

Committee Name and Date of Committee Meeting

Overview and Scrutiny Management Board – 15 November 2023

Report Title

Annual Compliments and Complaints Report 2022-23

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

Report Author(s)

Stuart Purcell, Corporate Complaint Manager, Assistant Chief Executive Directorate, 01709 822661 or stuart.purcell@rotherham.gov.uk

Fiona Boden, Head of Policy, Performance and Intelligence, Assistant Chief Executive Directorate, 01709 255233, fiona.boden@rotherham.gov.uk

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 2022/23 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 2022/23.
2. Provide comments on areas that require further improvement regarding complaints handling and reporting.

List of Appendices Included

Appendix 1	Annual Compliments and Complaints Report, 2022/23
Appendix 2	Ombudsman Annual Review letter 2022/23
Appendix 3	Complaint procedures overview
Appendix 4	Ombudsman complaint handling code advice letter to Councils

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 2022-23

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 2022-31st March 2023, 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 2022/23, the overall number of complaints received by the Council increased by **25%**, going from **1117** in 2021/22 to **1397**. Whilst this figure represents a significant increase compared to 2021/22, it is only a **2%** increase on the number received prior to the pandemic in 2019/20.
- 2.3 Positively, based on the data from the first three months of 2023/24, this trend of an increasing number of complaints has not continued as **291** complaints were received, compared to **340** in the same period in 2022/23, which is a **17%** decrease.
- 2.4 Most Council departments saw an increase in complaints from the previous year. The largest increase in complaints in 2022/23 was in Regeneration and Environment which went from **341** to **510**, an increase of **50%**. The 2nd largest increase was in Housing services, which went from **501** to **607**, a percentage increase of **21%**. Showing small increases were Adult Care services from **52** to **55**, a percentage increase of **6%**, Children and Young Peoples Services from **110** to **116**, a percentage increase of **5%** and Assistant Chief Executives from **3** to **4** complaints received. Against this trend Finance and Customer Services saw a small decrease in the number of complaints received from **108** to **105** and Public Health decreased from **2** to **0**. It should also be noted that the increase in complaints received by Regeneration and Environment Services and Housing Services were predominantly due to more complaints being received in respect of Waste Management and Housing Repairs.
- 2.5 Performance has been maintained at **85%** of complaint responses within target timescale. Whilst slightly below the 5-year average of **86%**, this has met the Council Plan target of **85%**. There has been a continued effort made across all Council services to maintain performance to timescales, despite the increase in numbers received.

- 2.6 More complaints were upheld in terms of the percentage of complaints responded to. This is where the Council has investigated and found a problem with the service we have provided, with **443** or **32%** upheld (**268** or **24%** upheld in 2021/22 and **235** or **26%** upheld in 2020/21) of all complaints.
- 2.7 The majority of complaints (**97%**) were resolved at stage 1, only **24**, **2%** of all complaints, were escalated to stage 2, compared with **27**, **2%**, in 2021/22.
- 2.8 **431 (31%)** of all complaints were categorised as quality of service. Complaints within this category have increased from **313 (28%)** in 2021/22 (an increase of **3%**). Lack of service accounted for the second highest category of complaints, with **398** complaints (or **28%**). Complaints within this category have increased from **304 (27%)** in 2021/22 (an increase of **1%**). The third highest was delay in service at **246 (18%)** received. Complaints within this category have increased in terms of numbers received from **201** but have remained the same in terms of percentage of total complaints (**18%**) in 2021/22.
- 2.9 Regarding the number of compliments received, this has increased by **5%** overall, with **39** more received, however, some directorates saw an increase in the numbers received and some saw a decrease. Finance and Customer Services saw the biggest increase at **169%**, **22** more received, followed by Regeneration and Environment **27%**, **52** more received. Housing services and Assistant Chief Executive's also saw a small increase.
- 2.10 **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 19th July 2023, setting out their records of referred complaint investigations. In 2022/23 less complaints were investigated and upheld by the LGSCO than in the previous year, with **7** complaints investigated compared to **19** investigated in the previous year. The decrease can be considered as a return to average numbers received following an unusually high number of enquiries investigated in the previous year (an effect of the Covid 19 pandemic).
- 2.12 **6** complaints out of **7** investigations were upheld. This equates to an upheld rate of **86%**, which is slightly higher than the Ombudsman's figure of the average upheld rate of similar authorities at **77%**. **3** upheld complaints were in Childrens and Young Peoples Services, **1** was in Adult Care, **1** in Financial and Customer Services and **1** in Assistant Chief Executives.
- 2.13 Appendix One in the main report outlines the LGSCO decisions for the Council for 2022/23 and how these compare with **16** statistical neighbour councils. It shows that the Council is comparing much better to similar Local Authorities in 2022/23, with fewer complaints investigated and fewer complaints upheld overall.

In 2022/23, the Council is in the top quarter of the numbers investigated and the numbers upheld. It had the 2nd least investigated out of the 16 similar councils, and the 3rd least upheld. In the previous year, 2021/22, the Council benchmarked in the middle quarter for numbers investigated, numbers upheld and % upheld.

- 2.14 It also shows that the majority of complaints that were brought to the LGSCO (44 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.
- 2.15 In addition, 2 Housing Ombudsman complaint decisions were received, which were both not upheld. This compares to 1 decision not upheld in 2021/22.
- 2.16 Overall, the Annual Review letter presents a positive view of the Council's handling of formal complaints in 2022/23. The number of investigations decreased significantly, but the upheld rate is slightly above average. There were no Public Interest Reports in this year.
- 2.17 It should be noted that in the 2021/22 Annual Review letter the LGSCO highlighted a concern with the Council's late response to enquiries and in 2022/23 this has been significantly improved with 100% of responses provided in time. This was due to efforts made by Council Services and the Complaints Team to ensure that responses were provided in a timely manner.
- 2.18 In addition, although the Council is recorded as being 100% compliant with the Ombudsman recommendations following investigation, the Council has been recorded as being unsuccessful in resolving any complaints when formal notification of investigation is initially received, from the Ombudsman. RMBC has resolved 0% of cases at the point of notification that the Ombudsman intends to investigate, compared to a national average of 11%. This maintains a trend across several years since the Ombudsman began to report this information.
- 2.19 In response the Complaints Team will continue to work with Services 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 at this point. Services need to be encouraged to consider if there is anything else that can be offered to resolve the complaint. The Complaints Team / Service will then write to the resident to explain if anything further can or cannot be offered. Also, the Strategic Director and Assistant Director can also be informed at notification stage, which will allow them additional oversight and ensure that the opportunity to resolve the complaint is maximised.
- 2.20 **Local Government and Social Care Ombudsman and Housing Ombudsman's complaint handling code**
- 2.21 In addition, the Local Government and Social Care Ombudsman has recently launched a consultation with the Housing Ombudsman on a joint complaint handling code (Appendix 4 – advice letter to Councils). The Complaints Team

has worked with Services to provide a response to the consultation, following an initial assessment of the implications of the joint code for Corporate Complaints.

- 2.22 Based on an initial review of the proposals within the consultation document the main change proposed to the Council's Corporate Complaint procedure would be in terms of the current three stage process. As the proposed joint complaint handling code states that:
- 2.23 *“A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the relevant Ombudsman.”*
- 2.24 Subject to the outcome of the consultation and the final published complaint handling code, a self-assessment will be undertaken, and a revised policy presented for consideration.

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. Building on the key developments in 2022/23, the Council will again apply particular focus to the following issues:
- 3.2 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.
- 3.3 Continuing to improve the way in which the Council learns from complaints. This will ensure that all learning reported is considered and the impact of service improvement is understood and recorded.
- 3.4 Working to improve performance to complaint procedure timescales.
- 3.5 Ensuring remedy requests by the Ombudsman are completed within required timescales.
- 3.6 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.
- 3.7 Continue to train front line staff and managers in respect of the formal complaints process and best practice when responding to customer complaints.

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 2023/24. Progress against these actions will be reported on as part of the annual report for 2023/24.
- 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:
 - i. Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (Making Experiences Count).
 - ii. The Children Act 1989 Representations Procedure (England) Regulations 2006.
 - iii. Localism Act 2011 (for Housing Services complaints)
 - iv. 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.

Accountable Officer(s)

Fiona Boden, Head of Policy, Performance and Intelligence

Approvals obtained on behalf of: -

	Name	Date
Chief Executive	N/A	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	01/11/23
Assistant Director of Legal Services (Monitoring Officer)	Phillip Horsfield	27/10/23
Assistant Director of Human Resources (if appropriate)	N/A	Click here to enter a date.
Head of Human Resources (if appropriate)	N/A	Click here to enter a date.
The Strategic Director with responsibility for this report	Jo Brown, Assistant Chief Executive	01/11/23
Consultation undertaken with the relevant Cabinet Member	Cabinet Member for Corporate Services, Community Safety and Finance - Councillor Alam	01/11/23

Report Author: Stuart Purcell, Corporate Complaint Manager, Assistant Chief Executive Directorate, 01709 822661 or stuart.purcell@rotherham.gov.uk

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