

Administrative Committee



12 October 2023

Title	Annual Report on Complaints 2022-2023
Purpose of the report	To note
Report Authors	Farida Hussain, Monitoring Officer Sandy Muirhead, Group Head Commissioning and Transformation
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	Service delivery
Recommendations	Committee is asked to consider and endorse the report.
Reason for Recommendation	Not applicable

1. Summary of the report

- 1.1 This report seeks to inform members of the Annual Report from the Local Government and Social Care Ombudsman (the Ombudsman) for the period from 1 April 2022 to 31 March 2023. It also provides an overview of the performance of the Council over the same period in responding to complaints under the Council's Corporate Complaints Policy.
- 1.2 Complaints are recognised as a valuable tool in helping officers to understand the concerns of residents in the delivery of services and have an important role in both supporting the improvement of those services and holding services to account. This report outlines the learning points and improvements identified as a result of the complaints investigated in 2022-2023.

2. Key issues

Annual Report from the Local Government and Social Care Ombudsman

- 2.1 The Ombudsman has recently circulated its Annual Review letters for 2022-2023 to all local authorities (**Appendix 1**).
- 2.2 The Annual Review letter includes a breakdown of complaints about Spelthorne Borough Council received by the Ombudsman and how they were dealt with. (**Appendix 2**).

- 2.3 The Ombudsman publishes [an interactive map](#) containing the complaint data for each local authority in England in a searchable format. It collates the annual letters sent to each local authority, how often they complied with the Ombudsman’s recommendations, the improvements they have agreed to implement and published decisions.
- 2.4 As part of the Council’s Complaints Policy, if a customer remains dissatisfied following receipt of their Stage 2 response, they can take their complaint to the Ombudsman which is the final stage of the complaints process.
- 2.5 The Ombudsman received nine complaints regarding the Council in 2022-2023. All these complaints arose from a direct approach to the Ombudsman and not as an escalation of a complaint the Council had responded to at Stage 2 of the internal complaints’ procedure. In seven instances, the Ombudsman deemed no further action was necessary after an initial investigation. Two complainants had approached the Ombudsman prematurely and were referred to the Council to take their complaint through our internal procedure.
- 2.6 This is an extremely positive outcome, when considered in the context of the Ombudsman upholding 74% of complaints at national level, and the number of complaints responded to at Stages 1 and 2 of our internal complaints’ procedure as detailed later in this report. (Paragraphs 2.8 to 2.17)
- 2.7 This is also an improvement on the outcome of complaints referred by Spelthorne residents to the Ombudsman in the last two years, as shown by the table below:

Table 1

Complaints referred to Ombudsman	2020/21	2021/22	2022/23
No. received	6	8	9
No. investigated	3	1	0
No. upheld - maladministration	1	1	0

Council’s Corporate Complaints

- 2.8 Formal complaints from residents about unsatisfactory service or the behaviour of staff are considered in accordance with the Corporate Complaints’ Policy. [The Policy](#) is available on the Council’s website.
- 2.9 A complaint is defined within the Council as “an expression of dissatisfaction about anything we have done, or perhaps not done. It might be about: failure to deliver a service; delay in providing a service; unsatisfactory quality of a service; the behaviours of a member of our staff or failure to follow Council policy.”
- 2.10 Complaints recorded under the formal procedure (and dealt with in this summary report) do not include those ‘first time’ representations which were effectively requests for a service and dealt with as such. Accordingly, a new report of a missed bin, or a noise nuisance, for example, would not be registered and dealt with as a complaint, but as a request for action. Of course, if the Council failed to respond to the ‘request’ appropriately, then that may generate a complaint.

Complaints 2022-2023

- 2.11 The annual complaints logs contain personal information that should not be published. Neither would it be appropriate for the Committee to review the circumstances of, or decisions reached in respect of, individual complaints. This corresponds with the Ombudsman's view that it is neither necessary, nor desirable, for the Council to make such details public. As a result, the information provided in this report is largely statistical in nature.
- 2.12 The following table gives a breakdown of the number of complaints received and responded to in 2022-23.

Table 2

Stage of Complaints process	Number of complaints
Service level (Stage 1)	56
Escalation to Group Head (Commissioning and Transformation) (Stage 2)	20 (from the 56 above)
Local Government and Social Care Ombudsman	9 (these were direct enquiries from members of the public who had not previously approached the Council about their complaint)

- 2.13 The following table illustrates the number of complaints received in 2022-23 compared to the previous two years.

Table 3

Year	Complaints at Stage 1	Complaints at Stage 2
2020-21	31	23
2021-22	21	18
2022-23	56* (43 of which were received through the online Portal)	20 (10 of which were escalated through the Portal)

- 2.14 *In the summer of 2021 we launched an online Complaints Portal; a facility for residents to make their complaint through our website. This has made it easier for residents to raise a complaint and receive a response online. Its use has increased noticeably in this second year since the launch. It is likely that the substantial increase in complaints received at Stage 1 in 2022-23 can be attributed to the familiarity many members of the public now have with using online complaint facilities across many sectors, rather than suggest that the Council is failing in its service delivery.

- 2.15 This assumption is supported by the fact that notwithstanding the 138% increase in Stage 1 complaints compared to the number received in 2021-2022, the number of complaints escalated to Stage 2 is consistent with the previous two years.
- 2.16 As well as the online Portal, customers may continue to use the traditional methods of making a complaint by telephone (followed up in writing), email or letter. Thirteen of the complaints raised in 2022-23 used one of these methods.
- 2.17 Table 4 shows the outcome of the Stage 2 investigations for each of the same years as Table 3.

Table 4

Year	Not upheld (no finding of fault)	Upheld (finding of fault or partial fault)	Remedies for fault
2020/21	14	9	Apology
2021/22	15	3	Apology
2022/23	14	6	Apology – 4 Financial remedy - 2

Learning points

- 2.18 The Council treats every complaint as an opportunity to identify learning outcomes and improve service provision regardless of whether a complaint was upheld. Complaints are valuable not only in identifying service improvements but in improving public perception and satisfaction with the Council as a whole. Each complaint can be an opportunity to make changes or service improvements on a small or greater scale.
- 2.19 Examples of some of the learning points and improvements made arising from complaints investigated during 2022-23 include:
- All Group Heads have embedded clear processes in their teams for dealing with Stage 1 complaints.
 - Automated departmental email acknowledgments were clarified to indicate that responses to formal complaints will be sent within 10 working days.
 - Departments have reviewed the specified service response timescales to ensure they are realistic, taking into account any resource constraints within teams.
 - The Council's website has been amended in relation to the timescale for re-activation of out-of-date garden waste subscriptions paid online. Information was added to advise that accounts can be reactivated sooner by calling Customer Services to make payment.

Time taken to respond

- 2.20 The Council's Complaints' Policy states that complaints will be responded to in full at Stage 1 within 10 working days of receipt. Where this is not possible (for example, because of the complexity of the complaint, the number of third parties involved or awaiting additional information) a holding response will be sent to the customer advising them when they can expect a reply. This response timescale was met in 93% of service complaints at Stage 1 (52 out of 56 complaints).
- 2.21 This represents a significant improvement on previous years. The 10 working day response time at Stage 1 was met in 58% of cases in 2020-2021, and in 52% of cases in 2021-2022. The reason for the improvement is largely due to the automated reminder system built into the Portal which sends services a prompt when they have two days left to respond.
- 2.22 Of the 4 complaints which were not responded to within the 10 working days, 3 received a response within a further three days with an apology for the delay. The delay in the one other complaint response was due to staff resourcing issues in Environmental Health
- 2.23 When a complaint is escalated to Stage 2, the Group Head Commissioning and Transformation aims to respond within 20 working days. This timescale was met in 80% of escalated complaints (16 of the 20 complaints). Where it is not possible to respond within this time frame, usually due to the complexity of the complaint, the complainants are made aware that there will be a delay and when a full response can be expected.

3. Options analysis and proposal

- 3.1 This report is for information and there are no options arising.

4. Financial implications

- 4.1 There are no direct financial implications arising from this report.
- 4.2 As a result of two Stage 2 complaint investigations in 2022-23, and further evidence being provided by the complainants, refunds were issued for payment of a long-term empty council tax premium and a lost car park ticket penalty. These amounted to £2,714 and were met from within service budgets.

5. Risk considerations

- 5.1 The Group Head for Commissioning and Transformation routinely reviews and reports on complaints data to ensure our processes are effective and to minimise any risk.
- 5.2 There is a risk relating to complainants being unaware of the formal complaints' procedure. To mitigate this risk, all Stage 1 responses provide information on how to escalate a complaint to Stage 2, the Policy is available to read on our website, paper copies are available on request and a link to, or copy of, the Policy is sent to all complainants at Stage 2 so that they fully understand all stages of the process, including the role of the Ombudsman.
- 5.3 There is a risk that residents may feel that Spelthorne Borough Council may not take complaints seriously. The annual complaints report demonstrates that this is not the case.

5.4 There is a risk that complaints are not dealt with within the specified timescale. Reasons for this vary, for example: the availability of officers (e.g. due to sickness absence or leave) or the need for more time to carry out a full investigation. To mitigate this the Corporate Governance Support Officer maintains a detailed spreadsheet and provides support and reminders to any officer dealing with a formal complaint. Should more time be needed to respond, the complainant is advised with a new timescale provided.

6. Procurement considerations

6.1 There are no procurement considerations arising from this report.

7. Legal considerations

7.1 There are no legal considerations arising from this report.

8. Other considerations

8.1 There are none.

9. Equality and Diversity

9.1 The Council is required to have due regard to its public sector Equality Duty.

9.2 The Council's Duty is stated under the Equality Act 2010 and is to have regard to the need to:

a) eliminate unlawful discrimination, harassment or victimisation

b) advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it

c) foster good relations between those who share a relevant characteristic and those who do not.

9.3 There were no instances of discrimination, harassment or victimisation identified in any of the Stage 2 investigations, although such allegations were made by complainants.

9.4 Customers are provided with a range of methods by which to raise a complaint as described in paragraphs 2.14 and 2.16. Spelthorne's website includes audio visual tools so that no one should be prevented from raising their concern due to a Protected Characteristic.

10. Sustainability/Climate Change Implications

10.1 There are no sustainability or climate change implications arising directly out of this report.

11. Contact

11.1 Gillian Scott, Corporate Governance Support Officer,
g.scott@spelthorne.gov.uk

Background papers: There are none.

Appendices:

Appendix 1 – Ombudsman's Annual Review Letter from 2022-23

Appendix 2 – Table of decisions made by the Ombudsman in 2022-23