

SUBJECT:	ANNUAL COMPLAINTS REPORT
DIRECTORATE:	CHIEF EXECUTIVES
REPORT AUTHOR:	JOANNE CROOKES, CUSTOMER SERVICES MANAGER

1. Purpose of Report

1.1 To present an annual complaints report including details from the Annual Review of Local Authority Complaints issued by the Local Government and Social Care Ombudsman (LGSCO) and the decisions of the Housing Ombudsman Service (HOS).

1.2 To report on the overall number of complaints received by the Council on a Directorate basis for the full year 2020-2021, including response times and the percentage of complaints which are upheld.

2. Background

2.1 The council's complaints procedure includes two levels in response to formal complaints. Once the complaint has been considered and responded to by two separate officers the complainant is advised that if they are not satisfied with the final response, they can seek redress from the LGSCO. The LGSCO will investigate both the merits of the complaint and the way that the council dealt with it.

2.2 Complaints relating to the landlord function of the council, as a provider of social housing, are escalated to the Housing Ombudsman Service. The HOS have introduced the role of "designated persons" (i.e. members of parliament, local councillors and designated tenant panels) into the complaints process. Therefore, specific landlord related complaints have an additional layer in the complaints process.

2.3 In July 2020 the Housing Ombudsman published a Complaint Handling Code (CHC), and all registered social landlords were required to complete a self-assessment and publish the findings. The CHC sets out best practice in complaint handling and requires that compliant organisations:

- Clearly define what a complaint is.
- Make the complaints procedure accessible and ensure that residents are aware of it and how to use it, including their right to access the appropriate Ombudsman services.
- Have a good structure to the procedure - only two stages are necessary.
- Set out clear timeframes for responses.
- Ensure fairness in complaint handling with a process focussed on the customer.
- Take action to put things right with appropriate remedies
- Create a positive complaint handling culture through continuous learning and improvement.
- Demonstrate learning in annual reports.

- 2.4 As a result of this guidance, and in consultation with our Resident Involvement Panel, we introduced new time targets for the handling of complaints. The timescales are:
- Initial acknowledgement within 5 days
 - Level 1 complaints to be responded to within 10 working days, and
 - Level 2 complaints to be resolved within 20 working days.

3. Internal Formal Complaints – Annual Performance

3.1 The number of complaints received over the year decreased significantly on the previous year. Please see the figures in the table below at 3.3. There were some council services who suspended their operations for several months, and this will have reduced the potential for something to go wrong.

3.2 There has been a slight increase in the amount of time it is taking officers to respond to complaints over the previous year. The average response time over all four directorates is 8.1 days. This remains well within the Local Government and Social Care Ombudsman (LGSCO) guidelines. In their published best practice guidance for the public on how to complain, it indicates that local authorities should reply to customers within a reasonable time which should normally be within 12 weeks. More significantly the average is well within our new target response times which was not in place during the reporting period, having been introduced from April 2021.

3.3

Year	Number of complaints	Average response time
2016-2017	368	7.0 days
2017-2018	361	6.2 days
2018-2019	291	7.6 days
2019-2020	338	7.4 days
2020-2021	260	8.1 days

4. Breakdown of Complaints

4.1 Of the 260 complaints received for 2020-2021 the broad categories they relate to are set out in the table at 4.2 below. The figures for the previous 2 years are included for comparative purposes.

4.2

Service area or responsibility	2018-2019	2019-2020	2020-2021
Responsive repairs	43	96	79
Tenancy issues	35	63	49
Housing Solutions	46	34	25
Council Tax / NNDR	26	36	18
PPASB service	4	8	16
Housing Investment	26	20	10
Market and Cornhill area	3	0	12
Community Services	19	13	12
Planning and building control	7	7	9
Private Housing	2	2	5
Parking	25	18	4
Benefits	9	12	4
Recreation and Leisure	7	7	3
Legal Services	3	0	3
Major developments	9	2	3
Events	10	9	2
Environmental Health	3	5	2
Customer Services	8	2	2
Licensing	0	1	1
Bereavement Services	0	0	1
Democratic Services	3	3	0
Bus Station	3	0	0
Total complaints	291	338	260

4.3 **Upheld complaints:** Of the 260 complaints responded to in 2020-2021, 39% (102) were upheld. This is consistent with the percentage upheld in the previous year which was 40%. In instances where a complaint is upheld customers are offered an explanation and an apology. Additionally, the officer upholding the complaint completes a feedback form for the directorate complaint monitoring officer outlining lessons learned, training needs and any recommended changes to procedures.

4.4 The lessons learned are reported through each DMT by the Directorate monitoring officer. DMT are therefore fully aware of the complaints received. Where any changes to procedure are required or potential policy developments are needed these are discussed and taken forward as appropriate.

5. Local Government and Social Care Ombudsman Annual Review Report

5.1 The LGSCO Advice team provides comprehensive information and advice to both the public and local authorities on complaints. It also produces an annual review of local government complaints which includes an overview of trends, followed by statistical tables detailing the numbers of complaints received from each local authority area broken down into general service areas. This data is published on their website.

5.2 The second data set details the number of decisions made and the outcome of those complaints which the LGSCO has undertaken to investigate fully. In terms of outcome the only data published is whether the investigation has led to the complaint being

upheld or not upheld. Details of the complaints themselves, the decision and any recommendations are now only available in the form of individual published decisions as they are released throughout the year.

- 5.3 In the year to 31 March 2021 the LGSCO made decisions on 12 new complaints about City of Lincoln Council services. This is a decrease on the previous year, which saw 14 complaints moving to the Ombudsman stage.

The general service areas of these were as follows:

Environmental Services	4	4
Housing	4	3
Revenues and Benefits	4	2
Corporate Services	1	1
Highways and Transport	1	1
Planning and Development	0	1
Totals	14	12

- 5.4 One of the complaints was entirely dismissed and deemed invalid
- 5.5 Four of these complaints were referred back for local resolution: These had not been through our own complaints procedure and we had therefore not had the opportunity to investigate or resolve the complaint before the customer involved a third party in the issue. In effect they are not LGSCO complaints
- 5.6 Four of the complaints were closed after initial enquiries: These complaints are where the Ombudsman has decided that it could not or should not investigate the complaint; usually because the complaint is outside LGSCO's jurisdiction, and they cannot lawfully investigate it. The early assessment of a complaint may also show there was little injustice to a complainant that would need an LGSCO investigation of the matter, or that an investigation could not achieve anything, either because there was no fault, or the outcome a complainant wants is not one that the LGSCO could achieve, for example overturning a court order.
- 5.7 In one case there was advice given: These are cases where the LGSCO would not look at a complaint because they had previously looked at the same complaint from the complainant, or another complaint handling organisation or advice agency was best placed to help them
- 5.8 In total there were two complaints which were deemed appropriate for the jurisdiction of the LGSCO and were fully investigated. This compares with three investigations undertaken in the previous year.
- 5.9 Both investigated complaints were upheld. This is reported and published as an "Uphold rate" of 100%. These complaints were as follows:
1. A complaint decided in October 2020 and recorded as Environmental Services.

This resident complained that the Council failed to properly respond to her family's reports of flooding (which she felt was caused by granting planning permission to new homes), from 2018 and to take effective action. The customer stated that their business premises and garden had been damaged by flooding. Based on the information provided, the Ombudsman found no fault by the Council in the way it

dealt with the reports but a period it failed to keep to an agreed maintenance schedule was deemed to be at fault and maladministration was recorded.

Remedial action: In this case the Ombudsman considered the actions the Council had already taken to complete the maintenance to be adequate to provide a suitable remedy.

2. A complaint decided in November 2020 and recorded as Housing

This resident complained about the Council's actions after she refused the offer of a property and the Council ended its homelessness duty. On the evidence considered the Council was found to be not at fault when it ended its homeless duty to the individual, or in the information provided about her right of review. However, a finding of maladministration was recorded because of the council's failure to review her banding after she refused a housing offer.

The remedial action taken was a review of the banding.

6.0 Housing Ombudsman Service Complaints

6.1 Tenancy related complaints i.e. those which are classed as a landlord function, are referred to The Housing Ombudsman Service (HOS), rather than being dealt with by the LGSCO.

6.2 In 2020-2021 there was just one complaint investigated by the HOS. The outcome of this investigation which was into the handling of a plumbing and heating repair, was that there was no maladministration

7.0 Complaint Trends

7.1 In the full year to 31 March 2021 there has been a substantial decrease in the number of complaints received compared to the previous year.

7.2 Complaints from our tenants about repairs to their homes, continue to be our most common complaint.

7.3 Complaints about parking have decreased significantly. Services which have seen small increases in the number of complaints include PPASB, private housing and the Cornhill area development

8.0 Compliments

8.1 On a more positive note, despite the current challenges and pressures, the council continues to receive regular compliments from the public. These tend to acknowledge the professionalism of staff and occur across all service areas. Residents often take the time to appreciate the care and consideration demonstrated by our staff, and this has been particularly noticeable during times of Covid-19 restrictions. The public have generally been very patient and understanding about the decisions taken by the council to protect the health and safety of residents and staff

9.0 Organisational Impacts

9.1 Strategic Priority: High Performing Services

9.2 Finance: There are no direct financial implications from this report

9.3 Legal: There are no legal implications from this report

9.4 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

10. Recommendation

Members of Audit committee to consider and comment on the complaints report for 2020-2021

Is this a key decision?	No
Do the exempt information categories apply?	No
Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?	No
How many appendices does the report contain?	None
List of Background Papers:	None

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