

Governance & Audit Committee

**Local Government & Social Care and Housing Ombudsman
Annual Complaints Performance & Service Improvement
Report 23/24**

Date of Meeting: 18th September 2024

Lead Director: Andrew Shilliam, Director of Corporate Services

Useful information

- Ward(s) affected: All
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- Report version number: 0.1

1. Summary

- 1.1 This report updates the Governance & Audit Committee on our current arrangements for handling corporate complaints, and updates on our annual complaints performance and service improvement report 23/24 and associated Ombudsman complaints self-assessments.

2. Recommendations

The Committee is asked to:

- 2.1 Note the current complaints handling codes of the Local Government & Social Care (LGSCO) and Housing Ombudsmen, and our current approach to handling corporate and housing complaints, as summarised in the report.
- 2.2 Note and comment on the combined Local Government & Social Care and Housing Ombudsmen Annual Complaints Performance and Service Improvement Report 23/24 (Appendix 1).

3. Background

- 3.1. This report concerns complaints that are covered by the Council's Corporate Complaints Policy and Procedure, and in particular complaints that fall under the remit of the Local Government & Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO).

- 3.2. Because what we do is subject to the interests and remit of the Ombudsmen, and because the interests and remit of the Ombudsmen is recognised in law, this report is necessarily detailed and comprehensive.
- 3.3. The LGSCO is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It is a free service that investigate complaints in a fair and independent way and provides a means of redress to individuals for injustice caused by unfair treatment or service failure. The HO is the final stage for complaints about our housing services.
- 3.4. We are required to produce an annual report into complaints made by citizens about LGSCO matters that are covered by the Council's Corporate Complaints Policy and Procedure. We are also required to produce an annual report into complaints made by citizens who receive our housing services.
- 3.5. Leicester City Council operates a combined LGSCO and HO Corporate Complaints Policy, which is published on the Council's website at <https://www.leicester.gov.uk/contact-us/comments-compliments-and-complaints/corporate-complaints-policy/>.
- 3.6. This policy sets out how individual members of the public can complain to the Council about matters that are covered by the LGSCO and the HO, as well as how the Council handle compliments, comments and complaints. It also sets out what is not covered by this policy (and therefore is the responsibility of other teams and services at the Council).

Exclusions

- 3.7. As set out in our Corporate Complaints Policy, there are separate legal requirements for dealing with statutory services such as adult social care or children's social care. These service areas have their own separate complaints processes for complaints within their statutory remit and are not considered under the corporate complaints policy.
- 3.8. Complaints about adult social care, such as a delay in the Council making arrangements with a care agency following an assessment of social care needs, or if some information has not been taken into account as part of a care review, have a dedicated process and team in place so these can be handled.
- 3.9. Complaints about children's social care by or about children, such as where a social worker may have failed to progress actions recommended at a child protection conference within the specified timeframe, or a child who is looked after by the local authority has requested contact with family members on a number of occasions and this has not been progress, also have a dedicated process and team in place so these can be handled.
- 3.10. Complaints about elected officials are handled by the Council's Monitoring Officer and Standards Committee.

- 3.11. Complaints about school matters, such as those that relate to bullying, discipline, uniform or school outings, or the educational provision at school, should be lodged with the school leadership team, usually the headteacher.
- 3.12. The Corporate Complaints Team does not get involved in the processing of these complaints, nor any activity related to annual or otherwise reporting requirements in place. Because of that, complaints about these matters are outside the scope of this report.
- 3.13. The Council is also unable to deal with complaints that are considered outside of our control. This includes matters of law or central government policy, where the customer or the council has started legal proceedings on the matter, complaints that have already been decided by a court, independent tribunal or Ombudsman, or where another organisation is the key decision-maker in respect of a matter. Because of that policy provision, complaints about these matters are also outside the scope of this report.
- 3.14. The current arrangements for handling complaints activity across the Council are done on a fragmented basis, despite this activity and the necessary skills and capabilities being very similar from one area to the next.

LGSCO complaints.

- 3.15. The council currently defines a LGSCO related complaint as “An expression of dissatisfaction about the standards of our services; or lack of resolution by the council, its staff, contractors or volunteers that requires a response that you have been unable to resolve with the service directly in the first instance.”
- 3.16. This includes but is not limited to unreasonable behaviour or conduct by a council employee towards an individual, poor quality service provision, or where a stated Council policy or procedure has not been followed correctly.
- 3.17. If a complaint meets this complaint definition, we:
- Acknowledge the complaint within five working days and advise how we will deal with it.
 - Allocate the complaint to a complaints officer independent of the service in question.
 - An investigation will take place, conducted by the complaints officer, who will investigate with the service concerned.
 - Usually seek to conclude our investigation within 10 days of receiving the complaint.
 - Inform the complainant if we need to extend the response deadline where there is good cause to do so.

- Write to the complainant with the findings of our investigation and explain what we have done to resolve the matter.
 - Try to reach a resolution (i.e., where a solution has been actioned) within 10 weeks of the complaint being received.
- 3.18. Complaints of this nature currently only follow a one stage process and on conclusion, if the complainant is still dissatisfied, they must take the matter up with the LGSCO.

Housing complaints.

- 3.19. The council defines a housing complaint as “An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.” This is consistent with the recent HO complaints code requirement.
- 3.20. Unless there are good reasons not to, we only accept complaints referred to us within 12 months of the issue occurring. That is an explicit policy point for housing complaints, and though the same provision isn’t set out in the LGSCO provisions the same approach is applied.
- 3.21. Unlike LGSCO related complaints, housing complaints handling has a second stage prior to any HO involvement. If complainants opt for it to be considered further at stage two, we:
- Acknowledge that it will be handled in line with our second stage procedure.
 - Allocate it to another independent complaints officer within three working days.
 - Liaise directly with the Head of Service concerned.
 - Aim to conclude a full stage two investigation within 20 working days of the complaint being escalated.
 - Write to the complainant with the findings of our stage two investigation and, where necessary, explain what we have done to resolve the matter.
- 3.22. We have 19,358 housing properties, 19,126 housing tenants, and 6484 people on our housing register. And in 2023/24 we were contacted 131,000 times by citizens about housing repairs or tenancy related matters.

LGSCO and HO complaints handling codes.

- 3.23. After consultation last year into the possibility of creating a combined LGSCO and HO complaints code, they eventually opted for retaining separate codes but creating better alignment between the two. The expectation is that this should result in a clearer complaints process and more standardised experience by complainants.

- 3.24. The HO code came into force from April 2024, whilst the LGSCO code is likely to come into force from April 2026. The HO have compliance and monitoring powers in respect of how we handle housing complaints overall, but the LGSCO don't.
- 3.25. For both codes, citizen voice and being able to tell us when we don't quite get things right is the bedrock to these codes. Benefits include enabling issues to be resolved before they get worse, seeing what service improvements are required from feedback and complaints investigations, and better staff ownership when it comes to service delivery.
- 3.26. The principles, process and timescales in both codes are now aligned, meaning that organisations like the Council who fall under the jurisdiction of both Ombudsmen should be able to provide a co-ordinated complaint handling process across services.
- 3.27. This alignment is intended to help us to respond to complaints effectively and fairly and in a way that people can understand, resolve complaints promptly, use complaint information to improve our services, and create a complaint handling culture in the Council.
- 3.28. There's a built-in expectation that we should be able to put things right through normal service delivery processes in the first place, before they become a complaint.

Powers and statutory grounding.

- 3.29. The LGSCO code is issued under the Local Government and Social Care Ombudsman's powers to provide "guidance about good administrative practice" to organisations under section 23(12A) of the Local Government Act 1974. This is advice though, and we can choose to act differently where we have good reason to in relation to our complaints handling policy and practice.
- 3.30. There is no specific responsibility for monitoring compliance with the Code in addition to their ability to investigate complaints of maladministration and service failure. That said, there is currently no reason not to align with this guidance and their good practice recommendations in our policy and practices.
- 3.31. The Social Housing (Regulation) Act 2023 empowered the Housing Ombudsman to issue a code of practice about the procedures that we should have in place for considering complaints. It also placed a duty on the Ombudsman to monitor compliance with a code of practice that it has issued. The Housing Ombudsman can and will proactively monitor compliance.

Housing specific – points of difference.

- 3.32. Compliance with the code is a requirement. There is a legal duty placed on the Ombudsman to monitor compliance with the Code, and for the first time we were required to undertake and submit a self-assessment.

- 3.33. Were non-compliance to occur, the HO usually engages with us in the first instance to achieve compliance. If evidence of ongoing failures is present, the HO has wider powers, including making Complaint Handling Failure Orders against the Council.
- 3.34. The Housing Ombudsman monitors compliance in line with its Compliance Framework and will consider (1) scrutiny and oversight of complaints, (2) policy compliance, and (3) practice compliance.

Key features of the new Codes.

