

Joint Audit and Governance Committee



Report of: Head of Corporate Services
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To: Joint Audit and Governance Committee
DATE: 3 October 2023

Review of complaints received during 2022-23

Recommendations:

That the committee notes:

- (a) the formal complaints received in 2022-23 and the councils' performance in responding against timescales set out in our Corporate Complaints Policy and Procedure as shown in **Appendix 1**
- (b) the complaints received by the Local Government & Social Care Ombudsman relating to the councils as shown in **Appendix 2**, and
- (c) the revised Corporate Complaints Policy & Procedure following the councils' registration as a social landlord (see **Appendix 3**).

Purpose of report

1. The purpose of this report is to provide the Committee with a review of formal complaints we received during 2022-23 which were considered under the corporate complaints' procedure. The report also includes a revised Corporate Complaints Policy & Procedure following the councils' recent registration as a social landlord.

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).
5. **Appendix 3** is a copy of the Complaints Policy and Procedure which has recently been updated to also include a procedure for handling landlord services housing complaints.

The Formal Corporate Complaints Procedure

6. 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.
7. 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. The complaints procedure followed by the councils is a two-stage process as follows:

Stage one

8. The administration for all formal complaints including stage one is the responsibility of the customer service team. It is the responsibility of the relevant service manager to investigate and respond to the complainant within 15 working days.

Stage two

9. 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.
10. 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

11. 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.

Housing complaints – Landlord Service complaints

12. As the councils are now registered landlords and will be holding housing stock, we have additional obligations including potentially dealing with complaints about our housing. The formal complaints procedure available in **Appendix 3** and complaints webpage have been updated to now include a section on housing complaints.

Complaints' reporting

13. Last year's complaints report included figures for financial year 2021-22 and a narrative of the identified themes of complaints.
14. Our report this year includes the numbers of complaints received and our performance against target for issuing a response for 2022-23; these are set out in **Appendix 1**. Please note a copy of this report, once agreed, will be made available on the complaints page of our websites: www.whitehorsedc.gov.uk/complaints and www.southoxon.gov.uk/complaint
15. Please also 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.
16. The councils receive annual letters and reports from the Ombudsman, with a summary of its 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 2022-23 South received 103 stage one complaints, a decrease of 28 on the previous year. The noticeable differences are the decrease in stage one complaints received by Housing and Environment from 21 in 2021-22 to 5 in 2022-23, and Finance from 69 in 2021-22 to 58 in 2022-23. The number of complaints referred to stage two has decreased from 29 in the previous year to 19. The percentage of complaints referred to stage two has decreased from 22 per cent in the previous year to 18 per cent in 2022-23, which represents a decrease of 4 per cent.

Vale of White Horse District Council

Vale also received fewer stage one complaints in 2022-23 compared with previous years, with 84 complaints compared to 120 in 2021-22. Again, the noticeable differences are the decrease in complaints received by Finance from 67 in 2021-22 to 42 in 2022-23, and Housing and Environment from 21 in 2021-22 to 10 in 2022-23. A total of 17 complaints were referred to stage two, which is a decrease by six on the previous year. The percentage of complaints referred to stage two has increased from 19 per cent in the previous year to 20 per cent in 2022-23, which represents an increase of 1 per cent.

This year we are pleased to see that the number of stage one complaints received are similar to those in years previous, and we had an unusually high increase in isolation in 2021-22 due to Covid-19 related complaints.

Ombudsman investigations

17. The Ombudsman upholds complaints when it finds fault in an authority's actions, including where the authority accepted fault before its investigation. A focus on how often things go

wrong, rather than simple volumes of complaints, provides a clearer indicator of performance.

Over the past two years the Ombudsman reviewed its processes and advised it is prioritising the complaints it looks at in detail where it is in the public interest to investigate. It is now less likely to carry out investigations on 'borderline' issues, so it may appear it is naturally finding a higher proportion of fault overall. This is the context by which uphold rates should be analysed when compared to previous years. You can compare our performance with that of other authorities using the map on the Ombudsman's website: www.lgo.org.uk/your-councils-performance

18. The Ombudsman recommends 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.
19. The Ombudsman encourages the early resolution of complaints, and credits authorities that have a positive and open approach to resolving complaints, and where satisfactory remedies have been provided.

The Ombudsman received 11 complaints for South, which is a decrease of four on the previous year. The Ombudsman investigated two complaints which were not upheld. The remaining 9 complaints were referred to the council for local resolution.

For Vale a total of 14 complaints were referred to the Ombudsman, a decrease of 10 on the previous year. Three were investigated formally, of which one was upheld. For the one upheld complaint, we satisfied the Ombudsman's recommendations within the agreed timescale. The remaining 11 complaints were closed after initial enquiries or referred back to the council for local resolution.

A summary of the Vale upheld complaint is available in **Appendix 2**.

Climate and ecological impact implications

20. There are no climate and ecological impact implications arising directly from this report.

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 2022-23. The Committee is asked to review complaints received, and response times.

