

SUBJECT: ANNUAL COMPLAINTS SUMMARY REPORT 2022-2023

DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK

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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 2022-2023, 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 a separate authority, namely the Housing Ombudsman Service.
- 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 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 has increased on the previous year, and the previous five years. Please see the figures in the table below at 3.3. There were some council services who had suspended their operations for several months in the year 2020-2021, due to Covid restrictions and this will have reduced the potential for something to go wrong in that time and consequently kept complaints low.

3.2 Following the publication of the Housing Ombudsman's Complaint Handling Code we no longer report on the average time taken to respond to complaints. Our new measure, introduced at the start of the 2021-2022 year, is the percentage of complaints resolved within the agreed target time of 10 or 20 days for level one and level two complaints respectively. The Local Government and Social Care Ombudsman (LGSCO) guidelines are less specific. 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.

3.3

Year	Number of complaints	Average response time
2018-2019	291	7.6 days
2019-2020	338	7.4 days
2020-2021	260	8.1 days
2021-2022	392	66% within target
2022-2023	459	70% within target

4. Breakdown of Complaints

4.1 Of the 459 complaints received for 2022-2023 the broad categories they relate to are set out in the table below. The figures for the previous 2 years are included for comparative purposes.

4.2

Service area or responsibility	2020-2021	2021-2022	2022-2023
Repairs & Maintenance	79	166	199
Tenancy issues	49	67	75
Housing Solutions	25	64	51
Parking	4	7	39
Council Tax / NNDR	18	27	22
Housing Investment	10	6	17
Community Services	12	7	15
Planning and building control	9	5	9
Private Housing	5	2	7
Events (Christmas Market)	2	10	7
PPASB service	16	13	5
Customer Services	2	2	2
Legal Services	3	0	2
Property Services	0	1	2
Civic & Democratic Services	0	0	2
Major developments	3	3	1
Environmental Health	2	1	1
Recreation and Leisure	3	0	1
Bus Station	0	1	1
Bereavement Services	1	0	1
Central Market and Cornhill	12	0	0
Benefits	4	4	0
Licensing	1	1	0
Human Resources	0	1	0
Total complaints	260	392	459

- 4.3 Upheld complaints: Of the 459 complaints responded to in 2022-2023, 55% (254) were upheld. This is an increase on the percentage upheld in the previous two years which was 49% and 40% respectively. In instances where a complaint is upheld customers are offered an explanation and an apology. In certain circumstances they may also be offered some other form of redress. 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 2023 the LGSCO made decisions on 13 new complaints about City of Lincoln Council services. This is in line with the previous two years, which saw 11 and 12 complaints respectively moving to the Ombudsman stage.

The general service areas of these were as follows:

Service Area	2020-2021	2021-2022	2022-2023
Environmental Services	4	1	1
Housing	3	3	7
Revenues and Benefits	2	6	3
Corporate Services	1	0	0
Highways and Transport	1	0	2
Planning and Development	1	1	0
Totals	12	11	13

- 5.4 Three of the 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.
- 5.5 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.
- 5.6 In five cases 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.

There was just one complaint which was deemed appropriate for a full

investigation. This compares with two investigations undertaken in the previous year and three for the year before that.

- 5.7 This fully investigated complaint was upheld. This is reported and published as an “Uphold rate” of 100%.
- 5.8 The complaint upheld by the LGSCO was as follows:
- 5.9 The complaint was decided in June 2022 and involved the Revenues and Benefits Shared Service
- 5.10 Summary: The complainant complained that the Council failed to advise her to claim universal credit after she submitted a claim for Housing Benefit. The Council was at fault as it failed to respond to the claimant’s correspondence which meant she missed out on housing payments she was entitled to. The remedial action that we were directed to take was a written apology and financial redress of £1,676.75.

6. 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 2022-2023 there was just one complaint fully investigated by the HOS. This was upheld as follows:

The tenant complained that void recharges for the property she had vacated were unfair because they related to garden maintenance and clearance. The tenant had disabilities and had applied for help from the gardening service because she was unable to maintain the garden. The HOS found fault with the council and ordered the following remedy:

- A written apology to the tenant for the failure identified in the investigation.
- £100 compensation. To acknowledge the inconvenience caused by the inconsistent response to the complaint.
- A review of the recharge for the garden works to establish if some or all of the recharge relates to work that would have been covered by the assisted gardening service, that amount deemed to be invalid and to be cancelled (or refunded if already paid)

7. Complaint Trends

- 7.1 In the full year to 31 March 2023 there has been an increase 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. A part of the increase is due to the publicity about damp and mould and its effect on the health of residents.
- 7.3 Complaints about responsive repairs, tenancy issues, housing investment and

parking and community services have all increased on the previous year.

- 7.4 The PPASB team complaints, complaints about Events, Benefits and Major Developments have all seen a notable reduction in the number of complaints received.

8. 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.

9. Organisational Impacts

Strategic Priority: High Performing Services

Finance – There are no direct financial implications arising from this report.

Legal – There are no direct legal implications arising from this report.

Equality and diversity –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.

To ensure that we deliver our Equality Duty we accept complaints from customers via all communication channels. Customers can complain in person, verbally, in writing or via our online complaints template. Customers who need assistance to log a complaint can get help from Customer Services to ensure that they are heard. All complaints received are dealt with equally regardless of how they are made.

Community engagement and communications. We welcome feedback from customers and clearly promote the Complaints procedure on our website and in our public buildings.

10. Recommendation

Members to consider and comment on the complaints report for 2022-2023

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

None

report contain?

List of Background Papers:

None

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