

<b>SUBJECT:</b>	<b>ANNUAL COMPLAINTS PERFORMANCE AND SERVICE IMPROVEMENT REPORT 2023-2024</b>
<b>DIRECTORATE:</b>	<b>CHIEF EXECUTIVE AND TOWN CLERK</b>
<b>REPORT AUTHOR:</b>	<b>JOANNE CROOKES, CUSTOMER SERVICES MANAGER</b>

## **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 2023-2024, including performance against target 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 the relevant Ombudsman service.
- 2.2 Complaints relating to the landlord function of the Council, as a provider of social housing, are escalated to the Housing Ombudsman Service. All other complaints, about any other service or aspect of Council business fall under the jurisdiction of the Local Government and Social Care Ombudsman.
- 2.3 In April 2024, the Housing Ombudsman Complaint Handling Code (The Code), became statutory for all social housing providers. We have updated our policy to ensure that we comply with The Code and, as it represents best practice in dealing with customer complaints, we have adopted the principles of The Code as a corporate policy. This report summarises our performance in 2023-2024 i.e. before the Complaint Handling Code came into force.
- 2.4 There are a number of elements in The Code which are designed to ensure that our complaint handling performance is both effective and transparent. The HOS has a statutory duty to monitor our compliance with The Code and they have powers to issue Complaint Handling Failure Orders where they find that performance is not conforming with The Code.
- 2.5 The main changes to our complaint handling are in terms of reporting of our performance, learning lessons from complaints, and ensuring that customers find it easy to make a complaint. We already had timescales for complaint handling which reflect the recommended response times in It requires that public bodies have due regard to the need to:

. These are:

- Initial acknowledgement within 5 days
- Level 1 complaints to be responded to within 10 working days of the acknowledgement, and
- Level 2 complaints to be resolved within 20 working days of the acknowledgement.

2.6 The Code requires that we complete an annual self-assessment against all of the provisions set out in The Code. The self-assessment requires that we consider each element of The Code and certify ourselves as either “Complied” or “Not Complied” with each of 78 provisions. Our self-assessment was also considered by the Lincoln Tenant’s Panel prior to submission.

2.7 Our 2024 Corporate Complaints Policy and Guidance is compliant with many of the provisions but there are a small number of areas where we had to undertake work. At date of submission of the initial self-assessment (30 June 2024) only 5 of the provisions were self-assessed as non-compliant at the date of submission (30 June 2024) as detailed in 2.8 below. These are now almost complete in demonstrating full compliance with The Code. The self-assessment is available for inspection on the Council’s website and is attached to this report as Appendix A.

2.8 The areas declared as non-compliant (as things were on the date of self-assessment i.e. 30 June 2024) are:

1. The annual Complaints Performance and Service Improvement Report must be presented to members and published on our website. This report and subsequent publishing on our website will satisfy this provision.
2. The annual Complaints Performance and Service Improvement Report must include details of the annual self-assessment against The Code. This report and subsequent publishing on our website will satisfy this provision. The self-assessment itself is already published on our website and has been submitted to the Housing Ombudsman.
3. There should be a policy to deal with unacceptable resident behaviours (in making complaints) which reflect the provisions of The Code. This has been developed and will be adopted following approval by committee. This policy has been reviewed by Housing Scrutiny Sub Committee on 31 October 2024 and will be presented to Executive for approval on 18 November 2024.
4. There should be a Remedies Policy to reflect the provisions of The Code. This has been developed and will be adopted following approval by committee. This policy has been reviewed by Housing Scrutiny Sub Committee on 31 October 2024 and will be presented to Executive for approval on 18 November 2024.
5. The requirement to have an objective around complaint handling for each relevant staff member was certified as an area of non-compliance but the latest review of job descriptions has identified that that each employee has reference to this in their job description and going forward it is recommended that this is captured in the annual appraisal.

### 3. Complaints – Annual Performance (April 2023 – March 2024)

- 3.1 The number of complaints received over the year has slightly decreased over the peak of the previous year. Please see the figures in the table below at 3.3.

It is worth noting that there were some Council services which 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 In 2021, following the publication of the Housing Ombudsman's Complaint Handling Code, we changed our measure on response times to reflect the expectation that all complaints should be responded to within the agreed target time of 10 days for level one or 20 days for level two. Prior to this development we reported on the overall average response time across all complaints.

3.3

Year	Number of complaints	Average response time
2019-2020	338	7.4 days
2020-2021	260	8.1 days
2021-2022	392	66% within target
2022-2023	459	70% within target
2023-2024	418	67% within target

### 4. Breakdown of Complaints

- 4.1 Of the 418 complaints received for 2023-2024 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	2021-2022	2022-2023		2023-2024
Repairs & Maintenance	166	199		178
Community Services	7	15		36
Parking	7	39		33
Tenancy issues	67	75		29
Housing Solutions	64	51		26
Council Tax / NNDR	27	22		18
Planning and building control	5	9		17
Housing Investment	6	17		16

PPASB service	13	5	15
Events (Christmas Market)	10	7	13
Major developments	3	1	7
Recreation and Leisure	0	1	7
Private Housing	2	7	6
Bereavement Services	0	1	5
Benefits	4	0	3
Customer Services	2	2	3
Licensing	1	0	2
Financial Services	0	0	2
Legal Services	0	2	1
I.T (website)	0	0	1
Bus Station	1	1	0
Civic & Democratic Services	0	2	0
Property Services	1	2	0
Environmental Health	1	1	0
Human Resources	1	0	0
Total complaints	392	459	418

- 4.3 Upheld complaints: Of the 418 complaints responded to in 2023-2024, Just over 50% (211) were upheld. This is in line with the 55% upheld last year.

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 Directorate Management Team (DMT) by the Directorate Monitoring Officer. DMTs 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 2024 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 13 and 11 complaints respectively moving to the Ombudsman stage.

The general service areas of these were as follows:

Service Area	2021-2022	2022-2023	2023-2024
Environmental Services	1	1	0
Housing	3	7	6
Revenues and Benefits	6	3	1
Corporate Services	0	0	0
Highways and Transport	0	2	2
Planning and Development	1	0	4
Totals	11	13	13

- 5.4 One of the complaints were referred back for local resolution: This had not been through our own complaint's 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 this is not an LGSCO complaint.
- 5.5 Three 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 four 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.
- 5.7 There were five complaints which were deemed appropriate for a full investigation. This compares with one investigation undertaken in the previous year and two for the year before that. Of the five fully investigated complaints three were "Not Upheld" and two were "Upheld." This is reported and published as an "Uphold rate" of 40%. The average District Council Uphold rate is 63%.
- 5.8 The two upheld complaints were reported as follows:
1. Housing Solutions: Decided 30 May 2023 - Mr X complained the Council failed to carry out proper checks and misrepresented information about a prospective tenant introduced to him under its private landlord scheme. There was fault by the Council in failing to carry out, or properly carry out all the checks it said it would complete, and to be open and transparent about this and the information it had obtained, causing injustice. The Council agreed to the suggested remedy, by apologising to Mr X, making a payment to reflect the worry and uncertainty caused and undertook a service

improvement.

2. Highways and Transport (Car-Parking): Decided 10 July 2023 - Mr X complained the Council failed to follow statutory guidance on enforcing parking restrictions through a lack of signage at a car park detailing the relevant conditions of parking. Mr X also complained the Council failed to consider the Equality Act 2010 by failing to make reasonable adjustments for disabled drivers. There was fault by the Council for its delays in implementing new signage and the way in which the Council handled Mr X's complaint. The Council agreed to apologise to Mr X, pay him compensation and complete a review of the signage at the car park.

## **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 The Housing Ombudsman publishes its decisions and a summary of landlord performance on its website. They create individual reports for landlords with 5 or more findings in the year. These findings are counted individually and there may be multiple findings from a single complaint.
- 6.3 In 2023-2024 The Housing Ombudsman upheld 2 complaints made to it by our residents. These 2 complaints resulted in 5 findings, and the Council has received an individual report to this effect which was published on 5 November 2024. The details of these were as follows in para 6.4:
- 6.4 Upheld Housing Ombudsman Complaints:
  1. The tenant complained about ongoing outstanding repairs which were not completed. There were reports of damp and mould which were not dealt with in accordance with policy, and there was a delay in responding to the tenant's complaints. The HOS found fault with the Council and issued a finding of Service Failure in dealing with the repairs, and two findings of Maladministration. These were in connection with how the Damp and Mould was dealt with and another finding of Maladministration for delays in responding to the complaint. This one complaint resulted in three findings.

For this complainant, the following remedies were ordered:

- A written apology to the tenant for the service failure identified in the investigation.
  - The Council to perform a survey of the resident's property and provide the resident with a list of the works needed to combat any damp and mould identified in this survey along with timescales for completing the work.
  - Payment of compensation for distress caused by the delays.
  - Provide evidence to the HOS that we have complied with the orders.
2. The tenant complained about Damp and Mould in the property. This was not dealt with in a timely manner and tenants were affected by the condition of

their home. The HOS found fault with the Council and issued a verdict of Maladministration for how the Damp and Mould was dealt with and another finding of Maladministration for how the complaint was handled. The maladministration in dealing with the complaint was associated with a situation where an officer was promoted internally, had dealt with the level one complaint as a supervisor and then responded to the level two complaint in their new role as service manager due to a cross over period. The policy states that the level one and the level two complaints will be investigated by two separate officers, and therefore did not adhere to policy on this occasion. This one complaint resulted in two findings. The following remedies were ordered:

- A written apology to the tenant for the failures identified in the investigation.
- Payment of compensation for distress caused by the delays.
- Completion of a post inspection report, with a copy sent to the tenant.
- A management review of the complaint handling process to be completed and submitted to the HOS.
- A self-assessment against the HOS Spotlight report on Damp and Mould to be completed and submitted to the HOS.
- A self-assessment against the HOS Spotlight report on Knowledge and Information Management to be completed and submitted to the HOS.
- Refresher training to be provided to staff dealing with complaints.
- Provide evidence to the HOS that we have complied with the orders.

