

Manchester City Council Report for Information

Report to: Audit Committee –28 November 2023

Subject: Governance and Management of Complaints and Information Requests
2022/23

Report of: Assistant Chief Executive and the City Solicitor

Summary

This report presents the complaints, enquiries and information request dashboard, which sets out the Council's annual performance for 2022/23 in the management of corporate and social care complaints, Councillor and MP enquiries, as well as information requests.

Recommendations

Audit Committee Members are asked to note the report and the key messages in relation to the Council's performance in these areas of Complaints and Enquiry management service and legal compliance.

Wards Affected: All

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1.0 Purpose of report

1.1 This report outlines the Council's performance in relation to complaints and related metrics, as well as the performance management of information requests, during the financial year 2022/23, from April 2022 to March 2023.

1.2 Committee are asked to note the positive progress made during 2022/23 to respond to more complaints and enquiries in a timely manner, despite significant increases in the overall numbers of complaints and enquiries received. Some of the key headlines as show in table 1 below are:

- An increase in the total number of stage one complaints from 3,157 in 2021/22 to 3,515 in 2022/23. These numbers are significantly higher than previous years. The proportion responded to in 10 days has improved from 77% to 81%.
- 85 Local Government and Social Care Ombudsman (Ombudsman) enquiries compared to 81 in 2021/22 and much lower numbers in previous years, with a slight reduction in cases upheld. Performance in dealing with the Housing Ombudsman is an area for improvement – see table 2.2 and which sets out more detail, as this is a new area of reporting for the Council.
- An increase in Councillor / MP enquiries from 1,835 to 2,007 overall – noting the work done to improve reporting of cases following discussion at Audit Committee last year – and an improvement in timeliness of response from 76% to 84%.
- A significant reduction in the number of social care cases from 377 to 262, and an improvement in the proportion responded to in 20 days from 59% to 84%.
- Both General Data Protection Regulation (GDPR) and Freedom of Information (FOI) request numbers remained largely steady.

1.3 In summary, timeliness of responses has markedly improved overall during 2022/23 and whilst some targets still have not been met, overall performance is much closer to target than in previous years. This is despite significant challenges in terms of increased numbers of complaints and capacity. A key factor has been the embedding of the '*Infreemation*' complaints handling system during the year.

1.4 As with the previous report, section 8 of this report includes examples of how services have learned from complaints received and changed how they work.

2.0 Complaints and Enquiries Management

2.1 The table below summarises performance for each measurable indicator for 2022/23 compared with previous years. A more detailed dashboard is also available at **Appendix 1**.

Period	Stage one complaints	Response within 10 working days	Social Care	Response within 20 working days	MP enquiries	Response within 10 working days	No of LGSCO Enquiries	Average no of days to respond and % upheld
2014/15	1864	89%	314	55%	1321	82%	39	28 (26% upheld)
2015/16	1841	85%	220	70%	1331	80%	27	28 (44% upheld)
2016/17	2243	81%	285	80%	1537	83%	17	27 (10% upheld)
2017/18	2013	87%	343	81%	1545	76%	22	27 (44% upheld)
2018/19	2253	80%	305	84%	1577	83%	35	26 (22% upheld)
2019/20	2140	74%	162	72%	1723	76%	20	26 (18% upheld)
2020/21	2103	58%	411	54%	1827	73%	37	21 (14% upheld)
2021/22	3157	77%	377	59%	1835	76%	81	16 (24% upheld)
2022/23	3515	81%	262	84%	2007	84%	85	18 (23% upheld) ¹

2.2 Summary performance against targets in 2022/23 is as follows:

Key Performance Indicator (KPI)	2022/23 performance	Current target
Stage one Corporate Complaints responded to within 10 working days	81%	85%
Stage one Corporate Complaints escalated to Stage two	15%	15%
Stage two Corporate Complaints responded to within 10 working days	65%	80%
Corporate Stage one and Stage two Complaints Upheld (and Stage three pre-2017)	32%	40%
Councillor and MP enquiries responded to within 10 working days	84%	85%
Social Care Complaints handled within timescale	84%	80%
Social Care Complaints Upheld	34%	40%
Average time to respond to LGSCO enquiries	18 days	28 days
LGSCO decisions upheld	23%	30%
Average time to respond to Housing Ombudsman enquiries	33 days	28 days

¹ See section 6.2.1 for an explanation as to why this differs from the Ombudsman's recording of this metric.

Key Performance Indicator (KPI)	2022/23 performance	Current target
Housing Ombudsman decisions upheld	67%	30%

3.0 Performance Management of Corporate Complaints

3.1 **Stage one complaints. Expected standard - 85% of Stage one complaints responded to within ten working days**

3.1.1 Complaints at stage one are managed by individual services whilst oversight and support are provided by the Council's centralised Complaints Team (based in Performance Research and Intelligence, PRI). This ensures that complainants receive a response from the individuals or teams best-placed to respond to them, whilst ensuring that Council-wide standards are adhered to as per the formal complaints policy. Cases recorded in this report are all complaints received during the period (not necessarily responded to within the 2022/23 financial year) and include all outcomes, i.e., in addition to those where a full and formal response was issued, this report also includes those complaints that were informally resolved and thus averted or withdrawn, or that after investigation were referred on to another organisation. This methodology is consistent with that used in previous reports.

3.1.2 The Council received 3,515 stage one complaints in 2022/23 compared to 3,157 in 2021/22, an increase of 11%. Cases in 2022/23 and 2021/22 were significantly higher than previous years. Despite this very significant increase in cases, the timeliness of responses increased for 2022/23 to 81% (from 77%), though this remains below the target of 85%.

Neighbourhoods

3.1.3 The Neighbourhoods service received 1,905 stage one complaints in 2022/23 compared to 1,646 stage one complaints in 2021/22, an increase of 16%. A key factor for this is moving Homelessness Services from Adults to Neighbourhoods, which accounts for 181 stage one complaints and an increase in complaints relating to damp and mould for Housing Operations (as Northwards Housing was re-integrated into the Council and now forms part of the Housing Operations service), set out more detail in 3.1.4 below. Other services within Neighbourhoods have remained largely steady. For instance, complaints for Waste services (managed by Biffa) remained largely steady at 708 received, compared with 707 in 2021/22. Timeliness of response decreased to 81% in 2022/23 from 85% in 2021/22. As the new Resident and Business Digital Experience Programme brings a new customer relationship management system (CRM) in February 2024, this could also lead to an uplift in issues being raised as the new system is embedded. Over the following two years however, we expect this new system to bring several advantages in making processes smoother, which in turn, should reduce some of the frustrations raised with the current system that can now lead to complaints.

3.1.4 Housing Operations (excluding Homelessness) received a total of 114 stage one complaints in 2022/23 compared to 72 in 2021/22, an increase of 58%. 65 of 114 (57%) of complaints were responded to on time in 2022/23

compared to 47 of 72 (65%) in 2021/22. 37 of the 49 overdue cases (76%) related to repairs issues. Repairs complaints have risen dramatically around damp and mould issues, following a national Government campaign and several high profile cases. This increase in complaints and also Housing Ombudsman cases (see section below) has been a national trend and has not just impacted in Manchester. Response times have been affected by the volume of complaints and resourcing issues in the Repairs Management Team. New processes have been introduced to help with this, including a structure change within the in-house repairs team and the recruitment of a Feedback Officer to manage the complaints process to ensure that cases are responded to within agreed timeframes. This is already having a positive impact.

Corporate Core

- 3.1.5 The Corporate Core received 929 stage one complaints in 2022/23 compared to 864 in 2021/22, an increase of 8%. This followed a 65% increase in 2021/22. The Corporate Core managed to respond to 87% of complaints on time, compared to 77% in 2021/22 and 63% in 2020/21. However, the 2020/21 performance reflected what were unprecedented demands on traditionally high-performing services, such as the requirement for Revenues and Benefits Unit to quickly create the infrastructure to process a series of Covid-19 related grants and the resulting impact upon day-to-day services. However, other services have seen demands increase, with Parking receiving 505 complaints in 2022/23 compared to 357 in 2021/22 and 190 in 2020/21. This has been driven in part by a small number of recurring issues, such as Bridge Street bus gate fines and the Christie parking scheme.
- 3.1.6 In November of this financial year, the Council has gained new powers, that previously only the police were able to enforce, to deal with contraventions in motorists making illegal right/left turns or blocking yellow boxes at junctions. The aim in using these powers is to make roads safer, reduce congestion and to improve journey times. Although not relevant to the data in this year's report, as these powers are new, we do expect to see an uplift in complaints this year about these powers, as residents adjust and so expect to see this reflected in next year's report to Committee.

Adults

- 3.1.7 It should be noted that corporate complaints relating to Children and Adults are different to social care, and are focussed on a small number of services, e.g., School Admissions, Special Educational Needs provision, or Adults Finance.
- 3.1.8 Adult Services received 54 stage one corporate complaints in 2022/23 compared to 33 in 2021/22, an increase of 64%. However, many these records are for cases that were then successfully 'Averted' or 'Referred Elsewhere.' 'Averted' is often used when a complaint has been resolved informally or via a Service Request, with a formal investigation and response then not being required. 'Referred Elsewhere' can be for multiple reasons but

some examples include complaints not being for the service or Council to respond to or repeat contact from complainants who should now contact the Local Government and Social Care Ombudsman for a review of their complaint. However, this remains lower than the 75 received in 2020/21 (after which and Homelessness moved from Adults to the Neighbourhoods Directorate). 78% of these complaints were responded to within 10 working days. Adults often see a larger proportion of social care complaints than corporate complaints and so this figure is consistent with our expectations.

Children and Education Services

- 3.1.9 Children and Education Services received 542 stage one corporate complaints in 2022/23 compared to 468 in 2021/22, an increase of 16%. This followed a very large 292% increase on the previous year in 2021/22. The total number has gone from 160 to 542 in two years. These pressures have had an impact on timeliness of response, but 63% are still responded to on time compared to 67% in 2021/22. Over half of the complaints 307 (57%) related to 'School Access and Sufficiency', representing a further increase from 263 in 2021/22 and only 67 in 2020/21. This was due partly to issues within Special Educational Needs Home to School Transport, which has since led to a review of process and procedures and a new policy put in place around decision making for entitlement.

Growth and Development

- 3.1.10 Growth and Development received 85 stage one complaints in 2022/23 compared to 95 in 2021/22, a small decrease (11%). However, timeliness of response has increased considerably with 73% being on time in 2022/23 compared to 54% in 2021/22.

3.2 **Complaints escalated to Stage two. Expected standard - 15% of corporate Stage one complaints escalated to Stage two**

- 3.2.1 Complaints escalated to Stage two are managed by the Council's centralised Complaints Team (based in Performance Research and Intelligence, PRI). This provides an independent review of how the complaint has been dealt with at stage one and provides the final opportunity to investigate before the complainant is referred to the Ombudsman.
- 3.2.2 Overall, the Council has seen a 1% decrease in the proportion of complaints escalated to the final stage of the complaints process in 2022/23 to 15%, from 16% in 2021/22. This is now in line with targets and reflects that most complainants are satisfied with the investigation undertaken at stage one.
- 3.2.3 In reviewing each Directorate's performance, Adults' complaints escalated have remained very low at 6%, albeit from a small number (3) of complaints and also because the service that most often had cases escalated, Homelessness, has been moved to Neighbourhoods. Neighbourhoods' performance stayed the same in 2022/23 as it was in 2021/22 at 18%. Children and Education Services have seen an increase to 8% from 4% in

2021/22. The Core remained largely consistent with previous years at 13% whilst Growth and Development had the largest percentage of cases escalated at 19% which is the same proportion as 2021/22.

3.3 Responding to stage two complaints. Expected standard - 80% of corporate Stage two complaints responded to within ten working days.

3.3.1 The total number of stage two case received was 541, which was similar to 2021/22. This is however significantly more than in previous years. The largest numbers were in the Corporate Core (123) and Neighbourhoods (356).

3.3.2 The number of stage two complaints tends to be highest in Neighbourhoods due to the level of direct interactions with residents. In 2022/23, 343 (or 63%) of stage two complaints related to Neighbourhoods compared to 282 (or 56%) in 2021/22. A key factor here is Homelessness moving from Adults to Neighbourhoods, resulting in a decrease in this case type for Adults from 21 in 2021/22 to only 3 in 2022/23, with a corresponding increase being experienced by Neighbourhoods. Whilst experiencing a high number of stage one complaints, Housing Operations within Neighbourhoods received only 13 stage two complaints in 2022/23. Children and Education services received 43 stage two corporate complaints in 2022/23 compared to 33 in 2021/22, an increase of 30%. This is mainly explained by issues with Home to School transport provision. The Corporate Core received 123 stage two complaints in 2022/23 compared to 150 in 2021/22, an 18% decrease. A more detailed summary can be found at Appendix 1.

3.3.3 There has been an improvement from 60% to 65% in stage two complaints responded to within ten working days, although this is still 15% lower than the target, and was affected by staff turnover during the year.

3.4 Stage one and two complaints upheld. Expected standard - 40% of corporate Stage one and two complaints upheld

3.4.1 The Council's performance in terms of complaints upheld at 32% in 2022/23 is largely consistent with previous years (28% for both 2021/22 and 2020/21). The Complaints Team always emphasised that whilst it is important to be robust where the Council is not at fault, it is more important that investigations are thorough and non-defensive. This stance leads to a higher calibre of complaint response, and a reduced risk of escalation to the Ombudsman, however it will also lead to an increase in the percentage of complaints being upheld.

Neighbourhoods

3.4.2 The Neighbourhoods Directorate had the highest percentage of complaints upheld with 833 of 2,261 (37%) in 2022/23. This is an increase on 2021/22 when Neighbourhoods also experienced the highest percentage of complaints upheld, at 632 of 1,968 (or 32%). Neighbourhoods usually experiences the highest proportion of upheld complaints due to the nature of

the services provided such as missed bin collections, where there is limited scope for investigation and where it is often more expedient to accept that a failed collection is the result of crew error rather than residents failing to present the bin. Housing Operations' data has also affected this with 89 of 108 (82%) of complaints upheld.

Corporate Core

- 3.4.3 Corporate Core has seen both an increase in its complaint decisions and its percentage of upheld complaints to 245 of 1,052 (23%) in 2022/23, from 203 of 1,014 (20%) in 2021/22. This has predominantly arisen from Revenues and Benefits, with 120 upheld complaints of 245 for the service (49%).

Adults

- 3.4.4 Due to the transfer of Homelessness to Neighbourhoods, there were fewer complaints both and upheld, with only 6 of 57 (11%) partially upheld or upheld in 2022/23 compared to 9 of 34 (26%) in 2021/22.

Children and Education Services

- 3.4.5 As above, Children and Education Services have seen significant increases to their number of stage two complaints and this is in tandem with an increase in the proportion of these that were upheld at 193 of 585 (33%) in 2022/23 compared to 150 of 501 (30%) in 2021/22. This can be correlated to the issues around Home to School Transport. There were also a number of delays in actioning in year school place applications due to demand and capacity in the Admissions service.

4.0 Performance Management of Councillor and MP enquiries

4.1 Responding to Councillor and MP enquiries. Expected standard - 85% of enquiries responded to within ten working days

- 4.1.2 In response to issues raised at Audit Committee last year, the Complaints team worked with services to improve recording of enquiries, briefing staff and issuing guidance regarding what types of issues should be recorded on the Complaints and Enquiries system as a formal enquiry (i.e., where an element of dissatisfaction is expressed) and what should be treated as routine business or service requests. This has helped services to distinguish between cases that need to be formally recorded and the large volume of cases which Members raise on behalf of their constituents that should be dealt with quickly and informally. This work has helped to increase the number of cases recorded from 1,835 in 2021/22 to 2,007 in 2022/23. Whilst this is an increase, there is further work to embed the improvements in recording as there may still be some under-reporting of cases. The largest volumes received were in Neighbourhoods (956), Children's (477) and Core (267). Timeliness has improved from 76% to 84% responded to in ten working days, only marginally below the target of 85%.

5.0 Performance Management of Social Care Complaints

5.1 Responding to Social Care complaints. Expected standard - 80% of social care complaints handled within timescale

- 5.1.1 Although legislation sets timescales for Children's Services social care complaints (stage one a maximum of 20 working days, stage two a maximum of 65 working days and stage three must be organised within 30 working days), Adult social care legislation does not, but states timescales must be negotiated with the complainant. That said, the Council aims to complete Adults complaint responses within 20 working days, in line with the process for Children's Services social care complaints.
- 5.1.2 There was a significant reduction of 73% in Children's Services cases to 42 in 2022/23 from 155 in 2021/22, whilst corporate complaints increased by 84. This is a result of a drive by the service to be more diligent in determining whether complaints should be handled via the corporate complaints policy as opposed to the social care legislation which is lengthier in nature. This is especially relevant in cases where the complainant is not representing the 'voice of the child' (for instance, complaints from parents about how decisions have affected them personally.) Timeliness of responses has improved from 59% to 86% in the year.
- 5.1.3 Adults Services social care complaints have reduced slightly by 14% from 256 in 2021/22 to 220 in 2022/23. However, timeliness has improved from 51% in 2021/22 to 84% in 2022/23, now achieving targets.
- 5.1.4 Overall, there was a 36% reduction in the number of social care complaints received, but a 30% increase in timeliness of response, with overall timeliness now being ahead of target by 4 percentage points at 84%.
- 5.1.5 Since 2019, health complaints received by Manchester's Clinical Commissioning Group were handled in partnership with the Council, with a small team of Health complaints staff co-located in the Council's Complaints Team. This enabled strong partnerships to be forged and collaborative working practices to be developed, which was particularly beneficial for those complaints crossing the health and social care boundaries.
- 5.1.6 At the end of 2022/23, the Health Complaints Team was encompassed into a wider Greater Manchester (GM) model and so all complaints are now managed by the new Greater Manchester Patient Services Team. This new GM focussed model will bring a number of advantages, such as providing a single point of contact, improving access for patients, and speedy and efficient local resolution first with a Gateway for making a complaint if local resolution is unsuccessful. As complaint staff from across GM are brought together, it will lead to a team of experts with knowledge of the system, stakeholders, routes to informal resolution, complaints handling and experience in dealing with the Ombudsman. Data will also be in one place, to enable identification of themes, trends and to take early action. It will also bring increased opportunities for a system wide view and learning. Despite

