

Corporate Policy and Resources Committee



9 September 2024

Title	Annual Report on Complaints 2023-2024
Purpose of the report	To note
Report Authors	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 receive and endorse the report.
Reason for Recommendation	Not applicable

What is the situation	Why we want to do something
<ul style="list-style-type: none"> The Local Government and Social Care Ombudsman (the Ombudsman) has issued its Annual Report on the Council's complaints performance for the period from 1 April 2023 to 31 March 2024. 	<ul style="list-style-type: none"> To give councillors oversight of our complaints performance and how learning from complaints drives service improvements.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> Inform members of the Ombudsman report. Inform members of the Council's complaints handling performance under its two-stage Complaints Policy. Inform members of the service improvements identified and implemented as a result of learning from complaints. 	<ul style="list-style-type: none"> The performance report will be published on the Council's complaint webpage. Measures to improve response times at Stage 1 will be investigated and implemented.

- 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 2023 to 31 March 2024. 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 and implemented as a result of the complaints investigated in 2023-2024.

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 2023-2024 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 five complaints regarding the Council in 2023-2024. Four of these complaints arose from an escalation of a complaint the Council had responded to at Stage 2 of the internal complaints' procedure, and one was a direct approach to the Ombudsman.
- 2.6 In all five instances, the Ombudsman closed the complaint after initial enquiries as an investigation was not warranted by the alleged fault.
- 2.7 This is an extremely positive outcome, when considered both in the context of the Ombudsman upholding 80% 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 2.10 to 2.22)
- 2.8 This is also an improvement on the number 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	2021/22	2022/23	2023/24
No. received	8	9	5
No. investigated	1	0	0

No. upheld - maladministration	1	0	0
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2.9 The Ombudsman’s Annual Letter makes reference to the recently launched Complaint Handling Code for councils which we are encouraged to adopt without undue delay. Officers have been familiarising themselves with the Code since it was published and identifying the areas of our current Policy and procedures which will need reviewing to comply with the Code. This review will take place before the end of this year with the aim of adopting an updated Policy early next year.

Councils Corporate Complaints Performance

- 2.10 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.
- 2.11 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.”
- 2.12 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 2023-2024

- 2.13 The annual complaints log contains 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.
- 2.14 The following table gives a breakdown of the number of complaints received and responded to at each Stage of the Complaints process in 2023-24.

Table 2

Stage of Complaints process	Number of complaints 2023-24
Service level (Stage 1)	44
Escalation to Group Head (Commissioning and Transformation) (Stage 2)	27
Local Government and Social Care Ombudsman	5 4 escalations from Stage 2, 1 direct enquiry to LGSCO

2.15 The following table illustrates the number of complaints received at both Stages of the process in 2023-24 compared to the previous three years.

Table 3

Year	Complaints at Stage 1	Complaints at Stage 2	Percentage of complaints escalated
2020-21	31	23	74%
2021-22	21	18	86%
2022-23	56* (43 received through online Portal)	20 (10 were escalated through the Portal)	36%
2023-24	44* (14 received through online Portal)	27 (2 were escalated through the Portal)	61%

2.16 *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.

2.17 The use of the online facility increased noticeably in 2022-23, the second year since the launch, which was attributed to the familiarity many members of the public have with using online complaint facilities across many sectors. However, online complaints dropped off considerably in 2023-24 to less than half the number submitted in 2022-23.

2.18 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. Thirty of the complaints raised in 2023-24 used one of these methods.

2.19 Although the percentage of Stage 1 complaints which are escalated to Stage 2 has increased again this year, there has not been an equivalent increase in the number of complaints which were upheld as illustrated in Table 4.

Table 4

Year	Not upheld (no finding of fault)	Upheld (finding of fault or partial fault)	% Upheld	Remedies for fault
2020/21	14	9	39%	Apology
2021/22	15	3	17%	Apology
2022/23	14	6	30%	Apology – 4 Financial remedy - 2
2023/24	18	9	33%	Apology – 6 Financial remedy – 2 Other remedy - 1

2.20 The following Table 5 illustrates the breakdown of complaints by service area.

Table 5

Service Area	2021-22	2022-23	2023-24	Upheld at Stage 2 in 2023-24	Outcome of upheld complaints
Planning Development and Enforcement	5	6	10	0	-
Neighbourhood Services	3	19	16	3	Offer to reinstate to previous position – 1 Apology and requested action taken – 1 Apology and improved processes - 1
Council Tax and Business Rates	0	11	7	3	Apology for delay to respond – 2 Financial compensation - 1
Housing Options	4	6	6	3	Apology for delay to respond– 2 Financial compensation - 1
Parking Services	2	5	0	0	-
Environmental Health	1	3	4	0	-
Housing Benefits	2	5	0	0	-
Assets	1	1	1	0	-
Corporate Governance	5	0	0	0	-
Family Support	1	0	0	0	-
Communications	1	0	0	0	-

3. Learning points

3.1 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 is considered an opportunity to make changes or service improvements on a small or greater scale.

3.2 Examples of some of the learning points and improvements made arising from complaints investigated during 2023-24 include:

- Improved liaison with volunteer groups involved in biodiversity projects on Council owned land;

- New written procedures for contractors and the parks maintenance team working in parks/green spaces to protect the work of volunteers;
- Refuse operatives given training on new procedures for missed bins;
- New logging procedures by Depot staff for missed bin collections;
- New procedures established for addressing non-compliance with bylaws in the Council's cemeteries and burial grounds;
- An inspection of compliance with bylaws in cemeteries and burial grounds has been completed and action to enforce instances of non-compliance taken and continuing;
- A review of procedures in the Council Tax and Business Rates Teams by Internal Audit is planned;
- New residents of Harper House and White House are provided with information on the complaints process through Metropolitan Thames Valley Housing (MTVH);
- Quarterly contract review meetings with MTVH cover the status of all emergency and routine repairs and Health and Safety matters.

4. Time taken to respond

Stage 1

- 4.1 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.
- 4.2 In 2023-24, Stage 1 responses met this timescale in 60% of cases received by email (18 out of 30) and in 100% of those cases received through the online Portal.
- 4.3 This represents a significant drop compared to last years' response times when we achieved a 98% response within ten working days. However, this year is similar to the response times for the previous two years when 58% of cases in 2020-2021, and 52% of cases in 2021-2022 met the deadline.
- 4.4 Of the 12 complaints which were not responded to within the 10 working days:
- 4.5 3 received a response within a further four days with an apology for the delay.
- 4.6 1 received a phone call and holding response within 10 days, with the full response sent in a further 20 days.
- 4 were escalated direct to Stage 2 due to the lack of a response at Stage 1.
- 4.7 4 complaint responses in two service areas were delayed beyond 20 days due to staff resource issues. Steps to address these are discussed in paragraphs 4.10-4.11 below.
- 4.8 It is recognized that there may be instances when a delay in responding is inevitable. This is considered acceptable provided the complainant is kept updated as to when a response can be expected and that the delay is no more than a further ten days.

- 4.9 It is not acceptable for any complainant at Stage 1 to wait longer than 20 days for a response, or in some cases even an acknowledgment, or so long that they have to resort to escalating their complaint to Stage 2 in order to be provided with a response.
- 4.10 A staffing restructure in one department where four complaints had not been responded to in a timely manner has resolved the issue of complaints about that service being 'overlooked'.
- 4.11 There is an ongoing staff resource issue in another service where two complaints were not responded to in a timely manner. The managers in that service are particularly conscientious about doing a thorough investigation and full response to complaints, which have usually already had a great deal of contact with the service before the complaint is raised. This results in the officers needing additional time to pull together all the relevant evidence into the response, and the resultant delay.
- 4.12 The Group Head for Commissioning and Transformation is considering other measures to improve response times at Stage 1, including:
- Refresher training for all staff on complaint handling
 - A new process for recording receipt of Stage 1 complaints was introduced in July 2024. This involves complaints received by Customer Services being copied to the complaints team who can then log the complaints and send the relevant service timely reminders to send their Stage 1 response.

Stage 2

- 4.13 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 74% of escalated complaints (20 of the 27 complaints). Where it was not possible to respond within this time frame, usually due to the complexity of the complaint, the complainants were made aware that there would be a delay and when a full response could be expected.
- 4.14 Five complaints were responded to within a further 10 days and two within a further 20 days.

5. Options analysis and proposal

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

6. Financial implications

- 6.1 There are no direct financial implications arising from this report.
- 6.2 In the case of two Stage 2 complaint investigations in 2023-24, a financial remedy was offered for the injustices caused.
- One consisted of a compensation payment of £1,000 in recognition of the distress and inconvenience caused over an extended period. The amount of compensation accorded with Ombudsman guidance and was met from within the service budget.
 - In the other case, the remedy was a refund of fees, court costs and a goodwill payment. The fees amounted to £20,437 and were refunded by the Council's enforcement agent at no further cost to the Council. The court costs were credited to the customer's account following withdrawal

of a summons. The goodwill payment of £600 was met from within the service budget.

6.3 Therefore, the total cost to the Council arising from upheld Stage 2 complaint investigations amounted to £1600.

7. Risk considerations

7.1 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.

7.2 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 Complaints 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 both Stages so that they fully understand all stages of the process, including the role of the Ombudsman.

7.3 There is a risk that residents may feel that Spelthorne Borough Council does not take complaints seriously. The annual complaints report demonstrates that this is not the case.

7.4 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 workloads, 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. The new process introduced in July 2024 is intended to further mitigate this risk. Where the service requires more time to respond, they may advise the complainant of the delay and advise a new timescale.

8. Procurement considerations

8.1 There are no procurement considerations arising from this report.

9. Legal considerations

9.1 There are no legal considerations arising from this report.

10. Other considerations

10.1 There are none.

11. Equality and Diversity

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

11.2 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.

11.3 There were no instances of discrimination, harassment or victimisation identified in any of the Stage 2 investigations.

11.4 Customers are provided with a range of methods by which to raise a complaint as described in paragraphs 2.16-2.18. Spelthorne's website includes audio visual tools so that no-one should be prevented from raising their concern due to a Protected Characteristic.

12. Sustainability/Climate Change Implications

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

13. Contact

13.1 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 2023-24

Appendix 2 – Table of decisions made by the Ombudsman in 2023-24