6.5 The Council has complied with the orders and recommendations of the Housing Ombudsman and have received a rating of 100% compliant in our report.

## **7. Complaint Trends**

7.1 In the full year to 31 March 2024 there has been a slight 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 although there was a reduction in 2023/24 compared to the previous year. The Council, along with other stock holding authorities and Registered Social landlords continued to see reports of damp, mould and condensation within our stock during this reporting period.

7.3 Complaints about Community Services, Major Developments, Planning and Building Control, Recreation and Leisure and PPASB have increased on the previous year.

7.4 Complaints about Tenancy Services and Housing Solutions have seen a notable reduction in the number of complaints received over the year. Additionally, complaints to DHI during 2023/24 decreased by over 100 when compared to previous years.

7.5 It should be noted that in April 2024, the Housing Ombudsman Complaint Handling Code became statutory. The way that complaints are handled has changed from April 2024 to ensure that we are complying with the requirements

of The Code. Any resident expressing dissatisfaction informally must be given the opportunity to make a complaint which receives a formal response. As such, it is anticipated that future trends will see an increase in formally recorded complaints.

## **8. Learning from Complaints**

- 8.1 When an individual complaint is investigated and responded to, the responding manager or team-leader is required to complete a Complaint Outcome Report.
- 8.2 This report asks for details about the response and the decision to uphold the complaint or otherwise. Where there is learning as a result of the complaint this is outlined on the report and details of changes to policies, processes, or information is described.
- 8.3 A new procedure was implemented in April 2024 to record and monitor lessons learned in a more structured way and as such, the next year's report covering the period April 2024 – March 2025 will have a comprehensive update.
- 8.4 Some examples of learning from complaints over the April 2023 – March 2024 period are listed here:
  1. A complaint from a person applying to go on the Housing register identified that the information set out for applicants on the Homefinder web page was not sufficiently explicit about what the applicant needed to complete and what they were required to provide in terms of evidence. As a result, the contents of the website were reviewed and the wording amended to make it much clearer to applicants about what they need to do and what the next steps are.
  2. A complaint about a billing error meant that the call recording was reviewed, and it was identified that the team member was misinterpreting the procedures. The resident's account was corrected, and the learning led to refresher training for the individual.
  3. A complaint about the inaccessibility of the kennels used for stray animals led to a review of the payment process which means that people can now collect their pets at weekends.

## **9. Compliments**

- 9.1 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.

Some examples of positive feedback are as follows:

Council Tax - "I would like to thank you for taking the time to send such a kind reply - and above all for taking into account the human dimension into the whole situation. This is appreciated beyond words - and it means a lot."



Parking Services - "I just wanted to say how lovely and helpful your staff member always is, in any dealings that I have responses are always very prompt and she is very helpful if I am seeking help, she is a credit to your team."

Benefits - I would like to express my thanks to the excellent benefits team. I do not think, in this day and age, enough attention is paid to those that provide an excellent service and in this case, I'm pleased to say that I've had nothing but a first class and speedy service from yourselves over the past few weeks following the recent reduction in my state pension entitlement. Both on the phone and by email, you have all provided me with a quick and courteous service, and this is very much appreciated.

Housing Repairs Service - "The workers did a very good job, they were very polite, they were on time, they were very helpful and put things back where they found them and cleaned up after themselves."

Customer Service – "I would like to compliment Lincoln Council for their excellent customer service and systems. On a few occasions I have needed to contact the Council about Council Tax and each time the people who work in customer service, are professional, helpful and well informed. The system of speaking to someone directly is really useful when compared to my local Council in Sussex. Please pass on my feedback"

Even where we make a mistake, customers appreciate it when we take prompt action to redress the issue. A member of the public was charged twice for their car park charge – money was refunded. Customer feedback was "Thank you so much for both a positive, and very quick resolution to this issue. I am mightily impressed."

## **10. Organisational Impacts**

### **Strategic Priority**

High Performing Services

### **Finance**

The Council pays an annual fee to the Housing Ombudsman Service (HOS). Membership is mandatory for all social landlords and the current fee is £8.03 per home. At our current level of stock this costs in excess of £64,000. Last year the HOS ordered the Council to pay a total of £1,850 in compensation to our tenants.

### **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.

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

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.

## **11 Recommendation**

11.1 Members to consider and comment on the complaints report for 2023-2024

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

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