



Title **Corporate Complaints Review September 2022**

Report of Sharon Betts

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## 1. SUMMARY

2. The Local Government and Social Care Ombudsman's (LGSCO) annual review of complaints 2021-2022, was published on 27<sup>th</sup> July 2022.
3. The LGSCO review, details specific guidance to Local Authorities based on the outcomes of their investigations and their individual performance and referencing key focus areas to strengthen and support our commitment to complaint handling being Complaints Upheld; Compliance with Recommendations; Satisfactory Remedies provided by the Authority.
4. They remain keen to see that Local Authorities can demonstrate they are actively using complaints to learn more about performance and perceptions, and that learning, and outcomes are considered and disseminated to make positive changes to working practices. In addition, they are asking Local Authorities to consider how it prioritises and resources complaints, particularly in terms of capacity and visibility following a recent Ombudsman survey that revealed 55% of complaints teams are now doing more work with less resource, coupled with a general loss of experience and re-allocation of responsibilities across departments.

## 5. BACKGROUND

### 6. **Isle of Wight Council Corporate Complaints and Quality Outcomes**

7. Complaints can play a key part in supporting the scrutiny of public services when used as a resource to help councillors identify issues that are affecting local people.
8. 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](http://www.lgo.org.uk/your-councils-performance). The LGSCO suggests using the statistics they publish and considering the following:
9. **Complaints upheld** - how does the council compare against the national averages?
10. The LGSCO fully investigated 12 complaints between the 1<sup>st</sup> April and the 31 March 2022 on behalf of the Isle of Wight Council and upheld 67% of these, slightly higher than the national average of 64%. Whilst the number of complaints investigated is lower than last year, (18 in 2020/2021), the number upheld has increased from 39% (2020/2021) to 67% however due to the low numbers this is in fact an increase of 1 case from 7 to 8.
11. **Compliance with recommendations** - does your authority have a 100% compliance rate – if not, what is it doing to scrutinise complaints where it failed to comply?

12. Compliance rate for the Isle of Wight Council is 100% which is slightly higher than the national average
13. Whilst we have maintained our 100% compliance rate, compared to an average of 99% in other authorities, the LGSCO did issue a public report for one case where we failed to accept the findings and recommendations from the investigating officers draft decision, and this progressed to a public report. We did subsequently accept the findings and implemented the recommendations however if a complaint reaches a public interest report, resolution may not prevent it from proceeding if the LGSCO consider it has a wider implication for other local authorities or is of a significant topical nature.
14. We continue to highlight the importance of seeking proactive complaint resolution for any complaint and providing a resolution 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.
15. **Satisfactory remedy provided by the authority:** how often does your authority do this, and how does it compare with others?
16. We fall slightly below the national average which indicates we could do more to actively resolve complaints before they reach the LGSCO
17. In not one of the 8 upheld cases had the council provided a satisfactory remedy before the complaint reached the Ombudsman and their investigations resulted in 7 recommendations to put things right for individuals and 4 recommendations for us to improve our services. This compares to an average of 12% in similar organisations.
18. The LGSCO encourages the early resolution of complaints and credits organisations that 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.
19. It remains important that our complaints process seeks to capture and 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 and the early offer of remedies.

## 20. LGSCO Complaints – Isle of Wight/National Comparison

Year		19/20	20/21	21/22
<b>Category</b>				
<b>Complaints Upheld</b>	<b>Isle of Wight</b>	47%	39%	67%
	<b>National</b>	56%	63%	64%
<b>Compliance</b>	<b>Isle of Wight</b>	100%	100%	100%
	<b>National</b>	99%	99%	99%
<b>Satisfactory Remedies</b>	<b>Isle of Wight</b>	14%	0%	0%
	<b>National</b>	11%	10%	12%

## 21. PERFORMANCE STATISTICS

22. 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 2022/23 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 July 2022 was 44 complaints.

23. 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.

**24. Island Roads**

Complaints Data for the period 1 April 2021 to 31 March 2022

Directorate/Service Area	Complaint Type	Number of Complaints	Total
Neighbourhoods - Island Roads	Communication	15	93
	Health & Safety	4	
	Speed of Service	2	
	Staff Behaviour	33	
	Standard of Service	31	
	Other Complaint	8	

25. Island Roads have adopted our complaints policy, and review complaints on a weekly basis with call handlers however the analysis of complaints and the process for logging learning outcomes is under consideration by the management team.

**26. Childrens Services – Statutory Complaints**

Complaints Data for the period 1 April 2021 to 31 March 2022

Directorate	Type of Representation	Number of Complaints	Total
Children’s Services	Complaint	20	36
	Pre-complaint (to Statutory Stage 1 Complaint)	10	
	Case Concern (to Statutory Stage 1 Complaint)	0	
	Joint complaint	0	
	Refused	3	
	Withdrawn	1	
	Case Concern	2	

27. General learning points and service improvements identified from social care complaints received in 2021/22 were comparable to previous periods, particularly around the importance of good communication. The service area incorporates learning from complaints in the response letter to the complainant by the senior manager, who also implements and monitors any required action. When a complaint is closed, all recommended actions are recorded on Hampshire’s complaints management system.

**28. Corporate Complaints (Excl Island Roads, ASC, and Children’s Services - Statutory)**

Complaints Data for the period 1 April 2021 to 31 March 2022 (ASC have their own process and that they report directly to the Health and Adult Social Care Scrutiny Sub Committee next due on 12<sup>th</sup> September 2022)

29. 394 new corporate complaints were logged during this period. Of these 72 have recorded learning outcomes (18%).

Directorate	Service Area*	Learning Outcomes	Number of Complaints	Total
Corporate Services	Adult Community Learning	0	1	60
	Blue Badge	2	2	
	Business Rates	2	6	
	Call Centre	2	2	
	Chief Executive	1	1	
	Council Complaints	0	1	
	Council Tax	27	34	
	Enforcement Service	3	3	
	Fleet Management	0	1	
	Help Centres	1	1	
	Housing Benefit	3	5	
	How to Pay the Council	1	1	
	Test & Trace Support Payment Scheme	0	1	
	Website	0	1	
Neighbourhoods	Bereavement Services	0	2	250
	Community Safety Services	0	1	
	Cowes Floating Bridge	0	4	
	Environment Officers	0	3	
	Environmental Health	0	5	
	Health & Safety at Work	0	1	
	Highways PFI	1	19	
	Household Waste & Recycling (All Waste Services)	0	136	
	Housing Enforcement	0	2	
	Housing Renewal	0	3	
	Leisure Services	0	3	
	Licensing	0	3	
	Newport Harbour	0	1	
	Parking Operations	0	31	
	Parking Services	0	9	
	Public Rights of Way	1	7	
	Recreation Leisure & Public Spaces	1	20	
Children's Services **(Non-statutory complaints)	Childrens Complaints	0	5	35
	Chillerton & Rookley Primary School	0	3	

	Educational Psychology Service	0	1	
	Schools	0	7	
	Special Educational Needs (SEN)	0	18	
	Speech, Language, and Communication	0	1	
Regeneration	Corporate Estate Management	1	1	47
	Electric Vehicle Charge Points	1	1	
	Energy Initiatives	3	3	
	Planning Development	4	10	
	Planning Enforcement	17	31	
	Property Services – Building Management	0	1	
Strategy	Media Relations	1	1	2
	Website	0	1	

\* CRM service logged against

\*\* Figures represents all Children's Complaints logged via IWC and may include Statutory & Non- statutory complaints

*NB* There were no complaints recorded for Public Health during this period

### 30. Learning Outcomes

31. 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 111 complaints during the period that had an identifiable theme and where changes/improvements were made:

- **Communication (28)** Action taken to improve the wording of letters and terms and conditions and promotion of clear and accurate conversations
- **Staff training (42)** Action taken to deliver targeted training to address areas leading to complaint
- **Process improvement (41)** Action taken to improve response times, no longer issuing unnecessary forms when not required, additional checks for accuracy

