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(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)

Title of meeting:	Governance and Audit and Standards Committee
Date of meeting:	24 September 2021
Subject:	Overview of Portsmouth City Council complaints, including Local Government and Social Care Ombudsman Complaints 2020/21
Report by:	Assistant Director of Corporate Services
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

To bring to the attention of the Governance & Audit & Standards Committee the Annual Review of Complaints by the Local Government and Social Care Ombudsman (LGSCO) dated July 2021, regarding complaints it has considered against Portsmouth City Council for the year 2020/21, and to provide an overall review of complaints.

2. Corporate complaint policy

The current corporate complaint policy sets out a three stage escalation process for corporate complaints, including timescales the council aims to adhere to when responding to complaints. The current policy and process has been reviewed, and a revised policy is recommended to the Governance & Audit & Standards Committee in a separate report.

3. Corporate complaint system

A new corporate complaints system was introduced in August 2019, replacing an old system that had been built in-house. The new Respond system enables significantly improved reporting around complaints, and data from the new system is included in this report for 2020/21. There is lack of comparable data for 2019/20 in the report, as the new system was introduced mid-way through the year and comparable data is not available.

4. Corporate complaints resources

The council has one corporate complaints officer, based in the city helpdesk.

5. Corporate complaints overview

In 2020/21, the council managed 384 stage one, stage two and stage three complaints through the existing corporate complaints process, set out in the current corporate complaints policy (included in the background documents).

This compares to 443 complaints managed through the three stage process in 2019/20.

Corporate complaints does not include complaints relating to Adult Social Care and Children's Social Care, which are managed in line with separate policies and referenced in section 8 (below).

5.1. Stage one complaints

There were 309 stage one complaints in 2020/21, a reduction on the 383 from 2019/20.

Of those 309 stage one complaints, 71% were managed within the 10 working days timescale set out in the current corporate complaints policy, almost exactly the same as the 70% managed within the timescale in 2019/20.

Corporate complaints are continuing to work with directorates to improve adherence to timescales. However, there are various legitimate reasons for delays, including officer capacity to investigate complaints and provide responses, particularly where complaints are very complex, as well as time taken to gather evidence. Where the council is unable to meet policy timelines, the customer is kept informed.

5.2. Stage two and stage three complaints

In 2020/21, 51 complaints were taken to stage two of the process compared with 38 complaints taken to stage two in 2019/20. The percentage of stage two complaints managed within the 15 working day timescale set out in the policy remained at 71% in 2020/21, the same as the 71% managed within timescales in 2019/20.

In 2020/21, 24 complaints were taken to stage three of the process compared with 18 complaints taken to stage three the previous year. The percentage of stage three complaints managed within the 20 working day timescale set out in the policy was 46%, compared with 22% in 2018/19.

6. Complaint trends

6.1. Stage one complaint trends

This complaints review covers April 2020 to March 2021. The first quarter of 2020/21 particularly was significantly affected by Covid-19 and the impact of the first national lockdown. In April 2020, the council had just moved to remote working and was focusing on provision of business critical services. Corporate complaints is part of the city helpdesk, which redeployed its resources to providing the coronavirus community helpline, supporting Hive Portsmouth and handling calls from people who were unable to leave their homes and were in urgent need of essentials, including food and prescriptions.

During this period, the council continued to accept complaints but the dedicated complaints phone line was temporarily closed, with calls diverted to general enquiries. The number of complaints received fell significantly during April and May, before gradually increasing again in June and July, peaking in August and then reducing back to monthly levels that we would consider relatively normal. As noted in section 3 above, comparable data for 2019/20 is not available for the full year as a new complaints system was introduced mid-year.

Table one: 2020/21 stage one complaints by month

Month	2020/21	2019/20
April	4	NA
May	7	NA
June	14	NA
July	19	NA
August	55	NA
September	29	38
October	29	20
November	26	21
December	31	15
January	26	22
February	33	30
March	44	27
Total	307	NA

6.2 Stage two and stage three complaint trends

The overall number of stage two and stage three complaints increased in 2020/21, with Children, Families and Education reporting the most significant increase in the proportion of complaints escalated through the three stage process, largely as a result of a number of

complaints about the council's approach to parents who choose to educate their children at home.

Corporate complaints continues to work with directorate lead and link officers to improve the quality of complaint responses, so more complaints are fully resolved earlier in the process.

6.3 Policy timeline trends

Adherence to policy timelines remained static at around 70% for stage one and stage two complaints in 2020/21. This reflects on-going work by corporate complaints to monitor timelines and encourage services to respond, as well as the engagement of lead and link officers in supporting complaint management in directorates.

While adherence to timescales has not improved since 2019/20, maintaining response rates within timelines at around 70% has been achieved in the context of the coronavirus pandemic, which had a significant effect on the capacity of the customer services team in city helpdesk, as well as on the wider organisation.

The proportion of stage three complaints managed within timescales also improved significantly, increasing from 22% to 46%. The corporate complaints team has worked with directorate lead and link officers, adjusting processes around when deadlines for responses to the stage three investigation are set and reminders sent, allowing more time for review. This has improved adherence to timescales for stage three complaints, despite the impacts on capacity created by the Covid-19 pandemic response. Where there are delays, customers are kept fully informed.

