

Title of meeting:	Governance and Audit and Standards Committee
Date of meeting:	29 September 2022
Subject:	Overview of Portsmouth City Council complaints, including Local Government and Social Care Ombudsman Complaints 2021/2022
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 20th July 2022, regarding complaints it has considered against Portsmouth City Council for the year 2021/22, and to provide an overall review of complaints.

2. Corporate complaint policy

The current corporate complaint policy sets out a two-stage process for corporate complaints, including timescales the council aims to adhere to when responding to complaints. The current policy and process has been in place since 1st December 2021, replacing the former three-stage complaints policy. The change to the policy was made following a review of complaints management and in line with best practice guidance from the LGSCO and was approved by this committee in September 2021.

The data in this report covers the period from April 2021 - March 2022. During the first eight months of the reporting period, complaints were managed under the old three-stage process. During the last four months of the reporting period, complaints were managed under the new two stage complaints process.

3. Corporate complaint system

Respond, the corporate complaints system, was introduced in August 2019, replacing an old IT system that had been built in-house. The Respond system enables significantly improved reporting around complaints. All the data for 2021/22 contained in this report

comes from the Respond system: comparative data from previous years comes from the old in-house system.

4. Corporate complaints resources

The council has one corporate complaints officer, based in the city helpdesk. The corporate complaints officer is supported in her role by senior customer service officers from the city helpdesk who help administer corporate complaints, in addition to their wider duties in the city helpdesk.

5. Corporate complaints overview

In 2021/22, the council managed 686 stage one, stage two and stage three complaints through the previous and existing corporate complaints process, set out in the current and previous corporate complaints policies (included in the background documents).

This compares to 384 complaints in 2020/21, 443 in 2019/20, and 531 in 2018/19.

Corporate complaints exclude complaints relating to Adult Social Care (ASC) and Children's Social Care (CSC), which are managed in line with separate policies and referenced in section 8 (below).

5.1. Stage one complaints

There were 553 stage one complaints in 2021/22.

Of those 553 stage one complaints, 380 were managed under the former three stage complaint process with 68% managed within the 10-working day timescale for response.

The remaining 173 stage one complaints were managed under the new two-stage complaint process with 83% managed in line with the 15-working day timescale for response set out in the new policy.

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 2021/22, 120 complaints were taken to stage two of the process.

Of the 120 complaints, 73 were managed under the former three-stage complaint process with 70% managed in line with the 15-working day timescale for response.

The remaining 47 complaints were managed under the new two-stage complaint process with 81% managed in line with the 20-working day timescale for response.

In 2021/22, 13 complaints were taken to stage three of the process compared with 24 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 old policy was 71%, compared with 42% in 2020/21.

6. Complaint trends

This complaints review covers the period from April 2021 to March 2022.

There were 553 stage one complaints in 2021/22, compared with 309 stage one complaints in 2020/21. While the number of complaints in 2020/21 was lower because of the covid-19 pandemic, which impacted on overall demand, the number of stage one complaints handled last year is still higher than the 383 stage one complaints managed two years previously in 2019/20.

The overall number of stage two complaints also increased in 2021/22, with 120 complaints escalated to stage two of the process, compared with 51 stage two complaints the previous year.

The corporate complaints team have now implemented a new quality assurance process around stage two complaints, to ensure complaints are only escalated to the second stage of the process where there is a clear and justifiable reason to do so. Stage two complaint responses are also reviewed by corporate complaints, to ensure responses at what is now the final stage of the council's process fully investigate and respond to all the concerns raised by the customer.

The number of complaints escalated to stage three of the process during the period covered by the previous complaints policy decreased. There were 24 stage three complaints in 2020/21, compared with 13 stage three complaints in the eight months from April-November 2021/22.

The increase in the number of stage one and stage two complaints can be partially explained by the 139 complaints received about rubbish and recycling collections, which followed changes to collection rounds. The issues relating to rubbish and recycling collections have now been resolved.

There were also 141 complaints linked to the timeliness of the council's responses to customers in 2021/22, compared with 43 complaints categorised in this way in 2020/21. The increase can be partially attributed to known issues, including a backlog of planning applications that developed during the pandemic that the council has already taken steps to address, as well as increased demand for some services in the wake of the pandemic, for example housing needs and support. There was also a significant increase in the number of complaints around maintenance, from four complaints in 2020/21 to 55 complaints in 2021/22, again partially as a result of backlogs of work created by the pandemic.

As part of the new corporate complaints policy, the council has implemented quarterly reporting around complaints to ensure issues highlighted by complaint trends are brought to the attention of the chief executive, section 151 officer and monitoring officer, as well as shared with directors and their lead officers for complaints. The quarterly monitoring will enable closer scrutiny of complaints moving forwards and will allow overall trends to be identified and addressed earlier.

6.1. Policy timeline trends

In 2020/21, adherence to policy timelines for stage one and stage two complaints remained static, with 70% of complaints managed within the timescales set out in the policy.

In 2021/22, 68% of stage one complaints handled under the old policy were managed in line with timescales, compared with 83% of complaints handled under the new policy timescales. In 2021/22, 70% of stage two complaints handled under the old policy were managed in line with timescales, compared with 81% of complaints handled under the new policy timescales. In advance of making changes to the policy, the proportion of stage three complaints managed within timescales had improved significantly, increasing from 46% in 2020/21 to 71% from April-November 2021.

In reducing the number of complaint stages from three to two, the new complaint policy clearly allows more time for stage one and stage two complaints to be robustly investigated, while remaining within the LGSCO's recommended timelines for concluding the council's own complaint process. The change should result in on-going improvements to adherence to timescales, supported by on-going work by corporate complaints to monitor timeliness of responses and to engage lead and link officers in supporting complaint management in directorates.

6.2. 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.

Table two: complaints by stages, by directorate 2021/22

Directorate	Stage one	Stage two	Stage three	2021/22 total
Children, Families and Education	16	10	3	29
Corporate Services	15	3	1	19
Culture, Leisure and Regulatory Services	41	7	0	48
Finance, Revenues and Benefits	33	2	1	36
Housing, Neighbourhoods and Building Services	363	77	6	446
Port	1	0	0	1
Public Health	0	0	0	0
Regeneration	82	20	3	105
Total	551	119	14	684

7. Compliments

The complaints process also allows for suggestions and compliments. In 2021/22, the council received 66 compliments through corporate complaints, compared with 87 in 2020/21.

Housing, Neighbourhoods and Building Services received the most compliments at 24, followed by Culture, Leisure and regulatory services with 12.

8. ASC and CSC complaints and compliments

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

8.1. ASC complaints and compliments

In 2021/22, ASC received 51 statutory complaints, a reduction on the 62 received in 2020/21. In addition to statutory complaints, there were 28 customer contacts and 5

contacts that were responded to under different procedures. They also received 44 enquiries from MPs or councillors.

ASC received 16 compliments.

8.2. CSC complaints

In 2021/22, CSC received 37 statutory complaints, 85 non-statutory complaints: an increase on the 16 statutory and 75 non-statutory complaints received in 2020/21.

CSC received 22 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.

9.1. Complaints and enquiries about Portsmouth City Council

The ombudsman received 38 complaints and enquiries about PCC in 2021/22 compared with 34 in 2020/21. During the same period, 12 decisions were made about complaints referred to the ombudsman about PCC, compared with 27 decisions in 2020/21.

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

Directorate	Number of complaints received					
	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17
Adult Social care	5	7	5	9	7	10
Benefits and Tax	2	2	1	2	4	3
Corporate and Other Service	2	5	5	4	3	2
Education and Children's Services	12	7	8	10	13	10
Environmental Services	5	0	3	3	4	2
Highways and Transport	1	1	6	8	4	2
Housing	4	8	5	7	7	6
Planning and Development	5	3	1	2	4	6
Other	2	1	1	0	0	1

Directorate	Number of complaints received					
	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17
Total	38	34	35	45	46	42

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

The LGSCO investigated 12 cases and upheld 33%, this compares to an average of 62% 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 100% of cases in similar authorities. The LGSCO found the council had not provided a satisfactory remedy in any of the four upheld cases before the complaint reached the ombudsman: this compares to the average for similar authorities where 29% of upheld complaints have already been satisfactorily remedied prior to LGSCO intervention.

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

	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17
Upheld	4	2	6	8	9	7
Not Upheld	8	2	5	8	3	5
Advice given	2	4	0	2	5	1
Closed after initial enquiries	17	10	15	13	13	13
Incomplete/Invalid	4	1	3	0	1	2
Referred for local resolution	11	8	11	12	15	11
Total	46	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	12	28	17	7
Number of complaints upheld	4	21	12	3
% cases where LGSCO recommendations implemented	100%	100%	100%	100%
% of upheld cases where satisfactory remedy implemented before the complaint reached LGSCO	0%	19%	0%	67%

10. Upheld complaints

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

10.1. Antisocial behaviour

LGSCO complaint number 21 003 296

<https://www.lgo.org.uk/decisions/environment-and-regulation/antisocial-behaviour/21-003-296>

Decision date: 17 December 2021

Summary: The LGSCO found the council was at fault in this case because of delays in responding to Mr X's complaints about a suspected unlicensed HMO and anti-social behaviour by its residents, as well as failing to respond to a further complaint about misuse of and blocking of his bins. The LGSCO found the faults caused avoidable time and trouble and frustration to Mr X. The council has now apologised to Mr X, made a payment to Mr X in respect of the time and trouble, and has put staff training in place to make improvements to the way the complaints that involve multiple teams across directorates are better coordinated to avoid similar issues in the future.

10.2. Disabled facilities grants

LGO complaint number 20 007 473

<https://www.lgo.org.uk/decisions/adult-care-services/disabled-facilities-grants/20-007-473>

Decision Date: 16 Dec 2021

Summary: Miss B complained about the way the council had considered her application for a hard standing and dropped kerb. Miss B said she needs parking next to her house due to her medical conditions, but said the council was unprofessional and did not properly assess her application. The ombudsman found fault in the council's occupational therapy

policy for being overly prescriptive around specific conditions that it said needed to be met in relation to disabled facilities grants, rather than looking at the full circumstances and the person's individual needs. The ombudsman also found fault because the council did not initially inform Miss B that she was entitled to a full occupational therapy assessment, although an offer of a full assessment was made later in the process and found fault in the way the council communicated with Miss B over the issue.

The council has now apologised to Miss B for the way her case was handled, made a formal offer of a full occupational therapy assessment, and made a payment to Miss B in recognition of the distress caused. The council has now also reviewed and updated its occupational therapy policy.

10.3. Commercial and contracts

LGO complaint number 20 008 105

<https://www.lgo.org.uk/decisions/other-categories/commercial-and-contracts/20-008-105>

Decision Date: 25 Jun 2021

Summary: Mr C said the council had failed to properly complete a tender process in which Mr C was unsuccessful, which left Mr C with uncertainty about whether the outcome would have been different if the process had been properly completed. The ombudsman found the tender process was flawed but was unable to determine that the outcome would have been different had the tender process been correctly applied. The ombudsman found this left Mr C with some uncertainty, frustration and upset at the flawed process. The council has now apologised to Mr C and made a payment in recognition of the uncertainty, frustration, time and trouble. The council has also taken steps to improve procurement processes to prevent future problems, for example the tender process is now assessed by a cross Council panel of officers.

10.4. Enforcement

LGO complaint number 20 003 465

<https://www.lgo.org.uk/decisions/planning/enforcement/20-003-465>

Summary: Mr X complained about the council's decision to suspend a planning enforcement investigation, pending the submission of a planning application by the owner/operator of a business. Mr X said the business had breached conditions of its planning permission and wanted the council to take enforcement action on the planning breaches as well as enforcement action on parking restrictions. The ombudsman found fault in the council's consideration of evidence provided by Mr X of the issues with the business, and that failure to consider evidence did not align with the council's advice to the business to apply for planning permission for a change of use. The council has agreed to increase parking enforcement action, and to make a payment to Mr X for time and trouble.

11. Summary

The number of complaints handled by the council increased significantly in 2021/22 compared with previous years. While the LGSCO is clear that numbers of complaints are not necessarily indicative of poor performance by a council and can indicate an organisation that is open to feedback, it is clear the council needs to ensure insight from complaints is highlighted within the organisation so issues can be responded to.

Quarterly complaints reports have already been introduced as part of the new policy and are shared with the chief executive and directors to ensure issues are identified and addressed. The quarterly reports are also published on the council website to increase transparency.

The corporate complaints officer continues to work with directorate lead and link officers for complaints, with a focus in 2022/23 on increasing the % of complaints managed within timelines and improving complaint responses at stage one so fewer complaints need to be escalated through the process.

PCC continues to compare well to other similar local authorities in relation to its performance around LGSCO complaints. However, the number of complaints upheld by the LGSCO will be monitored closely over the 2022/23 period to make sure the new two stage complaint process is as robust as the old three stage process and is not resulting in more upheld ombudsman complaints.

.....
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/services/council-and-democracy/your-say/complaints/corporate-complaints-policy-2021/
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

.....
Signed by: