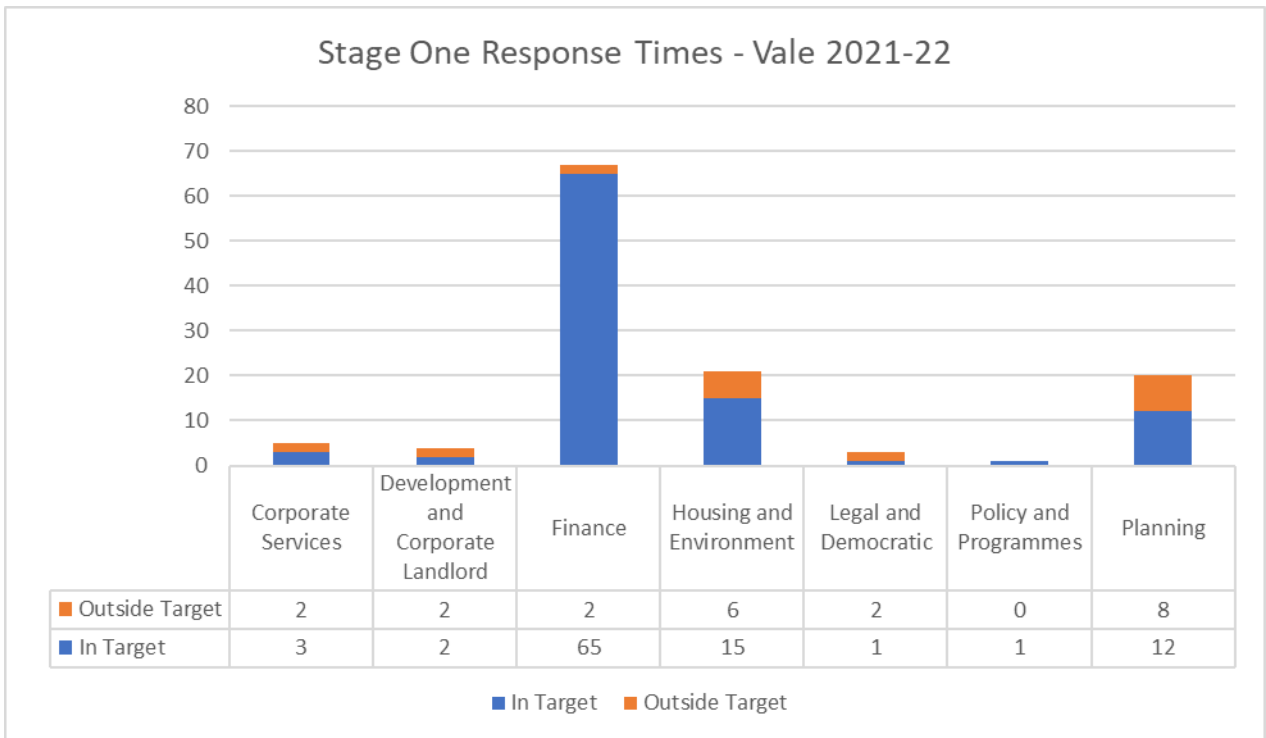
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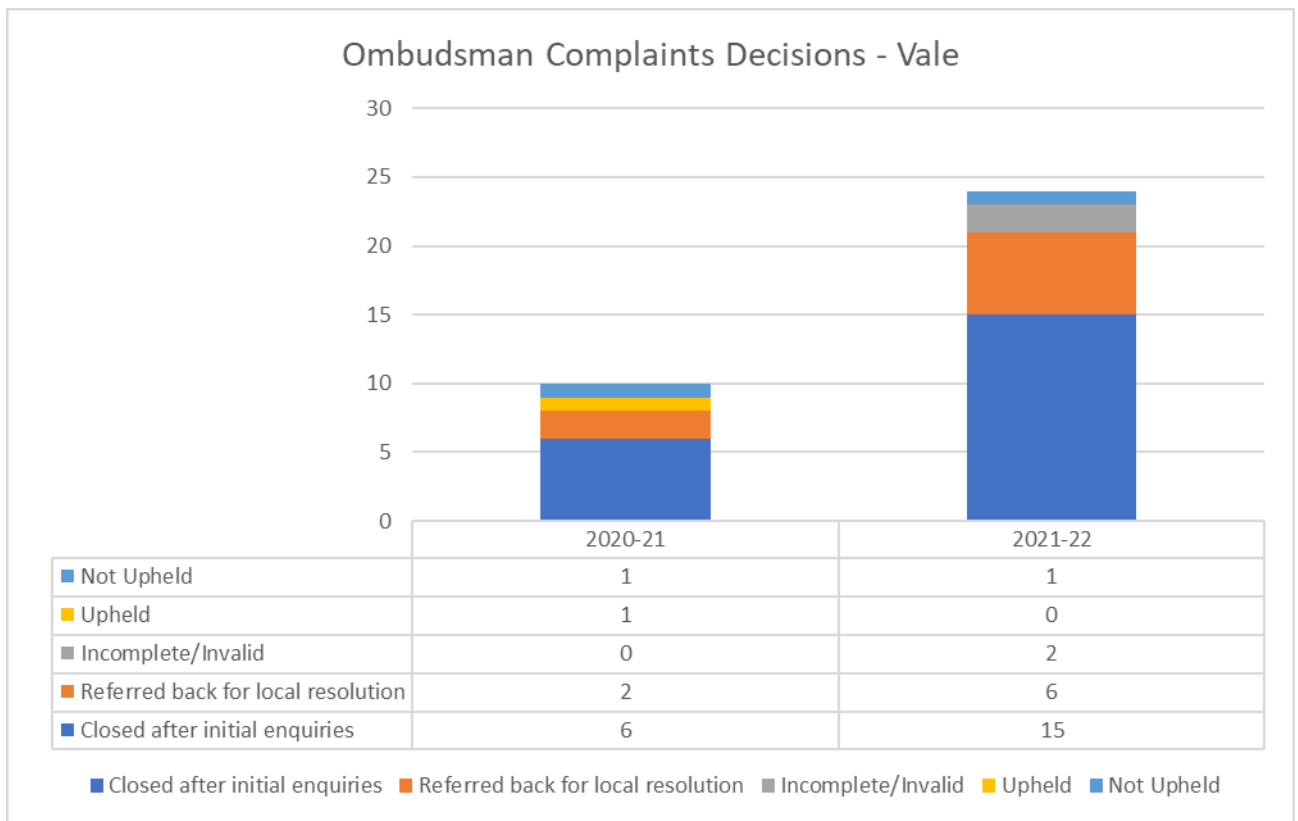


7. The following charts show service area performance in providing the response within 15 working days in 2020-21.



On the occasions that circumstances do not allow us to meet our deadline, an extension of time will be agreed with the complainant, although they are recorded as outside target because they have exceeded 15 working days as set out in our policy.

8. The following chart shows the outcomes of Ombudsman complaints received in 2021-22 compared with the previous year.



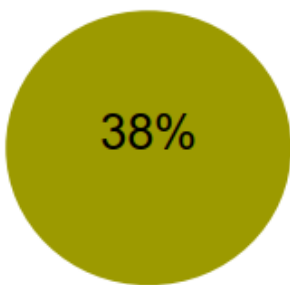
Appendix 2

Local Government and Social Care Ombudsman Summary 2021-22

- The following charts are extracts from the Ombudsman’s annual report, and show the performance of Ombudsman complaints for **South Oxfordshire District Council**, compared with other District Councils.

Please note these figures will differ to those in **Appendix 1** as the Ombudsman report includes any complaints that remain live during 1 April 2021 and 31 March 2022, regardless of whether they were submitted within that period of time. **Appendix 1** only includes the outcomes of complaints received during 1 April 2021 and 31 March 2022 once a decision had been made.

Upheld Complaints



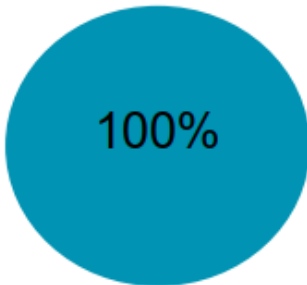
38% of complaints we investigated were upheld.

This compares to an average of **51%** in similar organisations.

3
upheld decisions

Statistics are based on a total of **8** investigations for the period between 1 April 2021 to 31 March 2022

Compliance with Ombudsman recommendations



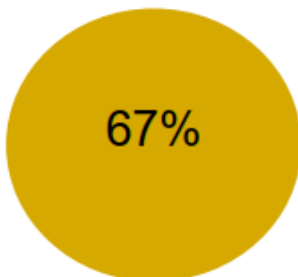
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **1** compliance outcome for the period between 1 April 2021 to 31 March 2022

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority



In **67%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar organisations.

2
satisfactory remedy decisions

Statistics are based on a total of **3** upheld decisions for the period between 1 April 2021 to 31 March 2022

Summary of the upheld complaints

Ombudsman reference: 21 008 564

Summary: We will not investigate Mr X's council tax complaint. The Council has apologised appropriately for the failings in communication and billing. We would not investigate the council tax account because there was a right of appeal to the Valuation Tribunal. An appeal was not necessary because Mr X accepted and paid the final bill.

Final decision

The Ombudsman will not investigate Mr X's council tax complaint. The Council has apologised appropriately for the failings in communication and billing. We would not investigate the council tax account because there was a right of appeal to the Valuation Tribunal. An appeal was not necessary because Mr X accepted and paid the final bill.

www.lgo.org.uk/decisions/benefits-and-tax/council-tax/21-008-564

Ombudsman reference: 21 011 416

Summary: Mr X complained about the Council's decision to seek repayment of COVID-19 business grants and that this will cause him financial difficulties. The Council wrongly awarded the grants which was fault. There is no evidence of fault in the Council's actions to recover the grants after it realised it had paid them in error.

Final decision

I will now complete my investigation. While it was fault by the Council to initially pay the grants, there is no evidence of fault in it seeking to recover the amounts paid.

www.lgo.org.uk/decisions/benefits-and-tax/covid-19/21-011-416

2. The following charts are an extract from the Ombudsman’s annual report, and show the performance of Ombudsman complaints for **Vale of the White Horse District Council**, compared with other District Councils.

Please note these figures will differ to those in Appendix 1 as the Ombudsman report includes any complaints that remain live during 1 April 2021 and 31 March 2022, regardless of whether they were submitted within that period of time. Appendix 1 only includes the outcomes of complaints received during 1 April 2021 and 31 March 2022 once a decision had been made.

Upheld Complaints

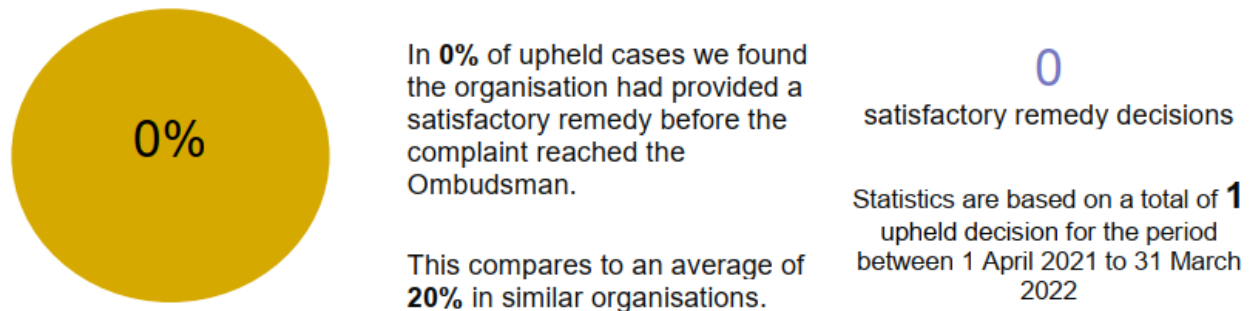


This upheld complaint was detailed in last year’s annual report. The complaint was received to the Ombudsman on 11 August 2020 and decided on 1 June 2021 which is why it has been detailed in their annual letter and we have included it again in our annual report.

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedies provided by the authority



Summary of the Vale Upheld complaint:

The Ombudsman’s decision and report on this occasion was not made public.

Summary: Mr X complained the Council failed to properly consider a planning application. We found there was some fault. However, we concluded the outcome of the planning application was unlikely to have been different, had that fault not occurred.