

Title of meeting:	Governance and Audit and Standards Committee
Date of meeting:	20 th September 2023
Subject:	Overview of Portsmouth City Council complaints, including Local Government and Social Care Ombudsman Complaints 2022/2023
Report by:	City Helpdesk Manager & 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 19th July 2023, regarding complaints it has considered against Portsmouth City Council for the year 2022/23, 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 in line with best practice guidance from the LGSCO.

The data in this report covers the period from April 2022 - March 2023.

The corporate complaints policy is reviewed every two years. We will therefore be reviewing the complaints policy in late 2023 and will be giving consideration to requirements around managing local authority housing complaints in line with the Charter for Social Housing Residents.

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.

4. Corporate complaints resources

The council has one corporate complaints officer, based in the city helpdesk. The corporate complaints officer is supported in their 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 2022/23, the council managed 538 stage one and stage two complaints following the current corporate complaints policy (included in the background documents).

The below table shows complaint totals to provide a comparison with previous years.

Year	Number of complaints received
2022/2023	538
2021/2022	686
2020/2021	384
2019/2020	443
2018/2019	531

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 477 stage one complaints in 2022/23.

Of those 477 stage one complaints, 79% of these were managed within the 15-working day timescale for response set out in the 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 complaints

In 2022/23, 61 complaints were taken to stage two of the process.

Of the 61 complaints, 74% were managed in line with the 20-working day timescale for response.

6. Complaint trends

This complaints review covers the period from April 2022 to March 2023.

6.1. Overall complaint trends

There were 477 stage one complaints in 2022/23, compared with 553 stage one complaints in 2021/22.

In 2021/22, the number of complaints was inflated by an additional 139 complaints specifically related to rubbish and recycling collections, following changes to collection rounds. The issues relating to rubbish and recycling collections have now been resolved, and the number of complaints for 2022/23 has reduced accordingly, back to around the level we would expect.

There were 179 complaints linked to the timeliness of council's response to initial enquiries sent to departments in 2022/23 which is an increase on the 141 received in 2021/22. Having been highlighted by our complaint trends, this issue is now being referred to the council's customer service leads group.

6.2. Stage two complaint trends

The overall number of stage two complaints also decreased in 2021/22, with 61 complaints escalated to stage two of the process, compared with 120 stage two complaints the previous year.

The main reason for complaints to be escalated to stage two of the complaints process is because the investigation and response at stage one is not sufficiently robust in addressing all elements of the original complaint. The corporate complaints officer has been working with managers from across the council to improve the quality of stage one complaint responses, providing guides and training sessions as well as advice and guidance on specific complaints, as a result customers get a more thorough response to their concerns at stage one, and fewer complaints need to be escalated.

The corporate complaints team also continue to follow their quality assurance process around stage two complaints, reviewing escalation requests against the stage one responses 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 before the final response is sent to the complainant.

As part of the corporate complaints policy, the council completes quarterly reporting around complaints to ensure issues highlighted by complaint trends are brought to the early attention of the chief executive, section 151 officer, and monitoring officer, in line with best practice recommendations from the LGSCO, as well as shared with directors and their lead officers for complaints.

The quarterly monitoring enables closer scrutiny of complaints and allows overall trends to be identified and addressed earlier, when appropriate.

6.3. Policy timeline trends

In 2022/23, adherence to policy timelines for stage one and stage two complaints increased overall, with 78% of complaints overall managed within the timescales set out in the policy. This breaks down into 79% of stage one and 74% of stage two complaints managed within the timescales.

The current corporate complaints policy was introduced in December 2021 and the timescales for stage one and stage two complaint responses were amended. The comparison data for complaint responses in 2021/22 therefore relates in part to the timescales in the existing policy, and in part to the timescales in the former three stage corporate complaint policy.

For comparison, 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.

The new complaint policy allows more time for stage one and stage two complaints to be robustly investigated, while remaining within the LGSCO's recommended overall timelines for concluding the council's own complaint process.

The corporate complaints officer continues to work with directorates to improve the timeliness of complaint responses.

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.

Table two: complaints by stages, by directorate 2022/23

Directorate	Stage one	Stage two	2022/23 total
Children, Families and Education	18	3	21
Corporate Services	18	3	21
Culture, Leisure and Regulatory Services	41	5	46
Finance, Revenues and Benefits	36	3	39
Housing, Neighbourhoods and Building Services	293	37	330
Port	0	0	0
Public Health	0	0	0
Regeneration	70	10	80
Total	477	61	538

7. Compliments

The complaints process also allows for suggestions and compliments. In 2022/23, the council received 54 compliments through corporate complaints, compared with 66 in 2021/22.

Housing, Neighbourhoods and Building Services received the most compliments at 29, followed by Finance, Revenues and Benefits with 5.

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 2022/23, ASC received 74 statutory complaints, an increase on the 51 received in 2021/22. In addition to statutory complaints, there were 18 customer contacts, 13 possible

complaints and six 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 2022/23, CSC received 34 statutory complaints, 71 non-statutory complaints: a decrease on the 37 statutory and 85 non-statutory complaints received in 2021/22.

CSC received 22 compliments.

9. LGSCO complaint review information

The Local Government and Social Care Ombudsman (LGSCO) 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 LGSCO 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 LGSCO received 46 complaints and enquiries about PCC in 2022/23 compared with 38 in 2021/22. During the same period, 13 decisions were made about complaints referred to the ombudsman about PCC, compared with 12 decisions in 2021/22.

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

Directorate	Number of complaints received						
	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17
Adult Social care	8	5	7	5	9	7	10
Benefits and Tax	1	2	2	1	2	4	3
Corporate and Other Service	4	2	5	5	4	3	2
Education and Children's Services	11	12	7	8	10	13	10

Directorate	Number of complaints received						
	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17
Environmental Services	3	5	0	3	3	4	2
Highways and Transport	4	1	1	6	8	4	2
Housing	9	4	8	5	7	7	6
Planning and Development	6	5	3	1	2	4	6
Other	0	2	1	1	0	0	1
Total	46	38	34	35	45	46	42

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

The LGSCO investigated 13 cases and upheld 46%, this compares to an average of 72% 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 found the council had not provided a satisfactory remedy in any of the six upheld cases before the complaint reached the ombudsman: this compares to the average for similar authorities where 13% of upheld complaints have already been satisfactorily remedied prior to LGSCO intervention.

The council's responses at stage two to the upheld LGSCO complaints have been reviewed to better understand why remedies were not offered in advance of the LGSCO's recommendations. In the six cases upheld by the LGSCO, our stage two investigations concluded the council had acted appropriately, which is why early remedies were not offered. In the light of the LGSCO investigations, the council has looked again at its responses, applied all the recommended remedies, and looked at additional learning from the upheld complaints. Summaries can be found in section 10.

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

	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17
Upheld	6	4	2	6	8	9	7
Not Upheld	7	8	2	5	8	3	5
Advice given	2	2	4	0	2	5	1
Closed after initial enquiries	15	17	10	15	13	13	13

	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17
Incomplete/Invalid	0	4	1	3	0	1	2
Referred for local resolution	15	11	8	11	12	15	11
Total	45	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	13	23	11	18
Number of complaints upheld	6	15	9	11
% cases where LGSCO recommendations implemented	100%	100%	100%	100%
% of upheld cases where satisfactory remedy implemented before the complaint reached LGSCO	0%	7%	22%	18%

10. Upheld complaints

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

10.1 Planning enforcement

LGSCO complaint number: 22 000 729

Link <https://www.lgo.org.uk/decisions/planning/enforcement/22-000-729>

Decision Date: 22 September 2022

Summary: Mr X complained the council failed to take enforcement action over planning control breaches. Mr X says the council's inaction has enabled a business to continuously expand its business causing increased noise and air pollution. The LGSCO found fault with the council for its 14-month delay in reaching a planning application decision. They did not otherwise find fault.

Outcome: The council agreed to the LGSCO's recommendations to apologise to Mr X and paid £150 to the complainant for the distress and frustration this delay caused.

Learnings: In addition to implementing the recommendation, the council has acknowledged the impact of delays in planning decisions and new procedures have been introduced to speed-up decision making have been introduced.

10.2 Adult Services - Reablement services

LGSCO complaint number: 21 017 569

Link <https://www.lgo.org.uk/decisions/adult-care-services/assessment-and-care-plan/21-017-569>

Decision Date 21st June 2022

Summary: The council failed to consider Ms X for reablement services. It then failed to provide appropriate advice about direct payments which resulted in a significant financial loss for Ms X. The council also failed to consider information Ms X provided about the service she received from a personal assistant.

Outcome: Adult services accepted the decision and carried out the LGSCO recommendations, which were to:

- calculate the approximate cost Ms X would have incurred had she received reablement services, deduct this from £810 and refund Ms X the difference
- consider the information Ms X provided about the service she received from the second personal assistant and amend the invoice as necessary
- ensure officers conducting needs assessment or advising service users act in line with the Care Act

Learnings: in addition to implementing the recommendations, staff in ASC have been reminded of the need to be robust in recording information so there is a record of what has been agreed.

10.3 Adult Services - Assessment support

LGSCO complaint number: 22007125

Link <https://www.lgo.org.uk/decisions/adult-care-services/assessment-and-care-plan/22-007-125>

Decision Date 15th March 2023

Summary: Mrs X complained the council failed to deal properly with the assessments of her sister's (Mrs Y) needs by denying her the support she needed to participate fully in the assessments. The LGSCO found the council failed to address Mrs Y's need for family support with assessments, and that this caused avoidable distress for which the council should apologise.