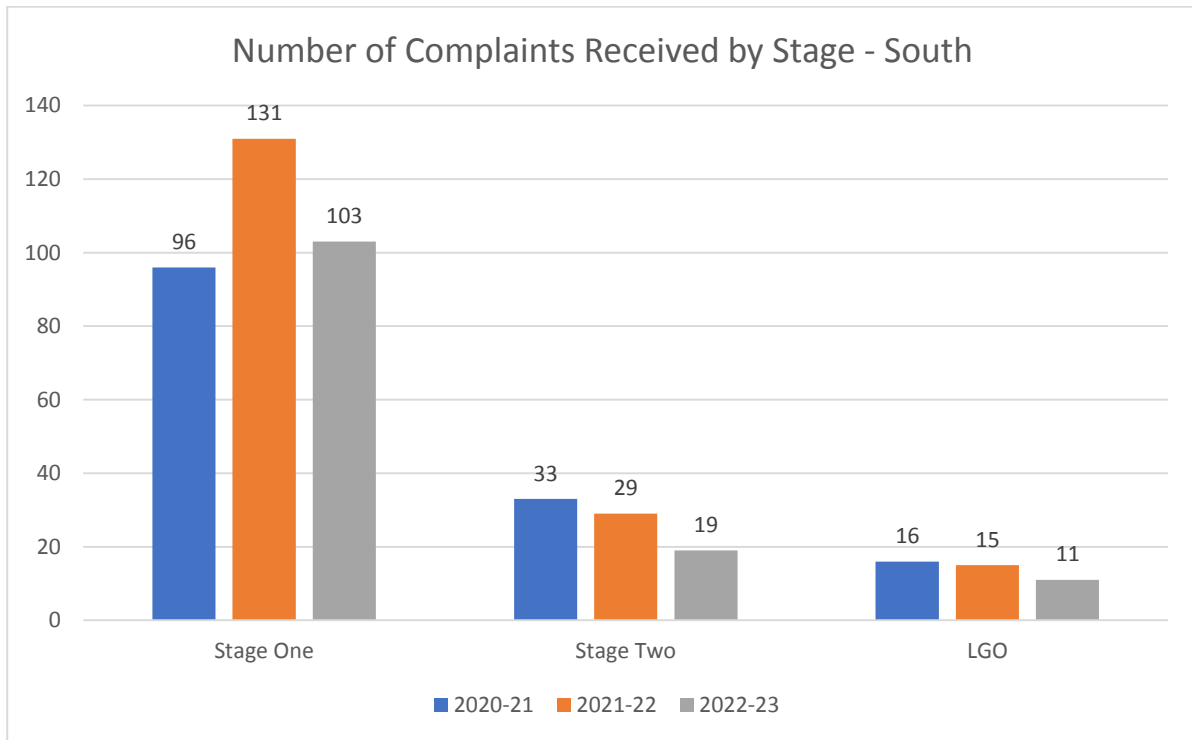
Background papers

- None

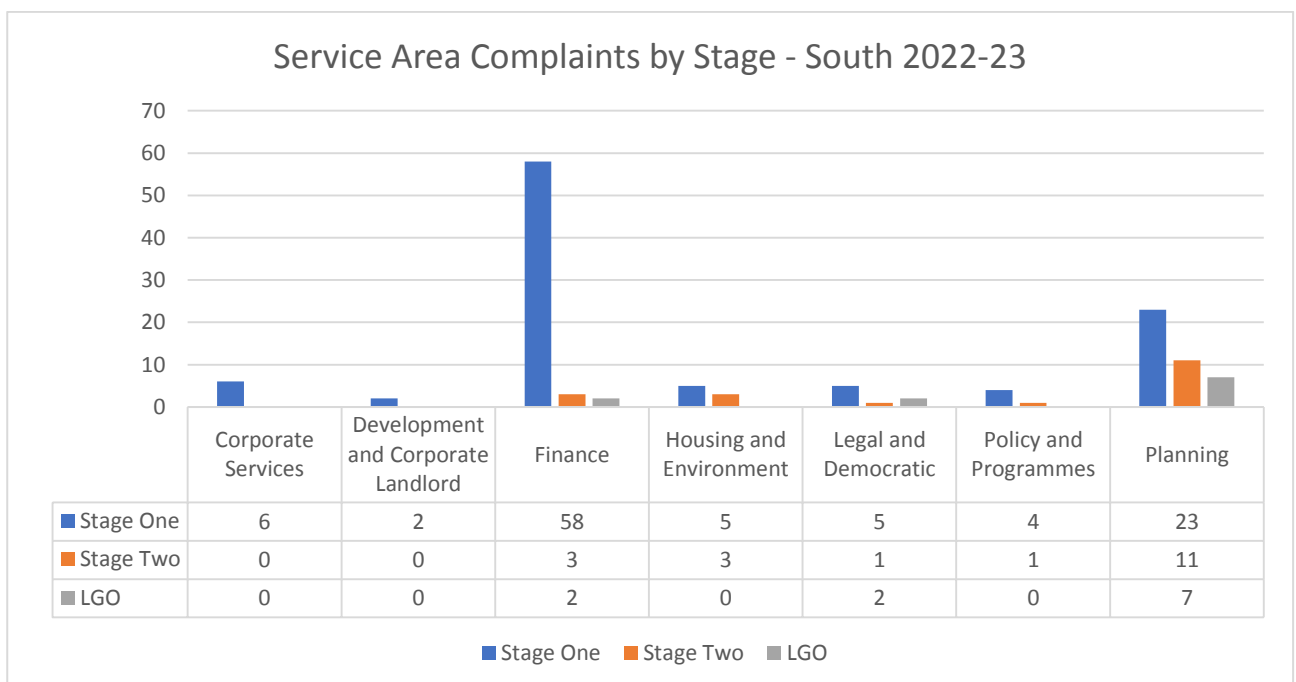
South Oxfordshire District Council

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

