



Committee report

Committee	CORPORATE SCRUTINY COMMITTEE
Date	12 SEPTEMBER 2023
Title	CORPORATE COMPLAINTS ANNUAL SCRUTINY REPORT
Report of	DIRECTOR OF CORPORATE SERVICES

SUMMARY

1. The Local Government and Social Care Ombudsman's (LGSCO) annual review of complaints 2022-2023, was published on 26th July 2023.
2. Now in its tenth year, the LGSCO's annual review of complaints offers a unique insight into the health of local government services in England.
3. The Ombudsman's annual complaints statistics support the difficulties, nationally, many people face in key areas of their lives – how their children are educated, how elderly relatives are cared for, and the houses they call home. Their report details the common issues seen nationally over the past 12 months, with key areas of concern including Special Educational Needs and Disabilities provision for children and young people, Adult Care Services, and Housing.
4. In the Ombudsman's first report in 2014, Education and Children's Services complaints made up just 17% of the complaints the Ombudsman received. This ever-growing area now makes up nearly a quarter (24%) of the organisation's workload, and sees the average uphold rate of complaints investigated tipping 84%. In comparison the figure for the Isle of Wight Council is 27% with an uphold rate of 50% broadly in line with our overall percentage of complaints upheld.

BACKGROUND

Isle of Wight Council Corporate Complaints and Quality Outcomes

5. Over the past two years, the LGSCO have reviewed their processes to ensure they maximise the resources they have available. One outcome of this is they are more selective about the complaints they look at in detail, prioritising where it is in the public interest to investigate. This has resulted in changes in uphold rates where they are now less likely to carry out investigations on 'borderline' issues. This has resulted in a higher proportion of fault being reported overall.

6. The LGSCO statistics focus on three key areas that help us assess the council's commitment to putting things right when they go wrong:

Complaints upheld:

7. Complaints are upheld when the LGSCO find fault in our actions, including where we have accepted fault before investigation.
8. The LGSCO fully investigated 13 complaints between the 1st of April 2022 and the 31st of March 2023 on behalf of the Isle of Wight Council and upheld 54% of these, which is considerably lower than the national average of 72% for similar authorities.
9. The number of complaints investigated has increased by 1 this year, in comparison to 12 in 2021/2022, however it is encouraging to see the number upheld has decreased from 67% (2021/2022) to 54%, particularly where we know the LGSCO has reviewed its processes and are finding a higher proportion at fault overall.

Compliance with recommendations:

10. The LGSCO will recommend ways for organisations to put things right when faults have caused injustice and they will monitor compliance with those recommendations. Failure to comply should be rare and a compliance rate below 100% is a cause for concern.
11. We have maintained a 100% compliance rate, compared to an average of 99% in similar authorities. This is based upon a total of 5 compliance outcomes for the period between 1 April 2022 to 31 March 2023.
12. It is important to seek proactive complaint resolution for any complaint that has been passed to the LGSCO for investigation, a resolution can be provided at any stage of an LGSCO investigation. They are typically receptive to such an approach, however, when an authority fails to implement their recommendations or disagrees with decisions or recommendations it is important to be mindful that they will consider a range of actions, including issuing a public interest report and opening a new investigation into the authority's failure to provide the agreed remedy.

Satisfactory remedy provided by the authority:

13. In these cases, the organisation upheld the complaint and the LGSCO were satisfied with our proposal to put things right. They continue to encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.
14. In not one of the 7 (0%) upheld cases had the council provided a satisfactory remedy before the complaint reached the Ombudsman and their investigations resulted in 9 recommendations to put things right for individuals and 5 recommendations for us to improve our services. This compares to an average of 13% in similar organisations.

15. The LGSCO recommendations include:
 - The Council will share the decision with relevant staff.
 - The Council agrees to review its section 42 safeguarding procedure...
 - The Council will arrange a briefing note or staff training...
16. The LGSCO encourages the early resolution of complaints and credits where we accept fault and find appropriate ways to put things right therefore, we should be seeking to consider remedies at an earlier stage, acknowledging the complainant may choose to not accept the remedy we offer and progress to the LGSCO regardless.
17. There were no public reports issued this year.

Complaints Data: for the period 1 April 2022 to 31 March 2023

18. The Adult Social Care (ASC) Complaints and Investigation Officer submits a quarterly report for the adult social care service board which reflects on the lessons learned from complaints, how these have been adopted in practice and the impact this has for individuals and their experience. At the end of an investigation, it is expected that the investigating officer completes a 'lessons learned' form which details notable practice, key learning messages, improvements made to practice process and systems, and evidence of quality assurance.
19. Complaints logging and processing for Children's Services is also slightly different in that under our strategic partnership, the statutory complaints process is operated by Hampshire County Council, and we therefore only have direct access to data that relates to Education or corporate complaints that have been received for Childrens Social Care. Additionally, Island Roads manage their own complaints, and data for these is maintained by them.

Island Roads

Complaints Data for the period 1 April 2022 to 31 March 2023

Directorate	Service Area	Number of Complaints	Upheld	Learning Outcomes
Neighbourhoods	Island Roads	410	-	0

20. Island Roads have adopted our complaints policy, and review complaints on a weekly basis with their call handlers. The Highways PFI team have agreed with Island Roads Services Limited (IRSL) that effective from August 2023 they will review all complaints jointly with Ringway Island Roads to identify learning outcomes that can be reported and shared with CMT and reported to the Cabinet.

Childrens Services – Statutory Complaints

Complaints Data for the period 1 April 2022 to 31 March 2023

Directorate	Service Area	Number of Complaints	Upheld	Learning Outcomes
Children's Services	Children's Services (Statutory)	35	30	10

*Complaints upheld/partially upheld figure includes those upheld across 3 complaint stages

21. A total of 114 representations were received by the Children's Services Complaints Team in this reporting period. This is an increase of 37.4% (31) from 83 in the 2021/22 period. 'Parents' continue to be the group most likely to make a complaint to Children's Services at 63% with the highest category for why complaints are made being 'Quality of Service', at 19 (38%). The second and third reasons for Children's Social Care (CSC) complaints are 'Conduct of Worker' and 'Poor Communication' with 17 (33%) and 5 (10%) respectively. 100% of the actual outcomes achieved during the reporting period for CSC stage one complaints were either 'Apology & Explanation' 24 (47%) or 'Explanation' 27 (53%). 88% of all CSC complaints upheld had some form of remedial action completed, however there is an expectation this number should be 100%.
22. For the reporting period 2022/23 key themes and trends were identified, leading to the following main recommendations being included:
 - **Communication strategy update within Children & Families** – In response to areas of improvement within communication
 - **All of the Children's Services Directorate to take a strengths-based approach to resolution of complaints** – To build on the successful pilot scheme of responding to complaints on the phone or in a meeting.
 - **Share and utilise Unreasonable Contact and Customer Behaviour (URCCB) and Complainants Behaviour Policy (CBP)** – To recognise the zero-tolerance approach both Councils have to abusive behaviour and the need to support staff.
 - **Increased timescale compliance** – To reflect the need for improvements in response times.

Adult Social Care – Statutory Complaints

Complaints Data for the period 1 April 2022 to 31 March 2023

Directorate	Service Area	Number of Complaints	Upheld	Learning Outcomes
Adult Social Care & Community Wellbeing	Adult Services	56	16	30

*Total number of complaints received in the reporting year 56. 30 dealt with in formal process. 26 resolved informally.

23. A 'reflection and learning framework' is completed for every formal complaint. ASC is proactive in sharing and implementing the lessons learnt from the complaints it receives, ensuring all staff are clear about the action they need to take to reduce the potential for repeated failings. The following sample demonstrates some of the learning identified and improvement delivered across the adult social care department resulting from complaints during 2022 / 2023.

- An improved Single Point of Commissioning process to prevent excess charges submitted by providers being authorised and processed.
- A new standard operating procedure (SOP), together with a review of existing SOPs, at The Gouldings.
- A process to maintain oversight and monitoring of prime provider issues.
- Reflective learning sessions to (i) strengthen professional curiosity and (ii) the need to identify and report risk, alongside the relaunch of the updated Hoarding Guidance and the ASC Self-Neglect and Hoarding Toolkit.
- A news article published in the ASC Toolkit with links to the Third-Party Top Up policy and associated documentation to support staff to refresh their knowledge and practice in this area.

Corporate Complaints

(Excluding Island Roads, ASC, and Children's Services - Statutory)

Complaints Data for the period 1 April 2022 to 31 March 2023

24. 397 new corporate complaints were logged during this period. Of these 247 have recorded learning outcomes. This an increase from 2022/2023 from 18% to 62%

Directorate	Service Area*	Number of Complaints	Upheld	Learning Outcomes	Total
Financial Management	Financial Management	1	1	1	1
Corporate Services	Blue Badge	6	0	0	99
	Business Rates	4	4	4	
	Chief Executive	1	1	1	
	Council Tax	58	39	47	
	Energy Rebate	13	5	7	
	Enforcement Service	3	2	3	

	Housing Benefit	8	6	8	
	Human Resources	2	1	1	
	Local Council Tax Support	1	1	1	
	Website	2	0	0	
	Wightbid	1	1	1	
Neighbourhoods	Coroner's Office	3	0	0	224
	Cowes Floating Bridge	5	2	2	
	Environmental Health	9	8	0	
	Highways PFI	5	1	5	
	Household Waste & Recycling (All Waste Services)	135	27	92	
	Housing Enforcement	4	1	0	
	Housing Renewal	5	2	0	
	Leisure Services	2	2	1	
	Library Services	2	2	2	
	Parking Services	14	7	8	
	Parking Operations	15	9	7	
	Public Rights of Way	2	2	0	
	Recreation Leisure & Public Spaces	22	11	5	
	Ryde Harbour	1	0	0	
Children's Services (Non-statutory complaints) **	Childrens Complaints	6	3	6	28
	Schools	5	0	4	
	Special Educational Needs (SEN)	15	6	13	

Regeneration	Corporate Estate Management	2	0	2	44
	Electric Vehicle Charge Points	1	1	1	
	Planning Development	15	5	10	
	Planning Enforcement	24	4	13	
	Planning Services SMT	1	0	1	
	Strategic Asset Management	1	0	0	
Public Health	Public Health – Living Well	1	0	1	1

* CRM service logged against

** Figures represent all Children’s Complaints logged via IWC and may include Statutory & Non- statutory complaints

Learning Outcomes

25. It is helpful to categorise each complaint to identify patterns and wider causes of specific issues rather than the immediate cause of a complaint. There were 248 complaints during the period that had an identifiable theme and where changes/improvements were made:
- Communication (49) Action taken to improve the wording of letters and terms and conditions and promotion of clear and accurate conversations.
 - Staff training (132) Action taken to deliver targeted training to address areas leading to complaint.
 - Process/Service improvement (66) Action taken to improve response times, no longer issuing unnecessary forms when not required, additional checks for accuracy.
26. It is also important to highlight good practice and where learning outcomes have led to improvements in service delivery. Below is an example that demonstrates how the recording of complaints, learning and actions can be used to improve customer outcomes:
27. **Complaint:** Customer complained regarding the number of recovery notices and bills received for their council tax leading to confusion that their situation was getting worse with no way of addressing it. The process for issuing bills and recovery notices is mainly automated. The customers payment pattern, as well as changes in their circumstances, led to them receiving a high volume of these communications from us. The system was unable to keep up

with account changes and by the time some of the letters arrived to the customer, the account information was already out of date.

28. **Learning:** Deal with arrears in a more holistic way, with reference to the full situation to not cause customer confusion. Need to consider if an information leaflet or similar should be included with benefit changes to support customer understanding.
29. **Action:** Feedback to recovery Team Leader to address the process in dealing with all balances in full as one approach. Review the Local Council Tax Support notifications and what can be set up to improve the information we send to our customers.

Supporting Complaints and Service Improvement

30. In their annual review the LGSCO continue to encourage the council to utilise complaints as a valuable source of intelligence and insight that has the potential to be transformational and support service improvements. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn.
31. They continue to develop a joint complaint handling code with the Housing Ombudsman service that will provide a standard for organisations to work to and will consult on the code and its implications prior to launch. In addition, they continue to offer a training programme that includes practical interactive workshops that help participants develop their complaint handling skills. They can also offer tailored support and bespoke training to target specific issues that we might identify. Whilst we have not offered these courses through the Learning and Development team this year, individuals can book them directly through the LGSCO. The Learning and Development team will look to offer these again in 2023/2024.
32. The LGSCO are keen that we respond to their enquiries within the specified timescale. There will undoubtedly be occasions when we will not be able to meet these deadlines and in these circumstances, we can request an extension. However, the LGSCO do ask that this is requested in good time and only once.
33. The Customer Support Team (CST) will endeavour to obtain a response to the Ombudsman's enquiries within the necessary timescale and ensure any Ombudsman recommendations are acted on regularly; however, it is the responsibility of the service area to manage their resource appropriately to ensure timescale compliance. To highlight the requirement, the CST will ensure that all email correspondence clearly states that remedies must be fully completed within the LGSCOs given timescale and what that timescale is. The Ombudsman has produced a simple guide to working with them, which explains how they work, how we can work together and expectations when working with the assessment and investigation teams. The guide is aimed at all levels whether that be an experienced officer who has dealt with the Ombudsman for many years, or an officer who is new to the role. A link to the

guide is available on the Corporate Complaints intranet page Corporate Complaints Information [Corporate Complaints Information](#)

34. We have seen a significant improvement in the logging of learning outcomes by many service areas, and all Directorates have achieved between 55 and 100% of complaints with recorded learning outcomes. All complaints will have a learning outcome of some kind, even when the complaint is not upheld, managers should be reflective of the situation leading to the complaint and consider how things could have been done differently to avoid the complaint being raised at all and formally capture these considerations.

Directorate	Number of Complaints	Number of Learning Outcomes	Learning Outcomes %
Financial Management	1	1	100%
Corporate Services	99	74	75%
Neighbourhoods	224	122	55%
Children's Services (Non-statutory complaints)	28	23	82%
Public Health	1	1	100%
Regeneration	44	27	61%
Total	397	247	62%

35. Complaint data incorporating learning outcomes is circulated to Directors monthly. The data is 2 months in arrears to allow for complaints within the stage 1 response timescales (20 days) and stage 2 (20 days) to be included. It provides timely visibility of where learning outcomes have been recorded and where entries have yet to be completed and allows for consideration to be given to changes in process or policies.
36. Complaint data is also now accessible directly by Nominated Complaints Officer (NCO's) and Deputy's through a complaint portal developed by the Software Development team and CST. This means that complaints data can be extracted by the relevant NCO for individual services as and when required.
37. A list of departmental NCO's and Deputies is available on the Corporate Complaints intranet page [Corporate Complaints Information](#). The list will assist staff in receipt of complaints to find the appropriate NCO or Deputy for the service and will also provide a means for managers to ensure their NCOs are up to date.
38. Amendments have been made to improve complaint response templates. These now set to a standard font of 'Arial 12' and broadly follow the format used by the LGSCO. These are available on the Corporate Complaints webpage [Corporate Complaints Information](#) This should help to ensure that all

points have clearly been responded to and make our responses easier for our customers to follow and understand.

39. The CST in conjunction with the Learning and Development team have revised the current complaint handling module to reflect the council's own policies and procedures more accurately [Course: Handling Complaints](#)
40. Overall, we have maintained an improved performance in respect of complaints received and those referred for investigation by the LGSCO, however we should aim to continue to improve the recording and quality of learning outcomes and the use of complaints data to drive a culture of learning and reflection. We must also continue to promote an enabling role in the settlement of complaints and the early offer of remedies.

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