Outcome: ASC accepted the decision and carried out the recommendations from the LGSCO, which were to:

- write to Mrs Y and Mrs X within four weeks of the decision to apologise for the distress caused by the failure to address Mrs Y's need for support with assessments, care and support planning, and reviews of their needs
- review Mrs Y's needs within six weeks of the decision and provide the option for Mrs X to be involved if Mrs Y wants her to be
- take action to ensure officers do not overlook their duty to ensure people receive whatever support they need with assessments, care and support planning, and reviews of their needs

Learnings: in addition to implementing the recommendations, ASC have taken further steps to remind practitioners of the need to consider advocacy. Information was included in the ASC staff bulletin in May 23, reminding practitioners of their statutory duty to review cases every 12 months.

10.4 Adult Services - Home care arrangements

LGSCO complaint number 22 006 484

Link <https://www.lgo.org.uk/decisions/adult-care-services/charging/22-006-484>

Decision Date 14th March 2023

Summary: Mrs X complained about her mother's (Mrs Y) home care, which had been arranged by the council. There was fault both by a care provider acting on behalf of the council when it failed to tell the council that Mrs Y had gone into hospital and by the council in how it investigated Mrs X's complaint. This caused avoidable distress to Mrs Y and avoidable distress, inconvenience, time and trouble to Mrs X.

Outcomes: Adult services accepted the decision and carried out the recommendations from the LGSCO, which were to:

- pay Mrs Y £150 to recognise the distress caused because she did not receive care visits on the morning of the Saturday after she returned home from hospital; and pay Mrs X £200 to recognise the distress, frustration, time and trouble caused by

having to care for Mrs Y the weekend after she returned from hospital and for the errors in the council's first response to her complaint

- write to home care providers making it clear they should notify the council as soon as they become aware someone they provide care for has been admitted to hospital, and making it clear what the council expects care providers to do before cancelling care packages after a hospital admission

Learnings: in addition to implementing the recommendations, the council continues to work to ensure positive relationships with the care providers its contracts with.

10.5 Education - Special Educational Needs

LGSCO Complaint number 21007965

Link <https://www.lgo.org.uk/decisions/education/special-educational-needs/21-007-965>

Decision Date: 09-May-2022

Summary: Mrs X complained about delay in the council's Education, Health and Care (EHC) Plan review process, and complained the council did not deliver provision in her child's EHC Plan. The LGSCO found the council was at fault as it took too long to issue an amended EHC Plan.

Outcomes: The service agreed to carry out the recommendations from the LGSCO to:

- make a symbolic payment to Mrs X of £200 to recognise the frustration and uncertainty
- remind staff to ensure they notify parents within four weeks of an annual review meeting to explain whether it intends to maintain, amend or cease an EHC Plan
- review its procedures to ensure its arrangements for acquiring professional reports as part of its review process of EHC Plans are sufficient and do not cause unnecessary delay in amending an EHC Plan

Learnings: the recommendations of the LGSCO in relation to this complaint and the complaint below at 10.6 have been discussed with the Special Educational Needs (SEN) team during team meetings, and team leaders are now monitoring with SEN advisors during their management supervision meetings to ensure notifications have been sent to parents. Tracking data is now provided to the head of inclusion on a weekly basis.

The council is planning to increase capacity by recruiting temporary staff in its educational psychology team and SEN team to ensure new EHC assessment requests and reviews are managed in a timely way, pending recruitment of permanent staff in both teams following a systems review of the SEN team to ensure the most efficient and effective processes are in place.

10.6 Education - Special Education Needs

LGSCO Complaint number 22003928

<https://www.lgo.org.uk/decisions/education/special-educational-needs/22-003-928>

Decision Date: 02-Feb-2023

Summary: Miss X complained about the way the council handled her daughter's Education, Health and Care (EHC) plan. She said this caused her stress, impacted on her health, and cost her time and trouble. Miss X also said it impacted on her daughter's wellbeing and denied them an opportunity to appeal the plan. The LGSCO found the council at fault for delays issuing the plan, and this caused injustice.

Outcomes: the council agreed to make a payment of £300 to Miss X to reflect the injustice caused.

Learnings: as above.

11. Summary

The overall number of complaints handled by the council decreased in 2022/23, following an increase the previous year that was largely caused by a specific issue around the implementation of changes to rubbish collections that generated a significant number of complaints.

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 working with investigating officers to help improve stage one responses so customers receive a comprehensive response to their concerns earlier in the process and fewer complaints need to be escalated.

Portsmouth City Council continues to compare well to other similar local authorities in relation to its performance around LGSCO complaints. The number of complaints both investigated and upheld by the LGSCO has remained relatively stable following changes to the corporate complaints policy, which suggests the new two stage process is sufficiently robust. Complaints upheld by the LGSCO will continue to be monitored closely during 2023/24 to ensure the two-stage process continues to provide robust responses.

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Signed by: Charlotte Smith, assistant director, Corporate Services

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

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Signed by: