

OVERVIEW AND SCRUTINY COMMITTEE

Date of meeting: Tuesday 20 February 2024
Title of report: Complaints report for July to December 2024
Report of: Corporate Services
Cabinet Portfolio: Leader and Strategic Direction and Partnerships
Key Decision: No
Confidentiality: Non Exempt

Purpose of Report

1. This report updates Members on the number and outcome of customer complaints for Quarter 2 and 3, July-December 2023.
2. The report looks at performance on a range of metrics and examines any learning from the information presented.
3. The report also considers Hart’s response to the Local Government and Social Care Ombudsman consultation on a new code for corporate complaints due to be released in 2024.

Recommendation

4. The complaints report for July to December is noted.

Background

5. This report is the second summary for this financial year. The report provides details of the formal complaints received during Q2/Q3, July-December 2023.
6. The report reviews performance information from the corresponding quarters in 2022/23 to provide a comparative data set.
7. At Overview and Scrutiny Committee in July 2023, Members were satisfied that complaints performance was being actively managed, and the frequency of the report should move from quarterly to half year.

Main Issues

Overview for Quarter 2 and 3, July – December 2023

Number of complaints

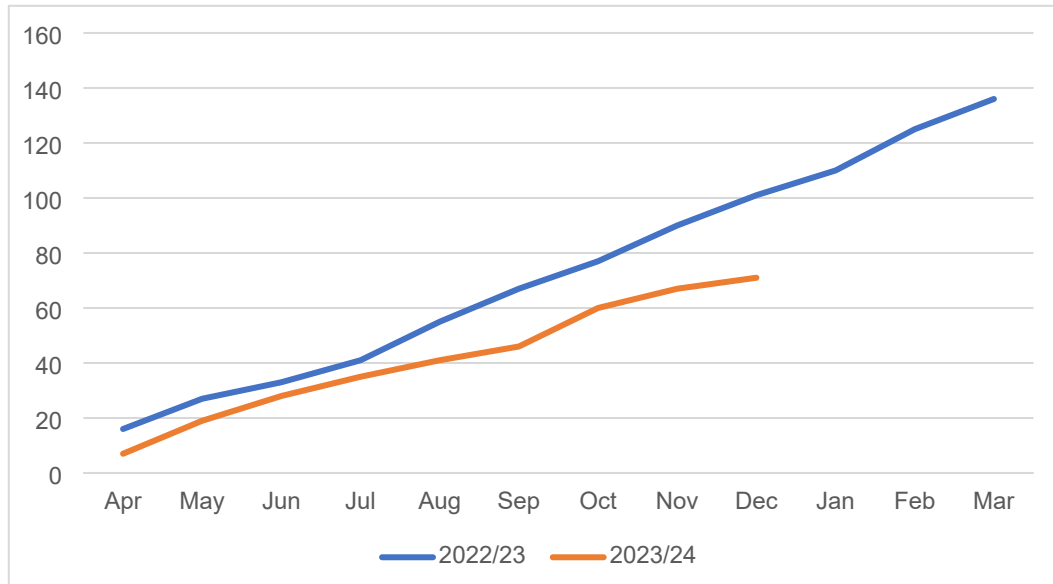
8. Hart received 52 complaints, 43 stage 1 complaints and nine stage 2 complaints.

Table 1. Stage 1 and 2 complaints from April to December 2023

Stage	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Stage 1	7	12	9	7	6	5	14	7	4
Stage 2	0	1	1	2	1	1	0	4	1
Total	7	13	10	9	7	6	14	11	5

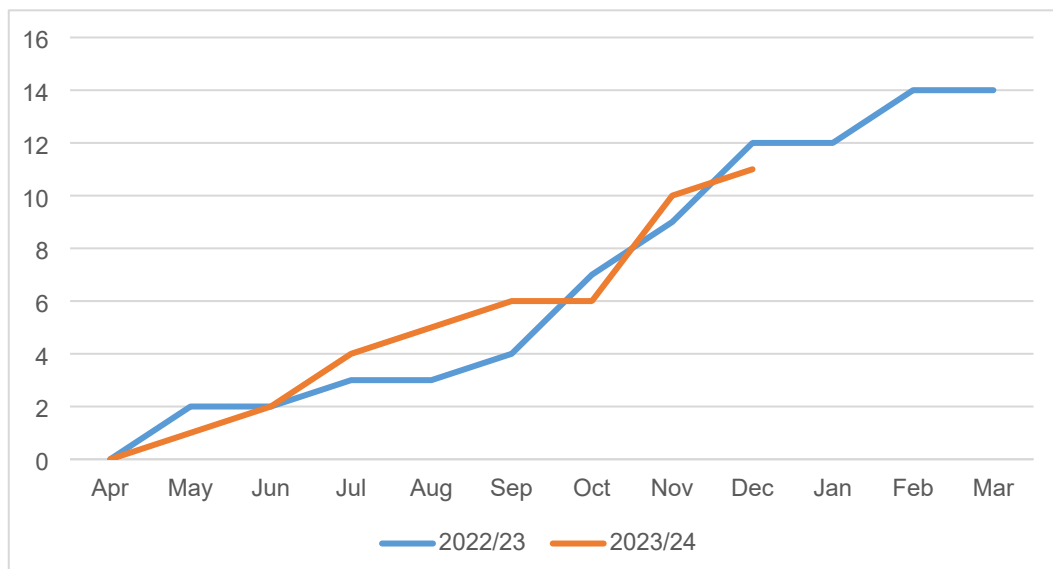
9. In Q2/Q3 2022/23, we received 78 complaints (stage 1 = 68, stage 2 = 10). There has been a reduction of 26 complaints in 23/24 compared to 22/23. Graph 1 shows the cumulative number of stage 1 complaints across 22/23 and 23/24.

Graph 1. Stage 1 complaints comparing 22/23 with 23/24



10. We received 10 stage 2 complaints in 22/23 compared to nine in 23/24. Graph 2 sets out the cumulative figure, across 22/23 and 23/24.

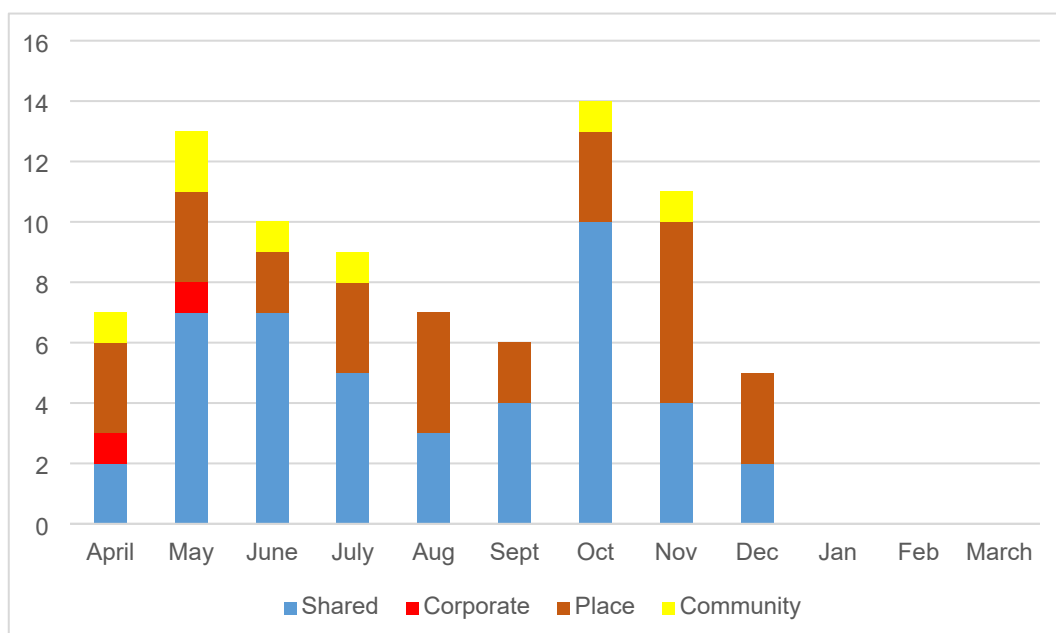
Graph 2. Stage 2 complaints comparing 22/23 with 23/24



Complaints by directorate/ shared service

11. Shared services, managed by Corporate Services, account for 54% (28) of all complaints in Q2/Q3 2023/24. This includes Revs and Bens (Council Tax and Housing Benefit) and Waste Services. Place register 40% (21) of all complaints and Community Services 6% (3). Graph 3 shows this split from April 2023 to December 23/24.

Graph 3. Complaints received from each service area from April 2023



12. For detailed analysis from the different service teams, see Appendix 1. This examines the following information:

- Number of complaints reported by team and directorate
- Number of complaints as a percentage against the total
- How many complaints have been escalated to stage 2
- Performance against response time by team and directorate
- Compares against the number of complaints received in Q2/3 2022/23

13. Table 2 shows the split of complaints across the different shared services teams.

Table 2. Number of complaints received in each service area for Q2 & 3 2023/24

	Waste (BDBC)	Council Tax (Capita)	Housing Benefit (Capita)	Business rates (Capita)	Leisure (Everyone Active)
July	1	2	2	0	0
Aug	1	2	0	0	0
Sept	1	2	0	1	0
Oct	3	7	0	0	0
Nov	2	2	0	0	0
Dec	0	1	0	0	1
Total	8	16	2	1	1

14. Table 3 shows that each directorate, apart from Place, has seen a reduction in the number of complaints compared to Q2/Q3 2022/23. Shared Services

has seen a reduction of 26 complaints. Place has seen an additional three complaints in Q2/3 23/24.

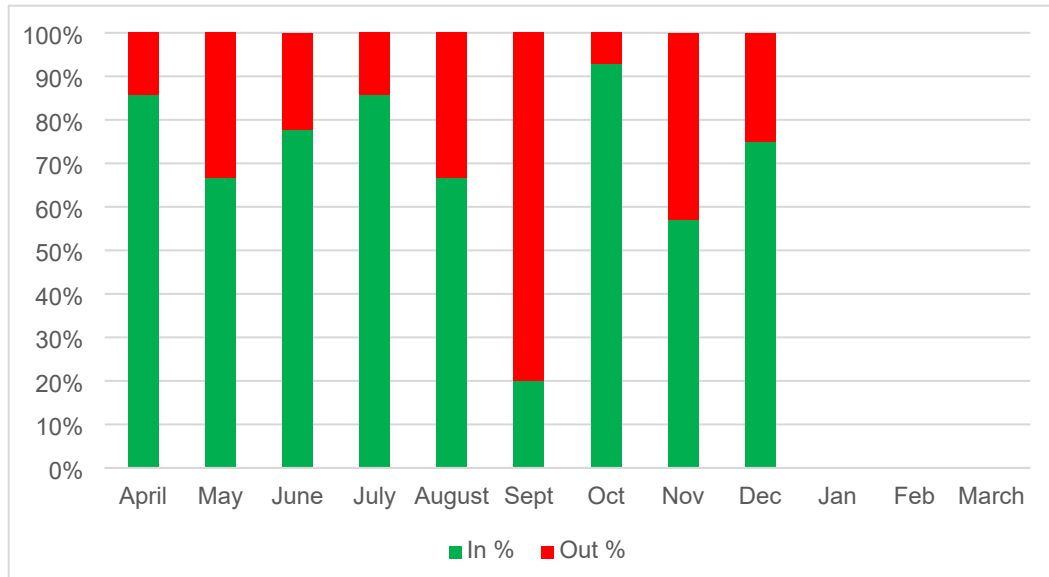
Table 3. Complaints received in each service area comparing Q2/Q3 22/23 and 23/24

	Q2/Q3 23/24	Q2/Q3 22/23	Difference
Shared Services	28	54	-26
Place	21	18	+3
Community	3	6	-3
Corporate	0	0	-
Total	52	78	-26

Responding to complaints in time

15. There is a 10 day service level agreement to respond to stage 1 complaints. On average, we meet this in 66% of complaints in Q2/Q3. As a comparison, we responded to 70% of complaints in Q2/Q3 22/23.
16. Graph 4 shows the stage 1 complaints investigated and resolved within 10 days. The outlier month, September, shows four of the five complaints going over the 10 day target. Place and Shared Services investigated the four complaints, (Planning x 2, Business Rates and Council Tax)

Graph 4. Stage 1 complaints responded within 10 days



17. There is a 20 day target for stage 2 complaints: we achieved 55% completion within timescale from nine complaints investigated in Q2 and 3. As a comparison, we achieved 89% in 22/23.
18. Appendix 1 includes the breakdown for each team's response times. Planning shows 51% of all complaints received by the team were responded to within 10 days. Business Rates received one complaint and was finalised outside of 10

days, resulting in 0%. No Corporate complaints received in Q2/3 in 22/23 or 23/24.

Reasons for complaints

19. We record the reasons why a complaint has been made, in line with the categories set out in [the policy](#).

The three highest categories of complaint across Q2/Q3 are:

- Mistakes in the way a decision has been taken, 17 complaints, 33% of total
- Delay in taking action without good reason, 10 complaints, 19%
- Failure to provide a service, seven complaints, 13%

20. For stage 2 complaints, an assessment of the stage 1 escalation is made based on the following categories:

- Promised action not taken
- Promised action delayed
- Misleading or inaccurate response
- Inadequate explanation
- Failed to address some or all issues
- Disagree with decision

21. Nine complaints were escalated to stage 2 in Q2/Q3. Appendix 2 sets out the category for each complaint and whether the complaint was upheld. In summary, eight complaints were not upheld by the investigating Executive Director, one was upheld.

Complaint decisions

22. We record decisions in three ways:

- Upheld, where the investigating officer agrees with the complainant
- Partially upheld where the officer agrees with some aspects of the complaint
- Not upheld, where the officer does not agree with the complainant.

23. We upheld 42% (23) stage 1 complaints across Q2/Q3. A further 56% (29) were not upheld.

24. This compares to 55% (43) complaints upheld in Q2/3 22/23, 40% (31) not upheld and a further four (5%) partially upheld.

Learning from complaints

25. The focus is on complaints where we've accepted errors or mistakes have been made. Appendix 3 sets out the upheld complaints in Q2/3 with details of:

- The team investigating the complaint
- Summary of the issue raised

- Any learning taken from each case.
26. Each complaint was issued with a written apology and sets out any remedial action to be taken.
 27. Of the 23 complaints we've upheld in Q2/3, eight complaints were recorded as being upheld due to delays in Planning.
 28. We have rolled out complainant satisfaction surveys with the way Hart have handled formal complaints. An online survey has been sent to a sample selection of complainants received in Q3 for feedback on the process. To date, we have received two responses, both of whom were satisfied that we took the appropriate action.
 29. Awareness training on the complaints handling process took place in October with 27 officers in attendance.

Local Government Ombudsman decisions

30. One case was referred to the [Local Government Ombudsman](#) in the reporting period. The Ombudsman did not investigate the complaint owing to the nature of the issue.

Local Government Ombudsman consultation

31. The Local Government and Social Care Ombudsman consulted in November 2023 on a complaint handling code that will apply to all local councils in 2024. The code has been developed in partnership with the Housing Ombudsman. The two bodies are proposing to introduce a joint code to make a single "gold standard for complaint handling in the local government sector."
32. Hart responded to the consultation, included as appendix 4. It will mean changes are required to the current policy when the code is launched. A working group of officers will be created to consider the changes when the Ombudsman has analysed the responses from 157 councils. They hope to provide a further update in early 2024

Corporate Governance considerations

Relevance to the Corporate Plan

33. Performance reporting is an essential element of understanding how the services are performing in the context of the actions being undertaken in Service Plans. Complaints analysis provides officers with invaluable feedback on the provision of services at an operational level.

Service Plan

- Is the proposal identified in the Service Plan? Yes
- Is the proposal being funded from current budgets? Yes
- Have resources already been identified and set aside for this proposal? No

Legal and Constitutional issues

34. There is no statutory duty to report regularly to Cabinet on the Council's performance. However, under Section 3 of the Local Government Act 1999 (as amended) an authority has a statutory duty to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency, and effectiveness.
35. Regular reports on the Council's performance in responding to complaints assist in demonstrating best value and compliance with the statutory duty.

Financial and Resource Implications

36. None identified

Risk Management

37. Complaints about services can indicate where identified operational risks have materialised. This should be monitored through individual departmental risk registers. Learning from complaints can help mitigate the same risks occurring in the future.

Equalities

38. The analysis conducted through this paper potentially have relevance to the Equality Act. Each report will identify and analyse all complaints that reference bias or discrimination or intimates this within the submission.
39. One complaint reported in Q2 referenced bias or unfair discrimination. This was a stage 1 complaint not upheld by the investigating officer following allegation of unfair discrimination regarding the complainant's Housing Benefit claim. The complaint did not progress to stage 2.

Climate Change Implications

40. There are no direct carbon or environmental impacts arising from the report.

Action

41. This report enables Overview and Scrutiny to understand the Council's current performance around complaints handling and performance. Those that are escalated to the Ombudsman could result in a significant detrimental impact on the Council if we are found to be at fault through maladministration or negligence. It is important that Cabinet and the public can be satisfied that the Council is running a well-managed and effective complaints system.

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Appendices

Appendix 1 complaints analysis across service areas Q2/3 2023

Appendix 2 learning from upheld complaints in Q2/3 2023/24

Appendix 3 Stage 2 complaint outcomes from Q2/3 2023/24

Appendix 4 Hart's response to Local Government Ombudsman consultation