6.4 Trends by directorate

As in previous years and as would be expected, the services with the highest numbers of complaints are those with the highest levels of front line customer engagement.

Although the directorate with the highest number of complaints was Housing, Neighbourhoods and Building Services, in line with overall reductions the number of stage one complaints fell from 276 in 2018/19 to 188 in 2019/20, and 169 in 2020/21.

Table two: complaints by stages, by directorate 2020/21

Directorate	Stage one	Stage two	Stage three	2020/21 total
Children, Families and Education	12	9	8	29
Corporate Services	7	2	0	9

Directorate	Stage one	Stage two	Stage three	2020/21 total
Culture, Leisure and Regulatory Services	20	3	1	24
Finance, Revenues and Benefits	23	5	2	30
Housing, Neighbourhoods and Building Services	169	24	10	203
Port	1	0	0	1
Public Health	0	0	0	0
Regeneration	77	8	3	88
Total	309	51	24	384

As set out in section three of this report, there is not a clear set of data to enable a comparison between 2020/21 and the previous year, both as a result of changes to the complaints' system, and a senior management review that resulted in changes to the services within directorates. The tables below show numbers of complaints by directorate for the old complaints database, running from 1 April 2019 - 8 August 2019 (when the new complaints system went live).

Table three: stage one complaints by directorate/service 2019/20 part one

Stage one complaints: 1 April 2019 - 8 August 2019
Data from old complaints database

Directorate/service	complaints 2019/20
Chief executive	1
Children, families and education	8
Colas/PFI	4
Community and Communications (including revenues and benefits)	19
Culture, leisure and regulatory services	18
Housing, neighbourhoods and building services	78
Regeneration (including transport and planning)	56
Total	184

Table four: stage one complaints by directorate 2019/20 part two

Stage one complaints: 8 August 2019 - 31 March 2020
Data from new Respond complaints system

Directorate/service	complaints
Children, families and education	10
Culture, leisure and regulatory services	43
Corporate services	6

Directorate/service	complaints
Finance and PFI (including revenues and benefits and Colas/PFI)	11
Housing, neighbourhoods and building services	110
Regeneration	75
Portsmouth International Port	3
	258

6.5 Complaint subject trends

The new complaint system enables reporting on complaint categories.

Of the complaints in 2020/21, there were 109 complaints relating to issues with the council's policies or procedures, 53 complaints that related to the behaviour or conduct of council staff or contractors, and 43 that related to the timeliness of the council's responses to its customers. There were 42 complaints that related to refuse and recycling, largely around missed collections.

7. Compliments

The complaints process also allows for suggestions and compliments. In 2020/21, the council received 87 compliments through corporate complaints, compared with 146 in 2019/20.

Housing, Neighbourhoods and Building Services received the most compliments at 48, followed by Finance and Revenues and Benefits with 18.

8. Adult Social Care and Children's Social Care complaints and compliments

Complaints for Adult Social Care and Children's Social Care are managed by a dedicated social care complaint team, in line with specific social care complaint policies.

8.1. ASC complaints and compliments

In 2020/21, ASC received 62 statutory complaints, a slight reduction on the 67 received in 2019/20. They also received 12 complaints about procedure, and 10 enquiries from MPs or councillors.

ASC received 19 compliments.

8.2. CSC complaints

In 2020/21, CSC received 16 statutory complaints, 75 non-statutory complaints: a significant reduction on the 49 statutory and 100 non-statutory complaints received in 2019/20.

CSC received seven compliments.

9. LGSCO complaint review information

The Ombudsman investigates complaints about all local authorities and social care providers in England. Every year it publishes the information it sends to councils to help with transparency and improve local services for residents.

While issuing the figures, the Ombudsman is keen to point out that a high number of complaints do not necessarily mean a council is performing poorly. It may indicate an authority that welcomes and encourages feedback, through a transparent system which signposts people appropriately when its own processes have been exhausted.

In relation to the data for 2020/21, the Ombudsman notes that they took the unprecedented step of temporarily stopping their wider case work from end March 2020 until late June 2020, to enable local authorities to focus their resources on the Covid-19 pandemic response. The pause in casework by the LGSCO should be borne in mind when considering the figures for 2020/21 in comparison to previous years.

9.1. Complaints and enquiries about Portsmouth City Council

The Ombudsman received 34 complaints and enquiries about PCC in 2020/21 compared with 35 in 2019/20. During the same period, 27 decisions were made about complaints referred to the Ombudsman about PCC, compared with 40 decisions in 2019/20.

Table five: complaints and enquiries to the LGSCO about Portsmouth City Council

Directorate	Number of complaints received				
	2020/21	2019/20	2018/19	2017/18	2016/17
Adult Social care	7	5	9	7	10
Benefits and Tax	2	1	2	4	3
Corporate and Other Service	5	5	4	3	2
Education and Children's Services	7	8	10	13	10
Environmental Services	0	3	3	4	2
Highways and Transport	1	6	8	4	2
Housing	8	5	7	7	6
Planning and Development	3	1	2	4	6
Other	1	1	0	0	1
Total	34	35	45	46	42

9.2. Decisions made about complaints relating to Portsmouth City Council by the LGSCO

The LGSCO investigated four cases and upheld 50%, this compares to an average of 63% of cases upheld in similar authorities (as defined by the LGSCO). The Ombudsman was satisfied PCC had successfully implemented its recommendations in 100% of cases, compared with recommendations successfully implemented in 99% of cases in similar authorities. The LGSCO also found the council had provided a satisfactory remedy in 50% of upheld cases before the complaint reached the Ombudsman, compared with an average of 10% in similar authorities.

Table six: decisions made by the LGSCO about complaints relating to Portsmouth City Council

	2020/21	2019/20	2018/19	2017/18	2016/17
Upheld	2	6	8	9	7
Not Upheld	2	5	8	3	5
Advice given	4	0	2	5	1
Closed after initial enquiries	10	15	13	13	13
Incomplete/Invalid	1	3	0	1	2
Referred back for local resolution	8	11	12	15	11
Total	27	40	43	46	39

9.3. LGSCO complaints: comparisons to other local authorities

The LGSCO now focuses on the following comparison data for local authorities: the number of detailed investigations and the number of complaints upheld, the percentage of cases where the Ombudsman's recommendations were successfully implemented, and the percentage of cases where the local authority had implemented a satisfactory remedy before the complaint reached the Ombudsman.

The below table provides data for Portsmouth City Council alongside data from comparable local authorities in Southampton, Luton and Brighton.

Table seven: LGSCO complaints data for Portsmouth City Council in comparison to other local authorities

	Portsmouth	Brighton and Hove	Luton	Southampton
Number of complaints investigated	4	16	11	12
Number of complaints upheld	2	12	7	8
% cases where LGSCO recommendations implemented	100%	100%	100%	100%
% of upheld cases where satisfactory remedy implemented before the complaint reached LGSCO	50%	8%	14%	0%

10. Upheld complaints

The following section includes a summary of the complaints upheld by the LGSCO.

10.1. Planning applications

LGSCO complaint number 19020062

<https://www.lgo.org.uk/decisions/planning/planning-applications/19-020-062>

Decision date: 12 June 2020

Summary

Ms X complained the council failed to notify her of a Planning Committee meeting to allow her to object to a planning application.

Ms X wrote to the council asking for an opportunity to object to a neighbour's planning application for an extension. The letter was mislaid by the council and as a result, Ms X lost that opportunity. The council had already apologised and offered compensation before the complaint was referred to the Ombudsman.

Having accepted the loss of the letter was fault, the Ombudsman considered whether any injustice was caused. Ms X argued the extension blocked her natural light. The Ombudsman noted they were satisfied the planning officer was fully aware of the likely impact of the extension on Ms X's amenity, and so did not believe the decision by the

Planning Committee would have been different had Ms X been able to speak to the committee.

10.2. Housing allocations

LGSCO complaint number: 19011660

<https://www.lgo.org.uk/decisions/housing/allocations/19-011-660>

Decision date: 18 November 2020

Summary: Miss X complained about the council's decision to offer her a property she considered unsuitable for her needs, as she was offered a property with a wet room when she said she an assessed need for a bathroom. Miss X believed this led to her missing out on offers of other suitable properties.

The Ombudsman found no fault in the decision to make the initial offer of the flat, and noted the offer was subsequently withdrawn and Miss X was successfully rehoused.

However, the Ombudsman found fault in the way the council handled Miss X's complaint. Miss X made a stage one complaint, which was responded to by the council. Miss X was unhappy with the response, and asked for it to be escalated. The council declined the request to escalate the complaint, leading to Miss X referring her complaint to the Ombudsman. The Ombudsman found that, while the council had responded to the two main elements of Miss X's original complaint, there were additional elements that had not been addressed and the council was therefore at fault in not accepting the complaint for investigation at stage two of its process. The Ombudsman asked the council to apologise to Miss X for the way her complaint was handled.

11. Summary

The impact of the Covid-19 pandemic, including the redeployment of resources from corporate complaints to support the council's emergency response, and the suspension of complaints investigations by the LGSCO, means the data from 2020/21 cannot be readily compared with previous years to identify trends.

The corporate complaints officer continues to work with directorate lead and link officers for complaints, with a focus in 2020/21 on increasing the % of complaints managed within timelines, and improving complaint responses so few complaints need to be escalated through the process.

The number of complaints referred to and upheld by the LGO has reduced, and PCC continues to compare well with other local authorities.

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Signed by:

Appendices: Nil

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Portsmouth City Council: Corporate Complaints Policy	https://www.portsmouth.gov.uk/ext/documents-external/cou-corporate-complaints-policy-2018.pdf
Southampton City Council LGSCO complaints data	https://www.lgo.org.uk/your-councils-performance/southampton-city-council/statistics
Luton Borough Council LGSCO complaints data	https://www.lgo.org.uk/your-councils-performance/luton-borough-council/statistics
Brighton and Hove City Council LGSCO complaints data	https://www.lgo.org.uk/your-councils-performance/brighton-hove-city-council/statistics

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by: