

# Joint Audit and Governance Committee



Report of Head of Corporate Services

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To: Joint Audit and Governance Committee

DATE: 15 October 2024

## Annual Complaints Report 2023-2024

### Recommendations:

That the committee notes:

- (a) the formal complaints received in 2023-24 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 in 2023-24 as shown in **Appendix 2**
- (c) the councils' self-assessment as required by the Housing Ombudsman code of practice as shown in **Appendix 3**
- (d) the revised Corporate Complaints Policy & Procedure as set out in **Appendix 4**.

Implications	Financial	Legal	Climate and Ecological	Equality and diversity
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(further detail within the report)	No	Yes	No	No
Signing off officer				

## Purpose of Report

1. The purpose of this report is to provide a review of formal complaints the councils received during 2023-24 which were considered under the corporate complaints' procedure.
2. In addition, this report provides the Committee with an overview of new Codes of Practice on complaints handling published by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO).
3. The councils, as they are now registered as social landlords, are now required to comply with the statutory Code of Practice from the HO. Whilst not mandatory the LGSCO Code is recognised as good practice. The report outlines work underway to ensure that the councils can fully comply with the new Codes of Practice, including the outcome of our first self-assessment carried out under the HO Code.
4. Resulting from adopting the new Codes amendments have been made to the councils' Corporate Complaints Policy and Procedure.

## Strategic Objectives

5. This report sets out how the councils are adapting their complaints handling processes to ensure that we continue to do so in line with best practice on complaints handling, and reviews formal complaints received by the councils. It therefore underpins all our Corporate Plan objectives; and makes a specific contribution to *Working in an open and inclusive way* (Vale) and *Openness and accountability* (South).

## Background

6. In early 2024, both the LGSCO and the HO published new Codes of Practice in relation to handling of formal complaints. The HO code is a statutory code meaning that the councils, as social landlords, must comply with its provisions. The LGSCO code is discretionary, however it sets out current good practice on complaint handling, and the Ombudsman has indicated that they will take it into account in considering complaints which are subsequently referred to them. As the codes are very similar, officers have adopted both, so we have one way of working for all complaints in future.

## Complaints and Compliments in 2023-24

7. The number of complaints received by each council during 2023-24 was as follows:

### *South Oxfordshire District Council*

During 2023-24, South received 64 stage one complaints, which is a decrease of 39 on the previous year. This represents an overall decrease of nearly 38 per cent. The noticeable difference is the decrease in stage one complaints received by Finance from 64 in 2022-23 to 26 in 2023-24. The number of complaints referred to stage two has increased by one to 20 during 2023-24.

*Vale of White Horse District Council*

Vale also received fewer stage one complaints in 2023-24 compared with previous years, with 75 complaints compared to 84 in 2022-23. Again, the noticeable difference is the decrease in complaints received by Finance from 42 in 2022-23 to 34 in 2023-24. A total of 14 complaints were referred to stage two, which is a decrease by one on the previous year. The percentage of complaints referred to stage two has reduced 20 per cent, which is 1 per cent less than the previous year 2022-23.

*Compliments*

8. We have recently introduced a new facility on our websites for residents to provide comments and compliments should they wish to do so. This will enable us to record compliments received council-wide and provide balance in future reporting of customer feedback. Where compliments have been received and recorded via the Customer Service team during 2023-24 these are included, with more detail on the complaints received at **Appendix 1**.

### **Complaints referred to the Ombudsman**

9. The LGSCO received eight complaints relating to South, which is a decrease of three on the previous year. None of these complaints were upheld, the Ombudsman closed all eight after initial enquiries.

For Vale a total of three complaints were referred to the Ombudsman, a decrease of one on the previous year. All three were closed after initial enquiries.

During 2023-24 the councils did not receive any complaints from the HO.

The annual letters from the LGSCO are attached at **Appendix 2**. The annual letters are also published on the LGSCO's website at: lgo.org.uk.

### **The new Codes of Practice**

10. Officers' have completed an assessment of the HO's new Code of Practice and have considered this along with the findings of recent internal audits of our complaint handling. We have also reviewed the LGSCO code ahead of conducting a formal self-assessment which will be reported in next year's annual report. This assessment shows that there are several areas where our current practice varies from that recommended by the new Codes; the key changes are examined below. Many of the new provisions can be addressed with relatively minor changes to policy, processes, or staff training. More significant changes are required to comply with provisions on reporting, and on complaint handling by our third-party contractors.
11. The main changes for the councils existing policy and process relate to the definition of a complaint and who deals with which stage; removing 'informal complaints'; timescales for responding to complaints; and extra requirements on reporting, monitoring, and learning from complaints received.
12. Fundamental to implementing the Codes, is being clear on what constitutes a 'service request' and what is a 'complaint'. The definition used by the LGSCO, and the HO is as follows:

*A service request may be defined as:*

***“a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision”.***

*A complaint may be defined as:*

***“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation/Landlord, its own staff, or those acting on its behalf, affecting an individual/a resident or group of individuals/residents.”***

## **Implications for the councils' complaint handling**

13. For services provided by the councils directly the above definitions are widely understood and used. It is more complex when services are provided by third party contractors on the councils' behalf. The nature of a service request differs depending upon the service concerned. Some teams have already worked with contractors to define what constitutes a service request for them, and to agree points at which a request is escalated to the council team as a complaint, and we will now be replicating this practice across all teams.
14. The new Codes are explicit that complainants should only ever have to go through two stages of any complaints process, this includes any stages which are handled by contractors or partners.
15. In future service teams will consider anything deemed not to be a 'service request' as a stage 1 complaint and the relevant service manager will respond having sought input from the contractor. Where a complaint is escalated to stage 2, the relevant Head of Service will provide a response as they do currently.
16. The other main change required is around timescales for responding to complaints. The Codes states that a stage 1 complaint should be acknowledged within 5 working days of receipt and responded to within 10 working days of the acknowledgement (currently our policy is to acknowledge within 1 working day and respond within 15 working days). Any extension should be no more than 10 working days without good reason.
17. At stage 2 acknowledgment should be within 5 working days and response within 20 working days of that acknowledgement, again extensions should not be more than 20 working days without good reason (also 1 working day and 15 working days in our current policy).
18. More subtly we need to reflect in our policy that we will consider new complaints made whilst stage 1 is under consideration, within the stage 1 response unless: the stage 1 response has been provided, the new issues are unrelated to the issues already being considered, or it would unreasonably delay a response; in which case a new complaint should be logged.
19. The new Codes put much greater emphasis on evidenced learning from complaints, and on tracking actions arising from complaints to demonstrate both learning and change, as part of an open and transparent complaints culture. There are also requirements for reporting on complaints we refuse to consider and our reasons for

refusal; actions taken to address issues raised in complaints, subsequent learning, service improvements and trends over time. Actions need to be tracked to their conclusion and complainants notified once they've been completed.

20. Any restrictions on complainants in place i.e. under our Vexatious and Unreasonable Complainant Behaviour Policy will need to be reviewed regularly and this Policy will also need to be updated to reflect provisions of the new Codes.
21. In addition, the Codes advocate more regular and in-depth reporting to the appropriate portfolio holders on the volume, categories, and outcomes of complaints; and regular reviews of issues and trends arising from complaint handling.
22. Specifically, we are now required to complete an annual self-assessment of how our complaints handling complies with the Codes. Our Corporate Complaints team has been working with the Housing Compliance team on the HO Code. Our completed self-assessment is attached at **Appendix 3**.
23. To respond to the changes required in the HO and LGSCO codes we have amended our Corporate Complaints Policy & Procedure which is attached at **Appendix 4**. For ease of reading all substantive changes are highlighted within the appendix.

### **Financial Implications**

24. 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**

25. This report sets out the implications of complying with the new HO and LGSCO Codes of Practice on Complaint Handling and how the councils will ensure full compliance with the Codes. It is therefore managing the risk of challenge from the Ombudsman or findings against the councils in relation to the way we respond to complaints.

### **Climate and ecological impact implications**

26. This report is provided for information only and has no climate and ecological impact implications.

### **Equalities implications**

27. This report is for information only and therefore there are no equalities implications.

### **Risks**

28. It is important that the councils 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**

29. This report sets out a review of formal complaints received during 2023-24. The Committee is asked to review complaints received, and response times. Committee is asked to comment on the self-assessment carried out in line with the requirements of the HO. The Committee is also asked to note the change in policy, practice, and processes through the adoption of the new Codes from the HO and LGSCO.

## **Background Papers**

LGSCO, Complaint Handling Code  
HO Service, Complaint Handling Code