32. 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:

33. **Complaint:** Customer complained regarding the poor service they had received from the Enforcement and Collection agency. Elements of complaint were why there are erroneous transfers of money, why there has been 2 accounts set up for one council tax debt in 2010 and why I was charged 2 separate compliance fees. Payments from the website and the information given to me are conflicting and/or missing

34. **Learning:** Identified lack of effective communications; the importance of flagging difficult or complex cases with a team leader; timeliness of moving cases across to enforcement, regular consideration of cases of a certain age to determine most effective and efficient way of managing these

35. **Action:** Regular team meetings are required to review cases; difficult cases to be highlighted to a team leader to discuss the way forward; team to ensure when sending any information out that the correct information is provided. Team training to improve effective

communications and subsequently the council tax recovery debt team now sits under the same line management as the enforcement team to facilitate better communications and timeliness of cases being progressed to enforcement.

### **36. Supporting Complaints and Service Improvement**

37. In their Annual Review, the LGSCO has asked the council to consider how it prioritises complaints, particularly in terms of capacity and visibility. It is seeking to promote properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members and that can provide valuable insight about how we are performing, detect themes and use that intelligence to improve service delivery.
38. The IW Council currently provides a designated role “complaint and investigations officer” within Adult Social Care and utilises a dedicated complaints team within Hampshire County Council for Childrens Services (statutory complaints). These service areas tend to receive complaints that are more complex and require more investigation than other service areas. There is no designated corporate complaints officer, this role was removed some time ago and responsibility for the co-ordination of stage 1 and 2 complaint responses moved to departmental Nominated Complaints Officer’s (NCO) and their deputies who undertake the administration of this in addition to their substantive posts. The Customer Support Team (CST) comprises of the Contact Centre Manager and a Team Leader who advise on stage 1 and 2 complaints, they also have responsibility for LGSCO liaison, the complaints and unacceptable behaviour policy and process, data provision and collection.
39. The LGSCO also highlighted dissatisfaction with timescale compliance in two cases and have asked us to consider how we might make improvement to reduce delays in the remedy process.
40. The two delays of particular concern relate to cases for children’s services and although one delay was minimal, the second saw a delay of nearly two months where difficulties arose securing an investigating officer and independent person. Childrens services have in place an implementation plan that addresses the need for an increase in their resource pool. Whilst it is not unusual to request an extension from the LGSCO, a maximum of two weeks is ordinarily deemed reasonable.
41. The 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. The CST will circulate this to all NCO’s and Deputies.
42. There is still progress to be made in the recording of learning outcomes and tracking of service improvements made as a result of complaints. 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.
43. Complaint data was issued to PA’s and Directors in February and feedback on the format and content has now been incorporated into the complaint dashboard (previously referred to as the portal). Access for NCO’s and Deputy’s has been delayed due to testing, but we

anticipate this to be available towards the end of August providing immediate access and increased visibility of complaint data.

44. The LGSCO offered three online complaint courses last year which were attended by 35 staff including Island Roads, Managers from several service areas and NCOs. We are now exploring an e-learning module with the Learning and Development Team that will expand our existing complaints module to create content that reflects our own policies and processes. Individuals can still however, enrol on the LGSCO complaint handling course for a fee of £45.

#### **45. Summary**

46. There were no outcomes or recommendations from the meeting of the Scrutiny Committee on 12<sup>th</sup> October 2021. However, the target set at the November 2020 Scrutiny Committee has been met:

- Increasing the target for resolving complaints at Stage 1 from 50% by 2022 to 90%.

The current percentage of complaints resolved at Stage 1 is 92% as of 31<sup>st</sup> March 2022

47. 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.

48. Overall, we have maintained a consistent performance in respect of complaints received and those referred for investigation by the LGSCO, however the areas for improvement remain recording learning outcomes and using complaints to drive a culture of learning, reflection, and improvement and putting things right when we find something has gone wrong, rather than wait for the complaint process to conclude before doing this

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