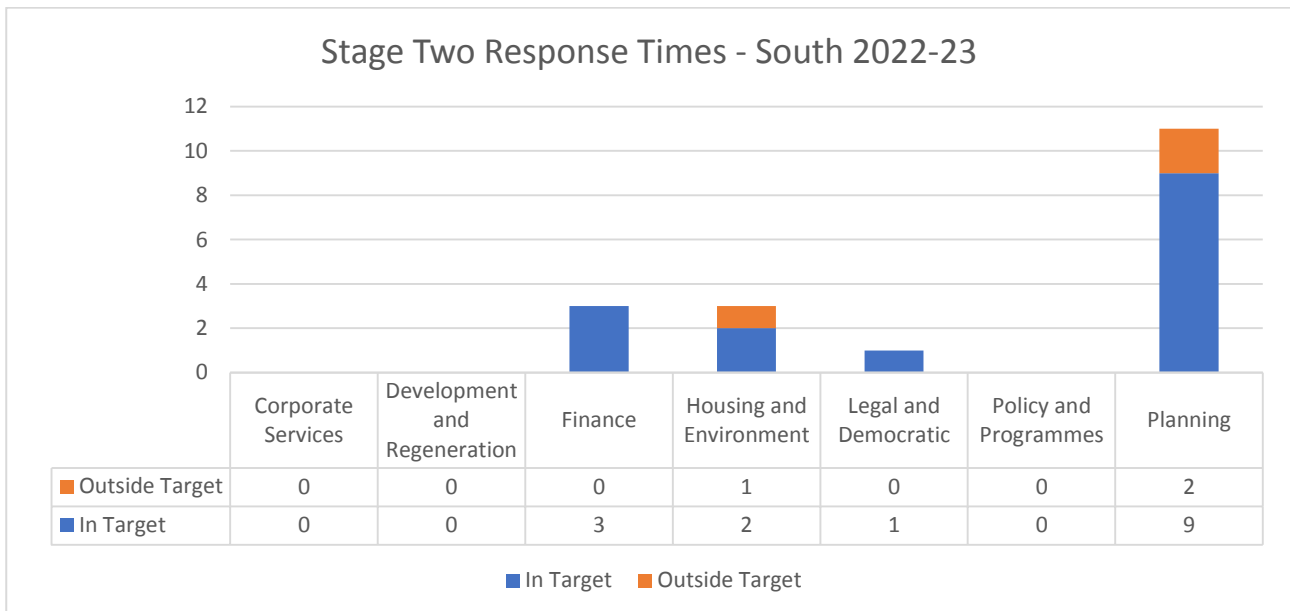
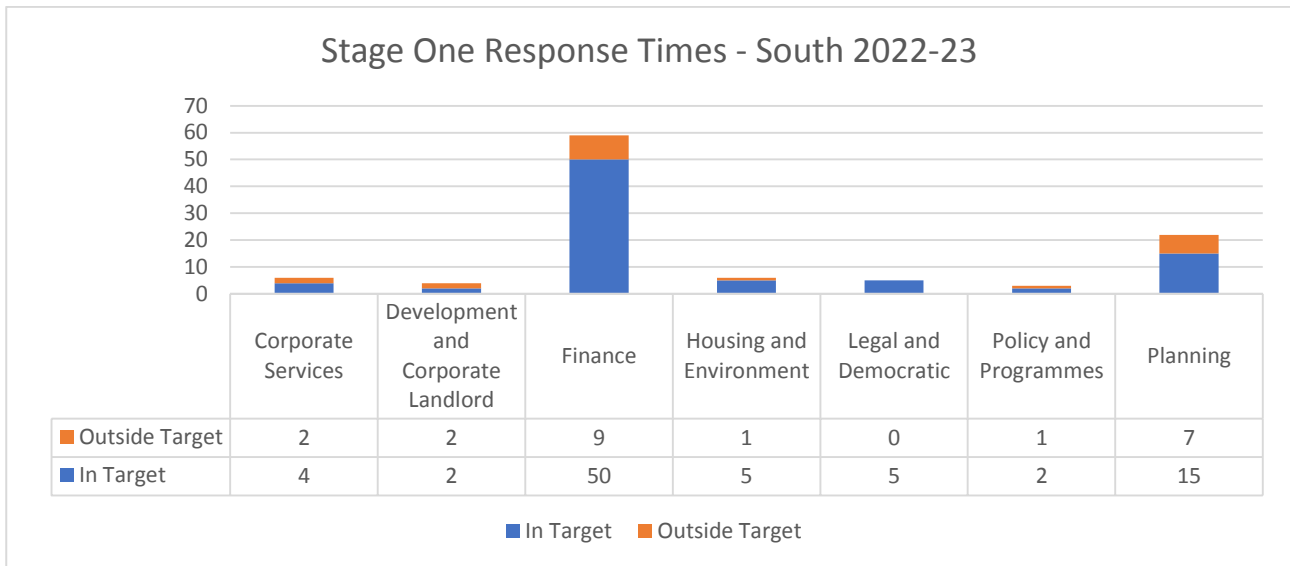
1. The following charts show the number of complaints received at each stage of the process over the past three completed years.



2. The following charts show the number of complaints received in 2022-23 for each service area at each stage of the complaints process.



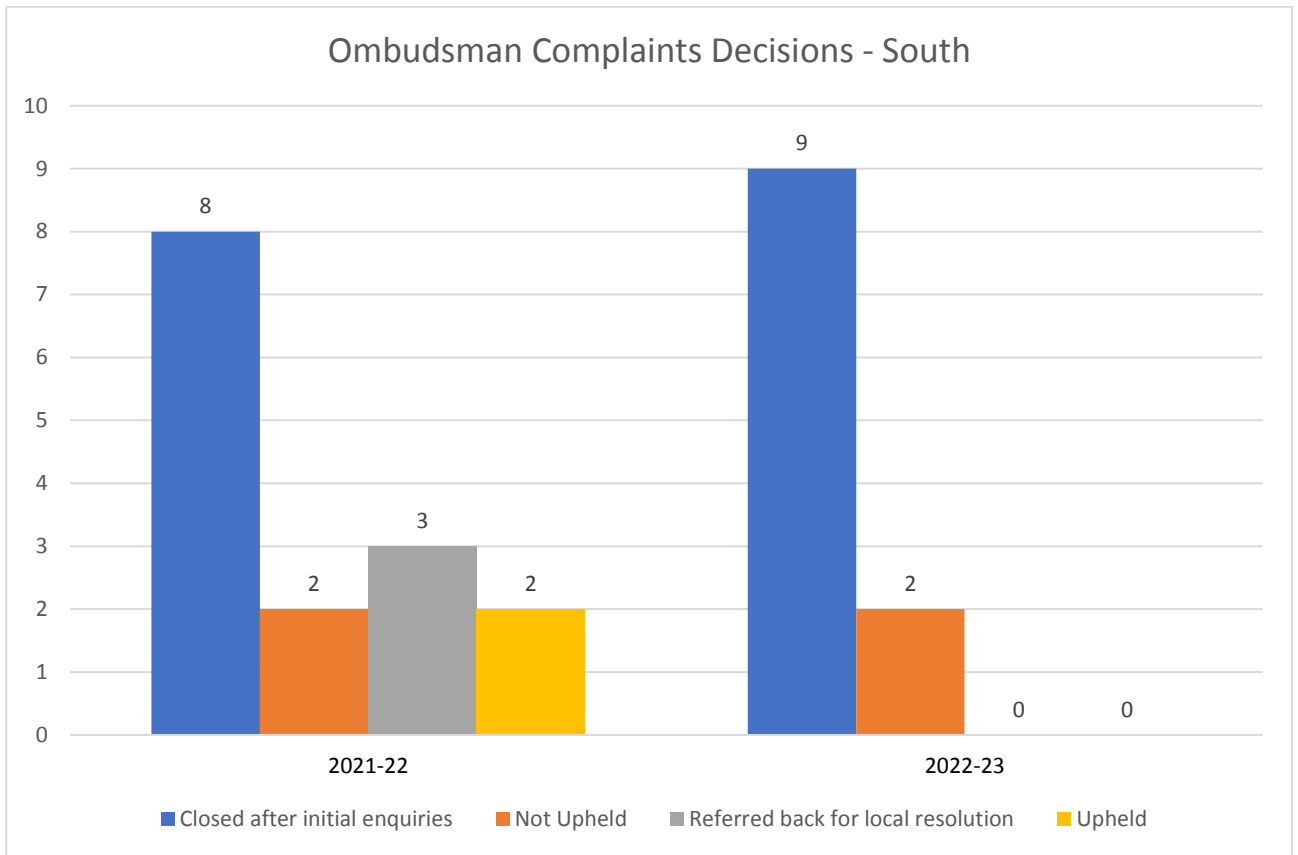
3. The following charts show service area performance in providing the response within 15 working days in 2022-23.



