

Public Report
Overview and Scrutiny Management Board

Committee Name and Date of Committee Meeting

Overview and Scrutiny Management Board – 13 November 2024

Report Title

Annual Compliments and Complaints Report 2023-24

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Jo Brown, Assistant Chief Executive

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Ward(s) Affected

Borough-Wide

Report Summary

The purpose of this report is to:

- a) Outline the complaints and compliments that the Council received in 2023/24 in line with statutory requirements.
- b) Identify key trends within complaints and compliments over a five-year period.

Recommendations

Members of Overview and Scrutiny Management Board are asked to:

1. Note the Annual Compliments and Complaints Report for 2023/24.

List of Appendices Included

- Appendix One Annual Compliments and Complaints Report, 2023/24
- Appendix Two Ombudsman Annual Review letter 2023/24
- Appendix Three Complaint procedures overview

Background Papers

Corporate Complaint Policy

[Rotherham Council Rotherham Council - Complaints Policy](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

No

Exempt from the Press and Public

No

Annual Compliments and Complaints Report 2023-24

1. Background

- 1.1 All councils need to provide complaint procedures to respond to customer concerns in an open and transparent way within defined timescales and in accordance with legislation. The purpose of the annual complaint report is to outline the complaints and compliments that the Council received in the period 1st April 2023-31st March 2024, highlighting key themes and longer-term trends.
- 1.2 The report also explains how the Council has performed against the required standards and includes case studies demonstrating how services have learnt from complaints received.

2. Key Issues

2.1 The performance headlines outlined within the report include:

- 2.2 In 2023/24, the overall number of complaints received by the Council decreased by 13%, going from 1397 in 2022/23 to 1212. This is in contrast to the previous year when complaints had increased by 25% from 1117 in 2021/22 to 1397 2022/23. However, the overall number of complaints received in 2023/24 is the third highest number received in the last five years.
- 2.3 Based on the data from the first three months of 2024/25 this trend of a decreasing number of complaints has continued as 281 complaints were received, compared to 291 in the same period in 2023/24, which is a 4% decrease.
- 2.4 The largest absolute decrease in complaints was in Regeneration and Environment from 510 to 373, a percentage decrease of 27%. The second largest absolute decrease was in Children and Young People's Services from 116 to 64, a percentage decrease of 45%. Finance and Customer Services also decreased, from 105 to 91, a percentage decrease of 13%. Other departments saw a small increase, the largest was in Adult Care services from 55 to 64, a percentage increase of 16%. The second largest increase was in Housing from 607 to 615, a percentage increase of 1%. Assistant Chief Executive's also increased, from four to five and Public Health remained unchanged at zero complaints received.
- 2.5 The decrease in Regeneration and Environment services complaints was primarily as a result of a decrease in Waste Management service complaints, from 237 to 165. The other notable decrease in complaints was in Childrens and Young Peoples Services, where complaints in their Education Health and Care Assessment Team (EHCAT) reduced from 48 to 14.
- 2.6 Performance has decreased at 82% of complaint responses within the target's timescale. It is slightly below the five-year average of 85% and it has

not met the Council Plan target of 85% of complaints responded to within stated timescale (see Appendix Three). Four out of six service areas did not meet the target, these were Adult Care, Assistant Chief Executive's, Housing Services and Regeneration and Environment. There will be more effort made across all those council services who did not meet the target of performance to timescales, see sections five to nine for the details of the Service areas individual performance.

- 2.7 Fewer complaints were upheld in terms of the percentage of complaints responded to, when compared with 2022/23. This is where the Council has investigated and found a problem with the service provided, with 294 or 24% of all complaints upheld in 2023/24. To put this into context, 443 or 32% were upheld in 2022/23 and 268 or 24% were upheld in 2021/22.
- 2.8 The majority of complaints (94%) were resolved at stage 1, only 37, or 3% of all complaints, were escalated to stage 2. This compares with 24, or 2%, in 2022/23.
- 2.9 405 (equating to 33%) of all complaints were categorised as quality of service, making this the greatest proportion of types of complaints. Complaints within this category have decreased from 431 (equating to 31%) in 2022/23. Lack of service accounted for the second highest category of complaints, with 309 complaints (or 25% of complaints). Complaints within this category have decreased from 398 (equating to 28%) in 2022/23. The third highest was conduct / attitude of staff at 170 (14%) received. Complaints within this category have slightly increased from 168 in 2022/23.
- 2.10 Regarding the number of compliments received, this has increased by 14% overall, with 111 more received. Adult Care services saw the biggest absolute increase with 61 more received, followed by Children and Young People's Services, with 57 more received. Housing Services and Assistant Chief Executive's also saw a small increase. Regeneration and Environment, Finance and Customer Services and Public Health saw a small decrease in terms of numbers received.

2.11 Local Government and Social Care Ombudsman Annual Review letter

- 2.11 The Annual Review letter from the Local Government and Social Care Ombudsman (LGSCO) was received on 17th July 2024, setting out its records of referred complaint investigations. In 2023/24 less complaints were investigated and upheld by the LGSCO than in the previous year, with 6 complaints investigated compared to 7 investigated in the previous year (2022/23). The decrease can be considered as a return to average numbers and is the second lowest number recorded in the last five years.
- 2.12 4 complaints out of 6 investigations were upheld. This equates to an upheld rate of 67%, which is below the Ombudsman's figure of the average uphold rate of similar authorities at 80%. 3 upheld complaints were in CYPS and 1 was in Adult Care Services.

- 2.13 Appendix One in the main report outlines the LGSCO decisions for the Council for 2023/24 and how these compare with 16 statistical neighbour councils. In 2023/24, the Council's low number of complaints considered by the LGSCO means that it is in the top quartile of the numbers investigated and the numbers upheld, based on the totals received. It ranks as 4th out of 16 of total investigated, 4th out of 16 of upheld and 5th of percentage upheld.
- 2.14 In the previous year, 2022/23, the Council's low number of complaints considered by the LGSCO also benchmarked in the top quarter for numbers investigated, numbers upheld and the percentage upheld. This shows that the Council is comparing better to similar Local Authorities in 2023/24, with fewer complaints investigated and fewer complaints upheld overall.
- 2.15 It also shows that the majority of complaints that were brought to the LGSCO (46 decided) were deemed invalid or incomplete, referred back for local resolution or closed after initial enquiries. This, along with the relatively low number of investigations, reflects positively that the Council's complaints' procedures are working effectively to find fair and appropriate local resolutions.
- 2.16 In addition, four Housing Ombudsman complaint decisions were received, and they were all upheld in part (some complaint issues upheld, and some not upheld). This compares to two decisions that were not upheld in 2022/23.
- 2.17 Overall, the Annual Review letter presents a positive view of the Council's handling of formal complaints in 2023/24. The number of investigations decreased, and the upheld rate is below average. There were also no Public Interest Reports in the year.
- 2.18 The Ombudsman's annual letter 2023-24 did not offer any criticism of the Council in terms of its response to its enquiries. There was no specific reference to how the Council had engaged with its enquiries over the year.
- 2.19 The Council is recorded as being 100% compliant with the Ombudsman recommendations following investigation. However, the Council has been recorded as being unsuccessful in resolving any complaints when formal notification of investigation is initially received, from the Ombudsman. The Council has resolved 0% of cases at the point of notification that the Ombudsman intends to investigate, compared to a national average of 11%.
- 2.20 In response, the Complaints Team will continue to work with Services to check to see if there is anything more that can be done to resolve a complaint, after notification of investigation is received. There are often a few weeks between notification and the start of the investigation and therefore there is a small window to try and resolve a case. Services need to be encouraged to consider if there is anything else that can be offered in order to resolve the complaint.

2.21 Local Government and Social Care Ombudsman's complaint handling code

- 2.22 In addition, the Ombudsman has also provided an update in respect of its proposed Complaint Handling Code. It advised that currently, twenty councils have volunteered to take part in an implementation pilot over the next two years, which will support the development of further guidance and best practice.
- 2.23 It expects councils to begin considering it as part of their processes from April 2026.
- 2.24 The Council will need to consider any updates to its processes in light of any changes to the Complaints Handling Code.

3. Options considered and recommended proposal

- 3.1 The statistical analysis of the annual report and the departmental breakdowns should be considered and noted. In addition, consideration has been given as to how the Council can further improve its processes for dealing with complaints and compliments to drive improvements to the service for both residents and the Council.
- 3.2 Feedback from complainants regarding how the Council responds to complaints suggests that there should be strong emphasis on clear communications through the process, fairness and impartiality in investigation and decision making and assurance that outcome actions will take place and learning completed.
- 3.3 Building on the key developments in 2022/23, the Council will again apply particular focus to the following issues:
- 3.4 Introducing a programme of improvement actions in response to the outcome of our self-assessments that are being completed to ensure the Council's approach is in line with the Housing Ombudsman's and now the Local Government and Social Care Ombudsman's complaint handling code. This will include a review of all written communication, the Complaints Policy and response timescales.
- 3.5 Develop a new Housing Services' complaint web page to include better information for tenants, including learning from complaints case studies and satisfaction information.
- 3.6 Review all customer complaint literature, including website information, easy read guidance and information for children and young people, to improve access to the Complaint Procedures for all residents.
- 3.7 Continue to seek ways to deliver training to front line staff to allow them to understand the role and purpose of the complaint procedures.
- 3.8 Working to improve performance to complaint procedure timescales.

- 3.9 Ensuring remedy requests by the Ombudsman are completed within required timescales.
- 3.10 Increasing the number of compliments recorded, with the Complaints Team continuing to work with managers to ensure that the process for recording and reporting compliments is improved. Benchmarking with other Local Authorities has taken place and their best practice approaches will be used to further increase the numbers of compliments received.

4. Consultation on proposal

- 4.1 The complaint information contained in this report has been previously reported to each Directorate Leadership Team to enable key areas for improvement to be identified.
- 4.2 There has been no further consultation on this report beyond the requirements of internal processes, alongside consultation with the Cabinet member.

5. Timetable and Accountability for Implementing this Decision

- 5.1 A simple timetable to show the stages and deadlines for implementing the proposed improvements outlined in section 3 is to be actioned in 2024/25. Progress against these actions will be reported on as part of the annual report for 2024/25.
- 5.2 The Complaints Team will be accountable for leading on these improvements and for engaging with Directorates on how the approach to handling complaints can be improved. Each Directorate will be responsible for ensuring that the improvements identified are disseminated and implemented within each area of the organisation.

6. Financial and Procurement Advice and Implications

- 6.1 There are no direct financial implications arising from this report. The provision of the compliments and complaints service is factored into the Council's budget. If a complaint about an error in a charge for a Council service is upheld, then an appropriate refund will be made in accordance with the Council's Finance and Procurement Procedure Rules.
- 6.2 There are no procurement implications arising from this report.

7. Legal Advice and Implications

- 7.1 The Council's approach to handling complaints is informed by the following key pieces of legislation:
Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (Making Experiences Count).
- i. The Children Act 1989 Representations Procedure (England) Regulations 2006.

- ii. The Housing Ombudsman Scheme which is approved by the Secretary of State under section 51 of, and Schedule 2 to, the Housing Act 1996 as amended by the Localism Act 2011, the Building Safety Act 2022, and the Social Housing (Regulation) Act 2023 (the Act).¹¹ (for Housing Services complaints)
- iii. The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012

8. Human Resources Advice and Implications

- 8.1 There are no direct staffing implications arising from this report. However, Human Resources will provide support on further developing the training offer on handling complaints for officers outside of the Complaints Team.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The statutory complaints procedure for Children's and Adult Social Care provides an opportunity for children and young people and vulnerable adults to have their voices heard and to improve service delivery.

10. Equalities and Human Rights Advice and Implications

- 10.1 Investigations through the complaint procedure consider all relevant policy and legislation, including those relating to equalities and human rights.
- 10.2 Improvements have been made to the way that complaints are recorded to ensure that information relating to equality and diversity are captured where the complainant is comfortable to disclose this information.

11. Implications for CO2 Emissions and Climate Change

- 11.1 There are no direct implications for CO2 Emissions and Climate Change arising from this report.
- 11.2 However, it is possible for complaints to be made relating the Council's approach to CO2 Emissions and Climate Change and these matters can be formally considered through the Complaint Procedures.

12. Implications for Partners

- 12.1 As outlined in the annual report, improving the way that complaints are dealt with requires a whole-Council approach, with services committing to responding to complaints in a timely fashion and using the intelligence provided by the Complaints Team to make service improvements. It is the responsibility of every service to make responding to complaints and learning from customer feedback a priority.

13. Risks and Mitigation

- 13.1 The Council faces pressures on services due to the ongoing impact of national economic conditions as well as a continued ambition to transform

services to deliver financial savings and improve customer experiences. It is vital that customer expectations around what is sustainable for the Council to deliver are properly managed.

- 13.2 To mitigate this, the Council is continuing to engage with the public as appropriate through regular communication, as well as where services are being proposed to be amended.

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This report is published on the Council's [website](#).