not being co-located with the Council's team since the start of this financial year, the benefits of the earlier model are still very well established and there is still a strong focus on collaborative working across all areas of complaints management, in health, public health, social care and other Council services.

5.2 Social Care complaints upheld. Expected standard - 40% of social care decisions upheld

5.2.1 The Council saw an increase in the percentage of social care decisions upheld, seeing a rise from 27% to 34%. Due to the nature of provision offered in social care, it is expected that the upheld rate will fluctuate, and this increase is not as a result of any particular issue or pattern of fault.

6.0 Performance Management of Local Government and Social Care Ombudsman (LGSCO) Enquiries

6.1 Responding to Local Government and Social Care Ombudsman enquiries. Expected standard - Local Government and Social Care Ombudsman enquiries responded to within 28 days

6.1.1 The Council received 85 enquiries from the LGSCO in 2022/23 compared to 81 in 2021/22, which followed a significant increase from 37 in 2020/21. There has also been an increase in the staff workload per case for Ombudsman Enquiries, with the Ombudsman more frequently requesting extensive information even at the 'pre-assessment' stage. This has resulted in a slight increase in average response time to 18 days in 2022/23 from 16 in 2021/22, albeit this is still well within target of 28 days. There have been several very complex cases that required more detailed input and working with partner organisations to provide a comprehensive response to the Ombudsman's enquiries, and this is reflected in the comparatively high number of days needed for Adults and Children's cases.

6.2 Local Government and Social Care Ombudsman decisions. Expected standard - 30% of Local Government and Social Care Ombudsman decisions upheld

6.2.1 The Council received 87 decisions in 2022/23, down from 108 in 2021/22. It should be explained why the Council received more decisions than enquiries in both 2022/23 and 2021/22. This is because an enquiry requires a full investigation with written questions that the Council must answer. At the end of the Ombudsman's investigation, a decision will be issued. In some cases however, the Ombudsman has sufficient information from casefiles or from complainant submissions to issue a decision on the case without initiating a formal investigation or issuing formal enquiries. This is why there was a discrepancy between enquiries and decisions in 2021/22. The Ombudsman upheld 20 of the 87 cases with decisions in 2022/23 (23%), below the target.

6.2.2 In some cases the Ombudsman may choose to issue a Public Interest Report against a Council. This is where the Ombudsman believes that the injustice is so great, there are grounds to highlight the case to the wider public as a

means for others to learn from the errors, or it is issued where the Council does not accept the Ombudsman's findings and seeks to challenge them. The Council did not receive any public reports from the Ombudsman in 2022/23. The Ombudsman did say they may publish a public report in a draft decision, but following further negotiation and information provided by the Council they chose not to do so, albeit whilst still upholding the complaint. This highlights the importance of challenging the Ombudsman's findings where they are seen to be unjust, or lacking in information and the Complaints Team will continue to do this where appropriate.

- 6.2.3 The Ombudsman's annual review letter in 2022/23 was largely positive, with them noting they were mostly satisfied with the remedies we suggested, and our relatively low rate of complaints upheld following investigation compared with other Local Authorities. They did however highlight that there were four occasions where remedies were not completed to agreed timescales, and several occasions where investigations were delayed by the Council providing late or incomplete responses to enquiries. This was due to the marked increase in Ombudsman Enquiries, coupled with the overall increase in cases seen, which has caused significant workload pressures for the Complaints team.
- 6.2.4 Previous annual reports have highlighted several improvement areas to focus on, including more consistent application of remedies (including financial redress, and being more open with apologies), challenging the Ombudsman's findings where appropriate and development of robust learning action plans to prevent reoccurrence of faults. The LGSCO found that our Council had already provided adequate remedies in 9% of cases that the LGSCO subsequently upheld. This is however the second time that Manchester City Council has not met or exceeded the average in similar authorities, in this instance, 10% and will be an ongoing focus for officers to improve upon.
- 6.2.5 The Ombudsman has an interactive map available on their website, showing comparisons with other authorities. In this, Manchester is shown to have the following performance highlights, which show our performance is consistent with similar authorities:
- 61%² of complaints investigated were upheld, compared with an average of 77% in similar authorities.
 - in 100% of cases, they were satisfied the Council had successfully implemented their recommendations, compared with an average of 100% in similar authorities
 - in 9% of upheld cases they found the Council has provided a satisfactory remedy before the complaint reached the Ombudsman, compared with an average of 10% in similar authorities
- 6.2.6 The interactive map can be found at:

² Note: this percentage does not match the Council's metric due to different methods of recording. The Council records complaints where the Ombudsman does not investigate as 'not upheld', whereas they record these separately.

<https://www.lgo.org.uk/your-councils-performance/manchester-city-council/statistics>

6.2.7 We also hosted a very positive meeting with the Assistant Ombudsman and his colleagues, which had input from the Director of Children’s and Adults Services, and the Assistant Chief Executive. This meeting, and the ongoing liaison between the Complaints Manager and the Ombudsman’s office helps us to maintain our positive working relationship with the Ombudsman’s service and to seek their views on where we can improve, as well as to keep abreast of the developments their service is undertaking. Their praise of the complaints service we offer, along with our thorough responses to their enquires was very well received.

7.0 Performance Management of Housing Ombudsman Enquiries

7.1 **Responding to Housing Ombudsman enquiries. Expected standard – Housing Ombudsman enquiries responded to within 28 days**

7.2 2022/23 marks the first year in which Housing Ombudsman data is being reported. Due to the more limited remit of the Housing Ombudsman in terms of its interactions with local authorities, these typically sit with either Growth & Development under Strategic Housing, or in Neighbourhoods under Housing Operations.

7.3 The table below summarises performance for each measurable indicator for the Housing Ombudsman for 2022/23. A more detailed dashboard is also available at Appendix 1.

Year	Housing Ombudsman Enquiries	Housing Ombudsman Decisions	Determination of Fault	Timeliness of Response	% Upheld
2022/23	33	6	4	33 days	67%

7.4 The Housing Ombudsman operates differently than the Local Government and Social Care Ombudsman in that it generally makes more enquiries but fewer decisions, which is reflected in the table above. It should also be noted that the Housing Ombudsman also generally takes longer than the Local Government and Social Care Ombudsman to consider complaints, currently advising that it may take up to 12 months for a complaint to be considered. This impacts upon our timeliness of response to the Housing Ombudsman.

Growth and Development

7.5 Growth and Development received 9 Housing Ombudsman enquiries, none of which resulted in decisions and thus no determinations of fault.

Neighbourhoods

7.6 Neighbourhoods received 24 Housing Ombudsman enquiries, 6 of which resulted in decisions and 4 of which resulted in a determination of

maladministration or fault. The Housing Ombudsman contacts every Landlord where the maladministration rate is over 50% and sets out clear guidance for improvement. Much of this improvement work is already well underway, with the addition of three new Strategic Leads across Housing Operations and service development plans in place. The new leadership team will be responsible for ensuring all services meet the regulatory requirements of the Social Housing Regulator, Building Safety Regulator, and the Housing Ombudsman. Committee are asked to note the trend of improvement shown in Appendix 1 in terms of both response times to the Housing Ombudsman and % upheld as the year progressed.

8.0 Praise

- 8.1 There were 306 instances of praise recorded in 2022/23, down from 409 in 2021/22 and 383 in 2020/21. The Complaints team will issue a reminder to services on the importance of recording all praise they receive.

Directorate	Instances of praise
Adults Services	125
Children and Education Services	70
Corporate Core	17
Growth and Development	5
Neighbourhoods	89
Total	306

9.0 Learning from complaints

9.1 Our approach to learning – Learning Action Plans

- 9.1.1 We recognise that when things go wrong, we need to learn from any mistakes made to ensure that we reduce the likelihood of the same fault occurring again. Where possible, we should also seek to proactively improve the level of service that the Council provides in the future.
- 9.1.2 Where complaints are received that are a concern in terms of risk and impact on the complainant or the Council (High risk), a *Learning Action Plan* is developed and monitored by the Corporate Complaints Team, working with the service manager, to secure ownership and commitment to the actions and timescales. Once the plan is signed off as completed, where appropriate the key actions and learning outcomes will be shared in a communication bulletin across the service, and beyond if necessary, to ensure that the impact of the learning improves practice and performance in the future.
- 9.1.3 When this report was last presented to Audit Committee, they requested more information on how learning action plans have impacted on complaints and prevented either repeat issues being raised, or more people being impacted from the fault identified. They also requested more information on the timeliness of actions being completed against agreed timescales.

9.1.4 30 Learning Action Plans were launched in 2022/23:

Directorate	Learning Action Plans issued	% completed within agreed timescale
Adults Services	7	57%
Children's & Education Services	18	50%
Corporate Core	2	100%
Growth & Development	0	N/A
Neighbourhoods	3	0%
TOTAL	30	50%

9.1.5 There are varying reasons why some actions took longer than agreed to implement, for example some cases required policy change that took longer than proposed, and some experienced processing issues with making payments to complainants. Any emerging themes will be picked up and addressed as it is clear we need to be more robust in monitoring the timeliness of actions and ensuring resources are available for this.

9.1.6 Actions in a number of these Learning Action Plans resulted in changes to processes or procedures, examples of which are set out below:

- I. The Council decided that we were at fault after investigating a complaint in relation to inaccurate care charges recorded by a care provider, which was compounded by our failure to promptly address the concerns that were raised. To remedy the injustice caused, the Council made a one-off token payment to the complainant in addition to apologising and correcting the care charges. The complainant was satisfied with the Council's remedy and chose not to escalate to the Ombudsman. Following this, the service made the decision to perform an audit of care charge information going back to the start of the pandemic, which further highlighted that some residents had not been charged. A review of policy is currently ongoing to address this. The review will inform future commissioning of care contracts.
- II. The Council was at fault for not addressing repairs issues relating to a privately rented property a timely manner, nor via the 'Housing Health and Safety Rating System' (HHSRS) framework. The Council apologised and made a one-off payment to the complainant to remedy the injustice. A memo was issued to officers reminding them of the need to complete a HHSRS assessment in a timely manner, and to remind them to carry out follow up inspections to confirm whether repairs had been completed.
- III. The Council was at fault for failing to properly consider the advice in the Homelessness Code of Guidance about whether someone should remain in private rented accommodation after a valid Section 21 Notice has expired. In accepting the Ombudsman's decision, the Council reviewed this particular case and found that it would have been suitable to ask the complainant and family to remain in the property after the

expiration of the Section 21 Notice, however each case like this would need to continue to be considered on a case-by-case basis.

9.1.7 We have also been focusing on measuring the impact of learning to assess whether this has had impact on future complaints or individuals. Whilst this is not always possible in every case, as not all learning actions are measurable, there is evidence that changes to the Council's approach following complaints have had a tangible and positive impact in several areas, examples below.

I. In 2021/22, the Council identified that several complainants appeared to encounter difficulties navigating the Council's complaints processes because of their neurodiversity. In several cases, this led to a breakdown in communication between officers and complainants. As a result, an excessive amount of officer time was required to deal with such cases and the experience for complainants was inadequate. To address this, the Corporate Complaints Team and Equalities Specialists instigated a joint programme of work to review and improve our handling of enquiries and complaints from people who are neurodiverse. Actions from this review were put into practice in 2022/23 which included:

- A review of Complaints policy with an Equalities Specialist in response to comments that the policy was overly rigid, with a particular focus on the 'unreasonably persistent' section of this policy.
- Training for the Complaints Team in how to identify behaviours that might indicate that a person may be neurodiverse. As part of this training, the team were reminded that no assumptions should be made about whether a complainant is neurodiverse. Accordingly, officers apply the learning from the review equally to people who may not be neurodiverse.
- Tailored complaints responses, for instance placing complaints decisions nearer to the top of our response rather than at the bottom, following feedback that responses had been difficult to digest. This also includes responses on different coloured backgrounds or in larger fonts.
- Use of 'Flesch-Kincaid' readability index in Word to ensure our level of language matches as closely as possible to the reading comprehension of complainants.
- If requested to do so, agreeing to telephone complainants to read our response to them, as a reasonable adjustment, in response to feedback that they found our written responses more difficult to digest.
- Responding in further detail even after issuing our stage two ('final') response as a reasonable adjustment, in cases where neurodiverse

residents gave feedback that they had not understood our response or had further queries.

Although still difficult to measure the impact in some cases, in at least two instances, this resulted in neurodiverse complainants with a very high likelihood of escalating their concerns to the Ombudsman instead accepting the Council's response and not escalating their concerns further. In another case where a complainant with a significant history of submitting complaints did escalate their concerns, the Council has managed to maintain a positive professional relationship with them regardless which may not otherwise have been possible.

- II. The Ombudsman decided that the Council was at fault for determining that a resident needed to have a hardstanding driveway installed before work on a dropped kerb could be carried out. The Ombudsman decided that such a requirement was unnecessary and determined that the work to the dropped kerb should have been carried out when requested. The Council apologised, reimbursed the complainant with the costs associated with the driveway installation and in addition made a one-off token payment to recognise their time and trouble. It has since, therefore, changed its policy in this area and as a result, altered its assessment criteria for when a dropped kerb can be undertaken. To date, the Council has not received any further complaints about this specific issue now that the policy is more flexible.
- III. In 2021/22 the Ombudsman decided that the Council was at fault for failing to accommodate a young person under Section 20 of the Children Act 1989 as a looked after child. Following this decision, there was concern that this may have impacted other young people at the time, so the Council agreed to review all homelessness applications from 16/17-year-olds between April 2019 and March 2020. Of the 175 young people audited for this period, 35 were identified as meeting thresholds that would have meant that the applicants should have been treated as looked after children and provided with support under Section 20 of the Children Act, rather than under the general duty of Section 17. As a result of this, the Council contacted all 35 individuals, explaining the position, and inviting them to engage with the Positive Housing Pathway Team if they required support. Three young people responded to this reach out and have had their casefiles re-opened and are now being supported.

10.0 Freedom of Information and GDPR requests

10.1 Responding to GDPR requests. Expected standard - 90% of GDPR requests responded to within relevant statutory timescale (ordinarily one month).

- 10.1.1 The Council receives requests from individuals under the GDPR (for example, Subject Access Requests for personal information (SARs), the right to rectification and the right to be forgotten). It also receives requests for

disclosure of personal information from external organisations under the Data Protection Act 2018. The Council received 1628 GDPR requests, the majority of which are SARs, in 2022/23 which is 46 fewer than in 2021/22 when a total of 1674 requests were received. The Information Commissioner's Office (ICO) is clear that the legal requirement is for all requests to be completed in the statutory timeframe but has indicated that the minimum standard set out in 10.1 would not usually give rise to significant concern. The appendix to the report captures the overall performance of the Council as well as that of each of the Directorates in meeting that standard. Of those requests which have been responded to the percentage of those responded to on time has decreased by one percent from 84% to 83%, and so remains just below the minimum ICO standard.

10.1.2 The 90% target has been met on this metric by the Corporate Core, the Neighbourhoods Service and Growth and Development. Children and Education Services and Adults Services remain some way from the target. Both Children and Education Services and Adults Services continue to receive the most complex and sensitive requests from individuals, particularly in relation to SARs which in many cases comprise a significant volume of records that are often held in paper format requiring retrieval of files from archive. In addition, Children and Education Services saw an increase of 12% in the number of requests being received across the year and during the last quarter there was a significant rise in comparison to the other nine months of the year.

10.2 **Responding to FOIA requests. Expected standard – 90% of Freedom of Information Act requests responded to within relevant statutory timescale (ordinarily 20 working days).**

10.2.1 The Council receives requests for information under both the Freedom of Information Act and the Environmental Information Regulations. For the purposes of performance reporting, the two regimes are combined into a single figure and are referred to as 'FOIA requests. Again, the ICO is clear that the legal requirement is for all requests to be completed in the statutory timeframe but has indicated that the minimum standard as set out in point 10.2 would not usually give rise to significant concern. The Council received 1,935 FOI requests in 2022/23 which is 57 fewer than in 2021/22 when a total of 1,992 requests were received. The proportion of these requests responded to on time has improved from 79% to 83%. None of the Directorates have met the ICO target of 90% but with the exception of Children and Education Services all have equalled or improved their performance, which was recorded for the financial year 2021/22. In particular, the Neighbourhoods Service significantly increased the number of requests responded to on time by 14%.

11.0 Recommendations

11.1 Audit Committee are asked to note the Council's performance in managing complaints and enquiries in 2022/23 and are asked to note the key

messages that are emerging in relation to the management of information requests.