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.

Please note you will see a variance in the total number of complaints received, compared with the numbers of complaints responded to in the given year. This is because a complaint received in late March will be reported as received in one year, and responded to in the following year.

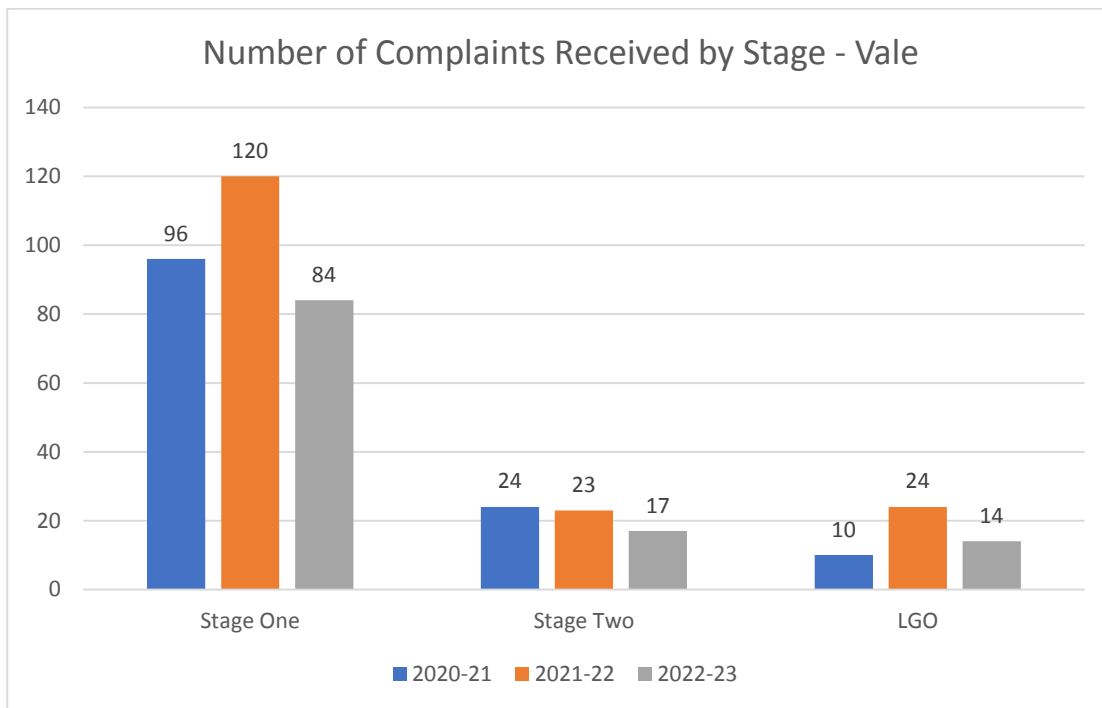
4. The following chart shows the outcomes of Ombudsman complaints received in 2021-22 and 2022-23.



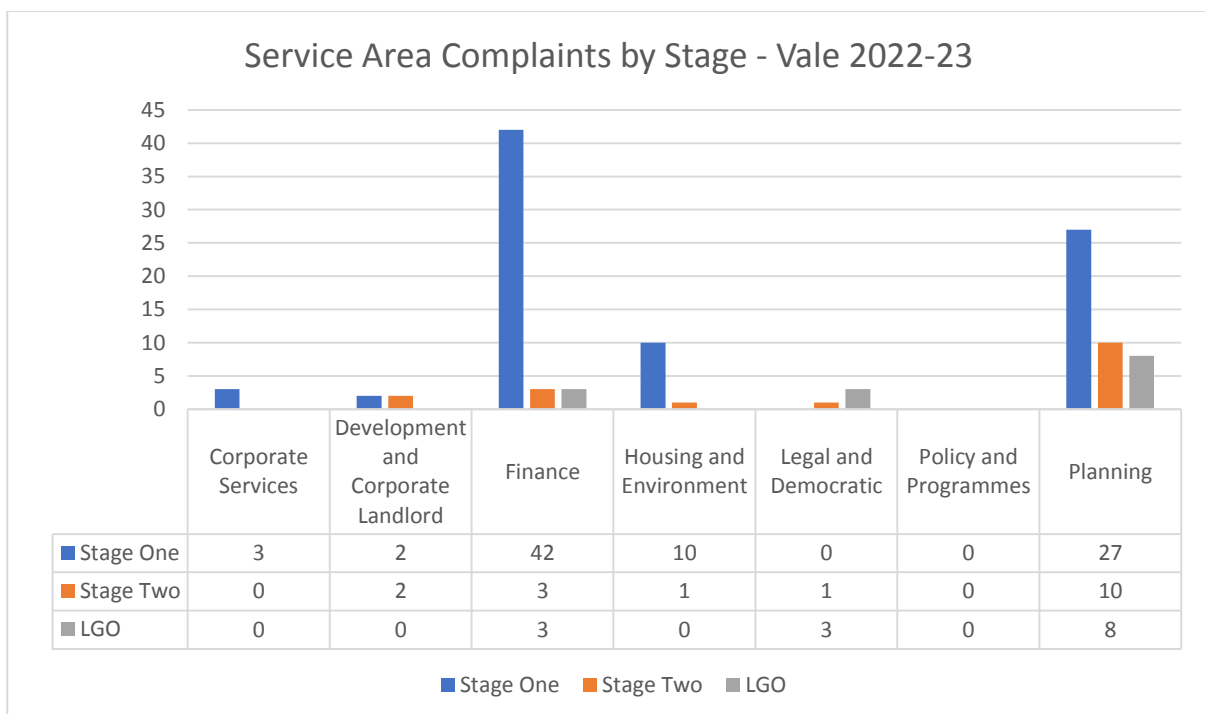
Vale of the White Horse District Council

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

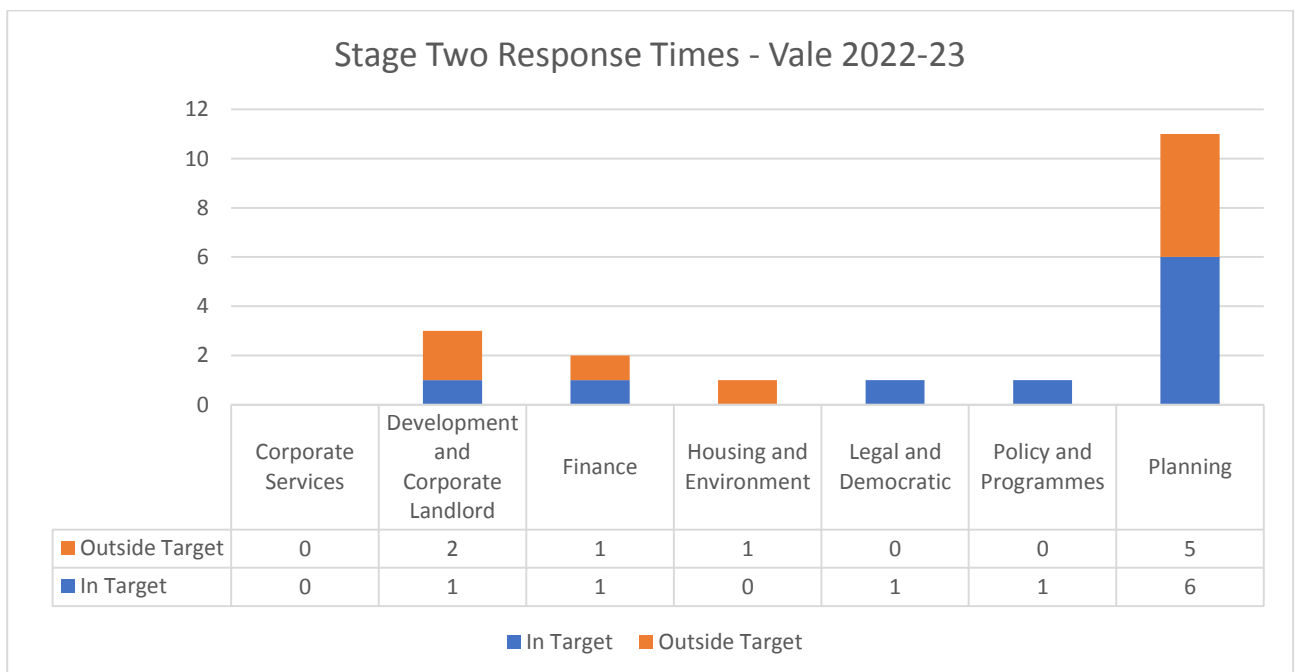
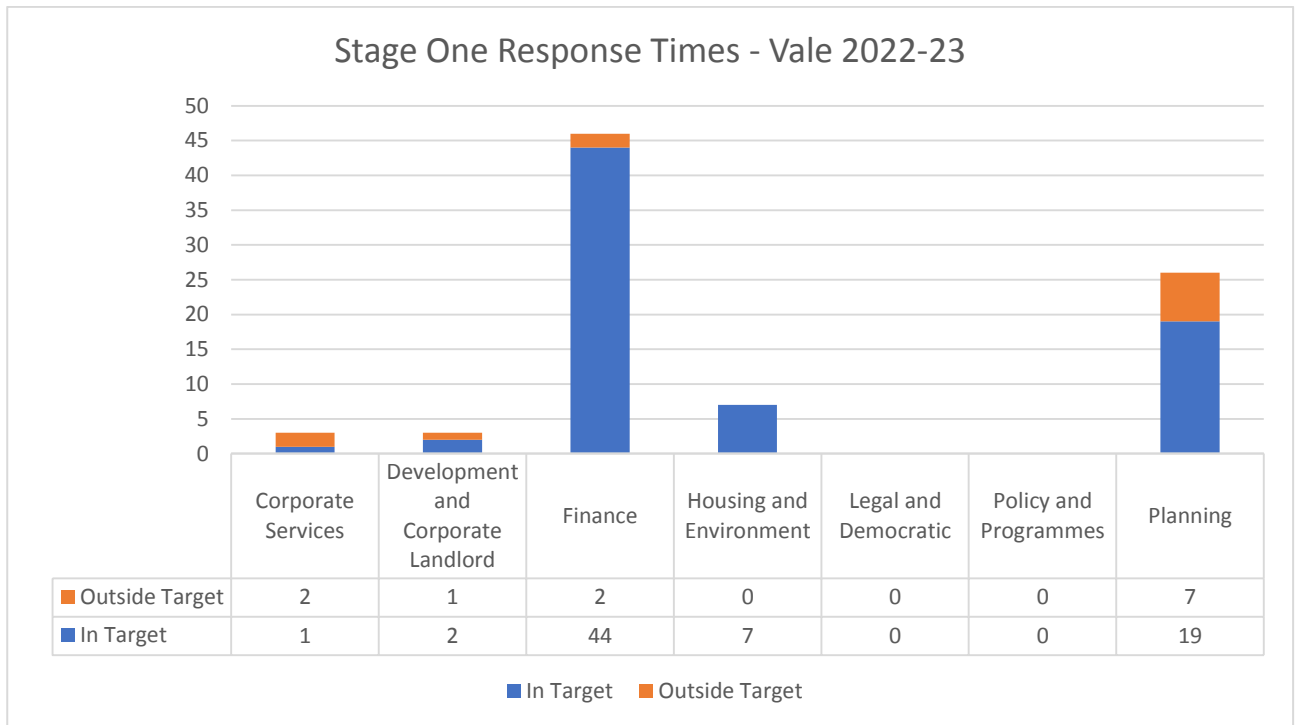
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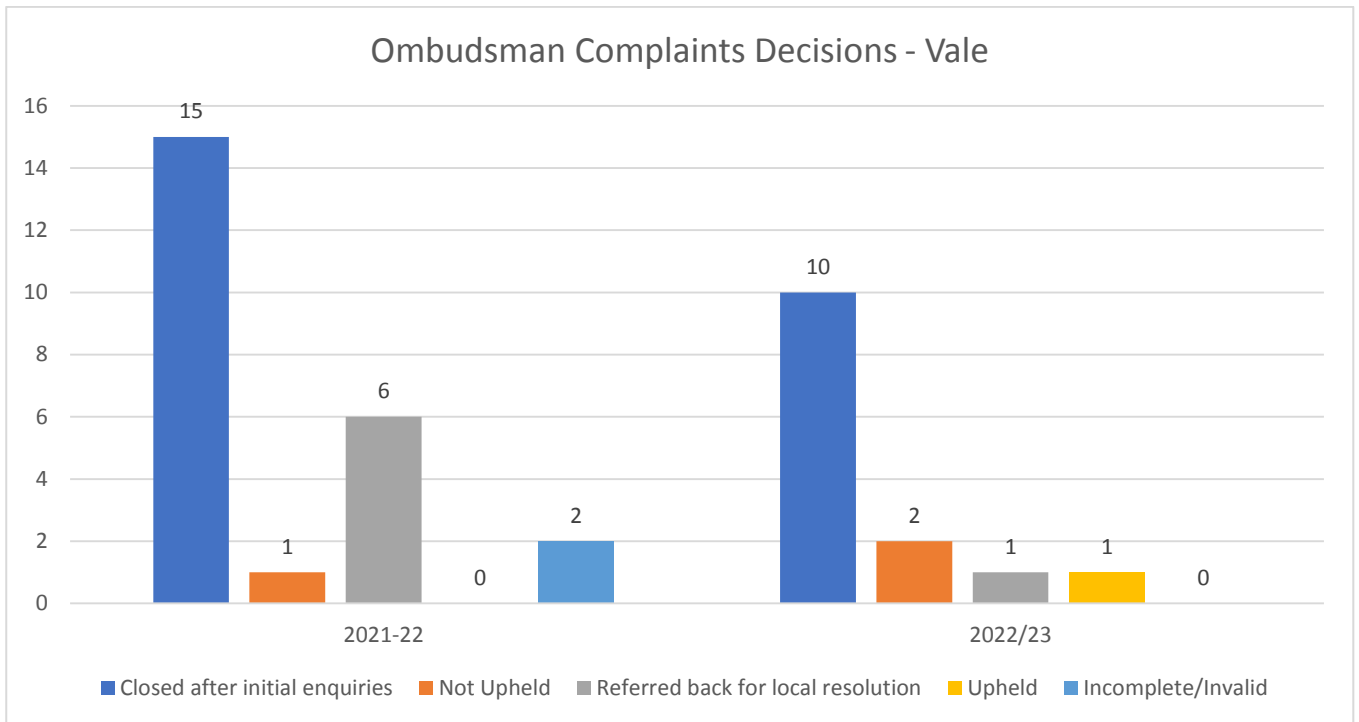
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Please note you will see a variance in the total number of complaints received, compared with the numbers of complaints responded to in the given year. This is because a complaint received in late March will be reported as received in one year, and responded to in the following.

8. The following chart shows the outcomes of Ombudsman complaints received in 2022-23 compared with the previous year.



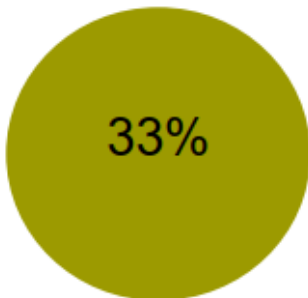
Appendix 2

Local Government and Social Care Ombudsman Summary 2022-23

- 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 2022 and 31 March 2023, regardless of whether they were received within that period of time. **Appendix 1** only includes the outcomes of complaints received during 1 April 2022 and 31 March 2023 once a decision had been made.

Upheld Complaints



33% of complaints we investigated were upheld.

This compares to an average of **59%** in similar organisations.

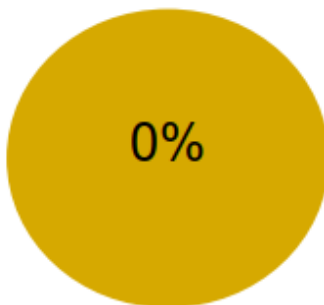
1
upheld decision

Statistics are based on a total of **3** investigations for the period between 1 April 2022 to 31 March 2023

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period.

Satisfactory remedies provided by the authority



In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **15%** in similar organisations.

0
satisfactory remedy decisions

Statistics are based on a total of **1** upheld decision for the period between 1 April 2022 to 31 March 2023

Summary of the South Upheld complaint:

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.

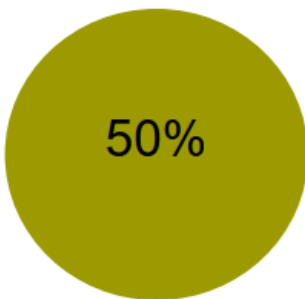
www.lgo.org.uk/decisions/benefits-and-tax/covid-19/21-011-416

Please note this complaint was included in last year’s annual report as the complaint was received in 2021-22. The Ombudsman then issued its decision for on 4 April 2022, which falls in this reporting period.

- 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 2022 and 31 March 2023, regardless of whether they were submitted within that period of time. Appendix 1 only includes the outcomes of complaints received during 1 April 2022 and 31 March 2023 once a decision had been made.

Upheld Complaints



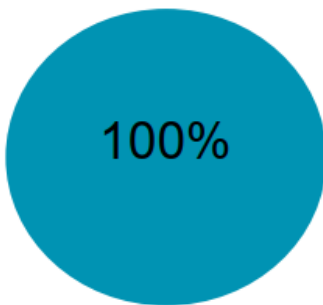
50% of complaints we investigated were upheld.

This compares to an average of 59% in similar organisations.

1 upheld decision

Statistics are based on a total of 2 investigations for the period between 1 April 2022 to 31 March 2023

Compliance with Ombudsman recommendations

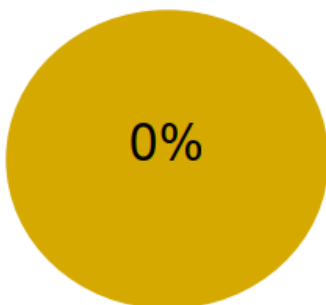


In 100% of cases we were satisfied the organisation had successfully implemented our recommendations.

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 2022 to 31 March 2023

Satisfactory remedies provided by the authority



In 0% of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of 15% in similar organisations.

0 satisfactory remedy decisions

Statistics are based on a total of 1 upheld decision for the period between 1 April 2022 to 31 March 2023

Summary of the Vale Upheld complaint:

Ombudsman reference: 22 004 320

Summary: Mr X complained the Council failed to take account of his disability during his application to renew his taxi licence. He said his licence was renewed late as a result. The Council was at fault when it did not offer to make reasonable adjustments for Mr X due to his disability. However, the fault did not cause Mr X an injustice, because the Council would have refused to renew his licence regardless of whether it had made reasonable adjustments. The Council agreed to carry out a service improvement to prevent recurrence of the fault.

Final decision

I have ended my investigation. I have found fault not leading to injustice and have recommended a service improvement to ensure against the fault occurring in future.

www.lgo.org.uk/decisions/environment-and-regulation/licensing/22-004-320