



Committee report

Committee	CORPORATE SCRUTINY COMMITTEE
Date	12 OCTOBER 2021
Title	CORPORATE COMPLAINTS REVIEW REPORT
Report of	CABINET MEMBER FOR STRATEGIC FINANCE, CORPORATE RESOURCES AND TRANSFORMATIONAL CHANGE

1. BACKGROUND

2. The Local Government and Social Care Ombudsman's (LGSCO) annual review of complaints 2020-2021, was published on 28th July 2021 in which they highlighted 'widening cracks' in local government complaint handling. Over the past year, nationally, the Ombudsman has upheld a greater proportion of investigations – 67% – than ever before which continues an upward trend since the Ombudsman started publishing it's uphold rate.
3. Despite being closed to new complaints at the height of the first COVID-19 lockdown, and so registering fewer complaints than recent years, the Ombudsman still received 11,830 complaints and enquiries from members of the public.
4. The investigations undertaken over the past year have led to 3,104 recommendations to put things right for individuals. Perhaps more importantly, there were 1,488 recommendations for councils to improve their services for others – such as revising procedures and training staff. This is a higher proportion of the total number of recommendations than previous years and suggests Ombudsman investigations are increasingly finding systemic problems rather than one-off mistakes with local government services.

5. ASSESSING PERFORMANCE

6. Complaints provide an early warning of possible problems, a form of free intelligence from people who use services, and a tool for supporting good governance, risk and audit functions.
7. The LGSCO provide a council performance map which places all council complaint statistics in a single, interactive hub which can be used by councillors to scrutinise the performance of the authority, it also allows comparisons to be made between similar councils. www.lgo.org.uk/your-councils-performance. The LGSCO suggests using the statistics they publish and considering the following:

8. **Uphold rates** - how does the council compare against the national averages

The Isle of Wight Council has consistently maintained a lower upheld rate than the national average over the last three years.

9. **Offering a suitable remedy** - how often does your authority do this, and how does it compare with others?

This is the only area in which the Isle of Wight Council falls below the national average and suggests we could do more to actively resolve complaints before they reach the LGSCO

10. **Compliance rates** - does your authority have a 100% compliance rate – if not, what is it doing to scrutinise complaints where it failed to comply?

Compliance rate for the Isle of Wight Council is 100% which is slightly higher than the national average

11. **Service improvement recommendations** - do you track the service improvements your authority agrees to make? How are they being implemented, and their impact monitored?

12. Implementation is tracked by the Corporate Complaints Team up to the point where evidence is provided to the LGSCO that their recommendations have been put in place.

LGSCO Complaints – Isle of Wight/National Comparison

Year		18/19	19/20	20/21
Category				
Complaints Upheld	Isle of Wight	31%	47%	39%
	National	55%	56%	63%
Compliance	Isle of Wight	100%	100%	100%
	National	100%	99%	99%
Satisfactory Remedies	Isle of Wight	0%	14%	0%
	National	11%	11%	10%

13. We receive complaints for a variety of reasons, and it is evident that escalation is often a result of poor responses or handling of the complaint at an early stage. It has been found to be beneficial for nominated complaints officers to speak with potential complainants at the first point of contact, often negating the need for progression to formal complaint stage or facilitating a conversion to general enquiry. This approach is adopted and promoted by the LGSCO with an expectation that local authorities will do the same to ensure that a complaint is fully understood before attempting to resolve or investigate.

14. It remains important our complaints process seeks to learn lessons from the complaints we receive with a view to improving outcomes for future complainants and other stakeholders. Key to establishing quality learning outcomes is

understanding what has led to the complaint and why we have been unable to settle this at an informal stage. Similarly, we must promote an enabling role in the settlement of complaints.

15. **PERFORMANCE STATISTICS**

16. The most recent annual letter issued by the LGSCO relating to complaints reports on the period ending 31 March 2021. During this period the LGSCO undertook detailed investigations of 18 cases for the Isle of Wight Council, of which 7 were upheld including one complaint that the LGSCO released as a public report. Our upheld rate of 39% compares favourably against the national upheld rate of 63% (national figure when compared to similar authorities). Whilst the number of complaints investigated this year was higher than last year, (15 in 2019/2020), the percentage of upheld decisions is lower this year (47% in 2019/2020).
17. The Corporate Plan includes a performance indicator of a rolling twelve-month average number of stage 1 complaints made about council services per month. The baseline figure for 2021/22 is 50. Figures on the number of Stage 1 complaints received by the council are reported to Cabinet as part of its quarterly performance reports. The rolling 12-month average figure for June 2021 was 45 complaints.
18. Data relating to the statutory process for children’s services, and on complaints relating to the delivery of the Highways PFI contract by Island Roads is documented separately below.

19. **Island Roads**

20. Complaints Data: for the period 1 April 2020 to 31 March 2021

Directorate/Service Area	Complaint Type	Number of Complaints	Total
Neighbourhoods - Island Roads	Communication	21	121
	Health & Safety	2	
	Speed of Service	1	
	Staff Behaviour	45	
	Standard of Service	41	
	Other Complaint	11	

21. Learning outcomes are not currently captured by Island Roads however they review complaints with the service director on a weekly basis and safety issues are reviewed at monthly management meetings. Where appropriate, communications are circulated to all staff as an outcome of a complaint or safety issue.

22. **Children’s Services – Statutory Complaints**

23. Complaints Data: for the period 1 April 2020 to 31 March 2021

Directorate	Type of Representation	Number of Complaints	Total
Children's Services	Complaint	29	35
	Pre-complaint to Statutory Stage 1 Complaint	3	
	Area initiated complaint	0	
	Refused	3	

24. Within the reporting period, there were 35 statutory representations of which 32 were accepted into the statutory complaints process.
25. General learning points and service improvements identified from social care complaints received in 2020/21 were comparable to previous periods, particularly around the importance of good communication. Ensuring agreed actions are completed, such as minutes etc sent, are in keeping with Children's Service directorate's own policies and procedures, is still observed and therefore a continued requirement to keep reinforcing this message. The learning from individual complaints is, as a point of good practice, usually included in the response letter to the complainant by the senior manager, who also implements and monitors any required action.
26. **Corporate Complaints (Excluding Island Roads and Children's Services - Statutory)**
27. Complaints Data: for the period 1 April 2020 to 31 March 2021

Date	Complaints logged	Learning outcomes recorded
April 2020 to March 2021	405	89

28. 405 new complaints were logged during this period. Of these 22% have learning outcomes recorded.

Directorate	Service Area*	Number of Complaints	Total
ASC & Community Well-being	Adult Services	27	38
	Homelessness	10	
	Island Homefinder	1	
Corporate Services	Business Rates	6	79
	Call Centre	1	
	Council Tax	53	

	Fleet Management	1	
	Housing Benefit	10	
	Local Council Tax Support Scheme	3	
	Pensions	1	
	Test & Trace Support Payment Scheme	3	
	Website	1	
Neighbourhoods	Community Safety Services	1	233
	Cowes Floating Bridge	10	
	Environment Officers	1	
	Environmental Health	7	
	Highways PFI	27	
	Household Waste & Recycling (All Waste Services)	157	
	Housing Renewal	2	
	Library Service	1	
	Newport Harbour	1	
	Parking Operations	12	
	Parking Services	2	
	Public Rights of Way	2	
	Recreation Leisure & Public Spaces	9	
	Ryde Harbour	1	
Financial Management	Financial Management	1	1
Children's Services (Non-statutory complaints)	Special Educational Needs (SEN)	7	22
	Chillerton & Rookley	4	
	School Transport	9	
	Admissions	1	

	Educating at Home	1	
Regeneration	Building Control	3	29
	Commercial Land & Property	1	
	Planning Development	10	
	Planning Enforcement	13	
	Trees, Woodlands and Hedges	2	
Strategy	Media Relations	2	3
	Website	1	

*CRM service logged against

29. Learning Outcomes

30. 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 89 complaints during the period with learning outcomes which enables us to identify a theme or where changes/improvements have been made:
31. **Communication (8)** Action taken to improve the wording of letters and terms and conditions and ensuring that clear and accurate conversations are had
32. **Staff training (51)** Action taken to deliver targeted training to address areas leading to complaint
33. **Process improvement (30)** Action taken to improve response times, no longer issuing unnecessary forms when not required, additional checks for accuracy
34. It is also important to highlight good practice and where learning outcomes have led to improvements in service delivery. Below is an example:
35. **Complaint** "The customer was unhappy that he had not been notified his claim for Local Council Tax Support (LCTS) was closed in January 2017.
36. **Learning** "We did not make it clear that we would be asking for evidence to support the Housing Benefit (HB), we also sent 3 letters in one day - one explaining how the Minimum Income Floor (MIF) had been calculated, one advising that there was no change to his HB entitlement & one saying his entitlement to LCTS was nil. We could consider amalgamating the letters & making them clearer."
37. **Action** "Review the standard letters when applying the MIF for self-employed customers for LCTS. To also undertake staff training regarding this and remind staff of the new process for sending/reprinting letters that require attachments
38. **RAISING THE PROFILE OF COMPLAINTS**
39. The Corporate Complaints Policy has been revised providing guidelines for staff and outlining the responsibilities of nominated complaint officers, their deputies and those responsible for responding to complaints and identifying learning outcomes.

The CRM reporting system now includes a learning outcome field with a minimum number of characters to encourage the entry of greater detail and work is continuing to establish a reporting dashboard for Nominated Complaints Officers (NCO) to provide on a monthly basis to service managers which will encourage the logging of learning outcomes. In the interim complaint data can be requested from the customer support team customer.support@iow.gov.uk.

40. The LGSCO are keen to see that we can evidence complaints are reviewed regularly, that learning outcomes are captured and that we can evidence when this had led to a change of policy or in procedure. There is still progress to be made in the recording of learning outcomes and tracking of service improvements made as a result of complaints however where substantive learning outcomes from a complaint were not recorded this does not necessarily mean learning did not arise but that they may not have been formally captured. It is considered that all complaints will have a learning outcome of some kind, even when the complaint is not upheld. In these situations, it important for managers to be reflective of the situation and consider how we could have done things differently to avoid the complaint being raised at all.
41. To make our complaint process effective we will need to proactively review complaints and the root cause of issues and identify learning outcomes that can inform future processes and planning. Reviews should occur regularly to improve internal processes and prevent similar issues occurring in future.
42. The LGSCO have made training available online, “Effective Complaint Handling” which is an online skills course delivered by experienced Ombudsman staff. This course is available through our Learning and Development Team and is recommended for all Nominated Complaint Officers, Deputies and Service Managers. The course can also be extended to include our contractors such as Island Roads and Amey.
43. **Summary**
44. Outcomes and recommendations from the meeting of the Scrutiny Committee on 10th November 2020 were:
45. Ensure compliance with the Disability Discrimination Act, including Accessible Information standards, by contractors delivering services on behalf of the Council.
46. All correspondence issued by Island Roads is now available in large print and all tenders for works must demonstrate that consideration is given to all elements of equality and diversity and this is monitored through contract management processes.
47. The Procurement and Contracts Manager is working on a procurement initiation document that will ensure equality and diversity is considered consistently when commissioning services
48. Review consistency in the wording of the Unacceptable Behaviour Policy on the Council’s website and associated documentation.

49. The policy and wording have been reviewed and amendments made to strengthen the links to the complaints policy, in particular the template used when issuing a warning letter and the review form. This now provides guidance that warning letters issued must be reviewed and not held on file indefinitely. In addition, the Customer Support Team are now an integral part of the process so a prompt review can be initiated. The draft document is due for consideration and approval by the Corporate Management Team and will then be uploaded to the intranet.
50. The period of review of the Corporate Complaints Policy, 2 years, and that for the Unacceptable Behaviour Policy, 3 years, to be brought forward so they are reviewed at the same time.
51. Review of the Corporate Complaints Policy and Unacceptable Behaviour Policy now align however they may both be reviewed at an earlier date should any recommendations or guidance from the LGSCO be required.
52. Increasing the target for resolving complaints at Stage 1 from 50% by 2022 to 90%.
53. The current percentage of complaints resolved at Stage 1 is more than 75%.
54. Assurance that the actions shown within the flow chart of the Unacceptable Behaviour Policy was followed in all cases.
55. Amendments have been made to the Unacceptable Behaviour Policy to improve monitoring of actions.
56. All processes that relate to the Corporate Complaints process are followed in all cases, they are monitored through the CRM system and can be requested as evidence by the LGSCO however staff are able to add additional measures, during any stage, where they may be beneficial such as an independent review or facilitator.
57. The public's views on how their case was handled being used in the delivery of training.
58. Training has recently resumed and is currently provided by the LGSCO. The completion of the portal will provide access to data extracts of learning outcomes which will be used as a wider learning tool for staff.
59. The portal will also provide a mechanism from which the customer support team can randomly select complainants from across all services and capture feedback
60. The Council regularly reviews its complaints policy and has clear objectives relating to improving service delivery by identifying learning outcomes. The Corporate Management Team acknowledge that learning outcomes from our customers should be at the heart of service delivery, their views and comments are important to us and are therefore actively making improvements that will allow us to improve and develop our services to better serve our residents.
61. Overall, we perform well against the national picture in terms of LGSCO action and measures. Recording and use of learning outcomes remains low therefore our performance could be improved with a focus on regular review of complaints and

consideration of learning outcomes. It is anticipated that the release of a complaint data portal which is currently in development, should support improved scrutiny of learning outcomes at all levels, and that this will aid service managers to ensure that service improvement from complaint data is fully utilised.

62. In addition, we should aim to seek proactive complaint resolution for any complaint that has been passed to the LGSCO for investigation. There is an opportunity to provide a resolution at any stage of an LGSCO investigation and they are typically receptive to such an approach.

Contact Point: Sharon Betts, Strategic Manager – Business Centre
☎ 821000 e-mail Sharon.Betts@IOW.gov.uk

CLAIRE SHAND
Director of Corporate Services

CLLR CHRISTOPHER JARMAN
*Cabinet Member for Strategic Member for
Finance, Corporate Resources and
Transformational Change*