- 3.35. Definitions - a service request is defined as “a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision.”
- 3.36. A complaint, on the other hand, is defined as “an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.”
- 3.37. We have made changes to our current complaints policy to reflect this for housing related complaints and did so before the self-assessment submission. We now need to do the same for our LGSCO complaints.
- 3.38. Timeframe - we should accept complaints referred to us within 12 months of the issue occurring, or the individual becoming aware of the issue. This is now specified in our complaints policy.
- 3.39. In practice, we are still able to apply discretion when it comes to accepting complaints made outside this time limit and where there are good reasons to do so. We have made changes to our current complaints policy to reflect this for housing related complaints and did so before the self-assessment submission.
- 3.40. Complaint acceptance - citizens should be able to raise their complaints in any way and with any member of staff. All staff should be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the organisation.
- 3.41. When we seek feedback about our services through a survey, we should provide details of how individuals can complain so they can pursue any dissatisfaction if they wish.
- 3.42. We need to do more to make sure that our workforce are aware of the right for citizens to complain and the way that they can go about doing it. We also need to make sure that significant customer satisfaction or customer experience activities that we undertake include information about what citizens can do when they're dissatisfied with services we provide.

- 3.43. Complaints stages - both the LGSCO and the Housing Ombudsman now have a two stage complaints process.
- 3.44. At Stage 1, complaints should be acknowledged and logged within five working days of the complaint being received, and we should provide a full response within 10 working days of the complaint being acknowledged. We can extend this but need to evidence our reason for doing so to the complainant and the Ombudsmen.
- 3.45. At Stage 2 – which is our final response – complaints should be acknowledged and logged within five working days of the complaint being received, and we should provide a full response within 20 working days of the complaint being acknowledged. We can extend this but need to evidence our reason for doing so to the complainant and the Ombudsmen.
- 3.46. Our complaints handling approach when it comes to housing complaints reflects the above so we are compliant. We have until April 2026 to align our complaint handling activity for corporate complaints with this requirement.

Learning, complaints reporting and self-assessment.

- 3.47. For both LGSCO and HO complaints we're required to produce, consider, and publish an annual complaints performance and service improvement report and which includes:
- An annual self-assessment against the codes to ensure our complaint handling policy remains in line with the requirements.
 - A qualitative and quantitative analysis of the organisation's complaint handling performance. This should also include a summary of the types of complaints the organisation has refused to accept.
 - Any findings of non-compliance.
 - The service improvements made as a result of the learning from complaints.
 - And any other relevant reports or publications produced by the Ombudsmen in relation to the work of the organisation.
- 3.48. As part of our own local good governance arrangements, we have elected to provide an annual report on complaints to the Governance & Audit Committee.

4. Details of Scrutiny

- 4.1. The Council's complaints handling arrangements and performance are reported to the Governance & Audit Committee, who are expected to provide the necessary checks and balances when it comes to the arrangements in place. It is therefore not currently a matter for consideration by our Scrutiny function, nor reflected in any of the existing work programmes.

5. Financial, legal and other implications

5.1 Financial implications

There are no direct financial implications arising from this report. For information, if the Council accepts fault for any complaints, an appropriate remedy may be financial compensation to the complainant. Likewise, in cases where either Ombudsmen find that Council at fault, we may be required to make compensation payments to the complainant. In 23/24 the Housing and Local Government & Social Care Ombudsmen required us to pay £8.5k and £7k respectively. It is therefore essential that we learn from any mistakes and service delivery failings that result in compensation arrangements being required.

Martin Judson, Head of Finance

5.2 Legal implications

Reporting on complaints in the manner covered by this report is a requirement of the Housing and Local Government & Social Care Ombudsmen, who have various powers that are enshrined in law. Whilst there are no legal implications flowing directly from the content of this report, there are legal, reputational and resource implications in complaints that are taken through the corporate process and in addressing and resolving those complaints.

Kevin Carter, Head of Law – Commercial, Property & Planning

5.3 Climate Change and Carbon Reduction implications

N/A

5.4 Equalities Implications

When responding to complaints, the Council must ensure that people are treated fairly and that we comply with the Equality Act 2010, making reasonable adjustments where necessary. This may include providing responses in large font, using coloured paper, or communicating by specific means such as email only. There may also be a need to consider translation in different languages to ensure people fully understand how the complaint is being handled. Where adjustments are made, these should be documented by the complaints team, to be compliant with the LGSCO and HO requirements.

Kalvaran Sandhu, Equalities Manager

5.5 Other Implications

N/A

6. Background information and other papers:

N/A

7. Summary of appendices:

Appendix 1 – Leicester City Council Annual Complaints Performance and Service Improvement Report.

8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

9. Is this a “key decision”?

No

10. If a key decision please explain reason

N/A