

DECISION-MAKER:	GOVERNANCE COMMITTEE		
SUBJECT:	SOUTHAMPTON CITY COUNCIL OMBUDSMAN COMPLAINTS ANNUAL REVIEW 2022/23		
DATE OF DECISION:	13 NOVEMBER 2023		
REPORT OF:	SERVICE DIRECTOR: GOVERNANCE AND HR		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
N/A	
BRIEF SUMMARY – performance at a glance	
This report summarises the type and number of Housing and Local Government and Social Care Ombudsman complaints, including the annual review for the same period.	
HO Complaints	6 Total for 2022/23:
LGSCO Complaints	46 total for 2022/23
Head of Legal Services Partnership acts as the Council’s single point of contact for Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman (HO) complaints. The Complaints Resolution Team annual complaints review will be submitted separately to this report.	
The volume of complaints determined by the LGSCO and Housing Ombudsman is a tiny percentage of the service requests and complaints referred to the Council and demonstrates that the Council has robust and effective internal complaints procedures in place to address the vast majority of complaints for customers.	
RECOMMENDATIONS:	
(i)	That the report be noted and to offer any feedback on governance or performance relating to the Ombudsman complaints function, to inform or improve future service delivery.
REASONS FOR REPORT RECOMMENDATIONS	
1.	To update members of this Committee on performance trends and any learning points arising out of complaints made by the public to the LGSCO or HO during 2022/23. Identifying these issues assists the Council in understanding where things have “gone wrong” in the past year in order to improve service delivery.
2.	This report is presented to Governance Committee for information, learning points and feedback purposes and is in accordance with the recommendations of the LGSCO on the senior oversight by statutory officers and elected members on the operation of a ‘Good’ complaints system.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. N/A. The LGSCO requires the Council to report and consider complaints trends and outcomes annually with members and senior management. This has traditionally fallen to Governance Committee as the most appropriate forum to consider these matters.

DETAIL (Including consultation carried out)

4. The effective and responsive management of complaints is a vital part of the Council's overall approach to customer care. In addition, the customer feedback, that valid complaints provide can be used to improve service delivery, facilitate Council-wide learning and demonstrate continuous improvement.
5. At the conclusion of a complaints investigation, the complainant is advised that if they are not satisfied with the outcome, they may pursue their complaint to the LGSCO or the HO. This provides the customer with an entirely independent source of redress if they remain aggrieved. The Council works closely with the LGSCO or HO to resolve outstanding complaints where appropriate.
6. LGSCO complaints, the final 'independent' stage for all complaints processes, are dealt with by the Head of Legal Partnerships on behalf of the Council as the designated Council 'Link Officer' to work with the Ombudsman. The LGSCO (the Commission for Local Administration in England) is appointed under Royal Warrant and has the same statutory powers as the High Court for disclosure of documents etc It provides an independent review of all complaints falling within their jurisdiction. The Housing Ombudsman performs a similar function for landlord related complaints. Housing policy and non-landlord related functions fall to the LGSCO to consider. In an effort to simplify outcomes for complainants the LGSCO has in recent years moved from findings of 'Maladministration' and 'Injustice' to a more commonly understood term 'fault'. If 'fault' is found a complaint is recorded as upheld, even if the fault was relatively minor or the Council has already taken steps to remedy that fault and the LGSCO is satisfied with the remedy offered by the Council. All findings are now reported on the LGSCO website within 3 months of the decision being published.
7. Statutory reports still remain the highest 'fault' finding the LGSCO can make. These require the Council's Monitoring Officer to publish Notice of the fault in a local newspaper and on its website and prepare a report for consideration at full Council following a period of statutory publication of the findings. **None have been prepared in recent years.** Council's that fail to co-operate with the LGSCO or any of their findings may be subject to substantial adverse publicity, enforcement action and ultimately Judicial Review.

Local Government & Social Care Ombudsman(LGSCO) & Housing Ombudsman Complaints

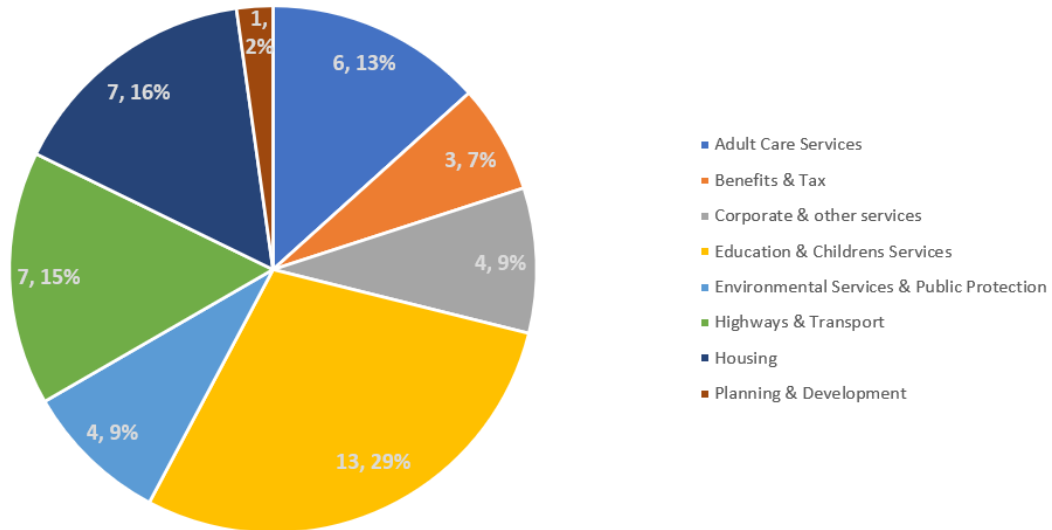
8. Complaints Received – LGSCO

9.		2020/21	2021/22	2022/23
	Complaints received	19	28	45
	Decisions made	19	26	18
	Statutory reports	0	0	0
	Upheld (% of decision made)	8 (67%)	3 (43%)	11 (61%)
	Not upheld	4 (33%)	4 (57%)	7 (39%)

Closed/Invalid, etc	7	19	24
Premature complaints	0	2	3

10.

Breakdown of Service Area - all complaints received 2022/23



11.

Please consider when comparing data from previous years, prior to 2022; to allow authorities to respond to the Covid-19 pandemic, the Ombudsman did not accept any new complaints and stopped investigating existing cases between March and June 2020, hence the relatively low number of complaints received in 2020/21. Although staffing levels at both the Ombudsman and the Council have now returned to normal levels as of time of writing, the 2021/22 year was still partially affected by the pandemic, therefore showing a slight increase in number of complaints but still significantly fewer than pre-pandemic levels. This reduced number of complaints can also be attributed to the consistent policy changes and reviews put in place by the Council over the past few years. The volume of referrals the LGSCO received in 2022/23 reflects a resumption of 'normal' service levels and comparative data should stabilise over the next reporting period.

61% of considered complaints were upheld during 2022/23. This compares favourably to the average of 72% in similar authorities. While that figure may appear 'high' it needs to be considered in context. Only those most serious and complex complaints that the Council has been unable to agree a resolution to with the complainant reach the LGSCO so a high uphold rate is to be expected. In the majority of cases the LGSCO upholds the level of fault the Council itself has previously identified and agrees the remedy the Council previously offered with relatively minor changes.

The Council also received a perfect 100% score of compliance with Ombudsman recommendations, with an average of 99% elsewhere, which it has continued to do for several years.

In 18% of the upheld cases (11), the Council had already provided a satisfactory remedy (ie identical to that recommended by the LGSCO) before the complaint reached the Ombudsman, demonstrating improvement in how

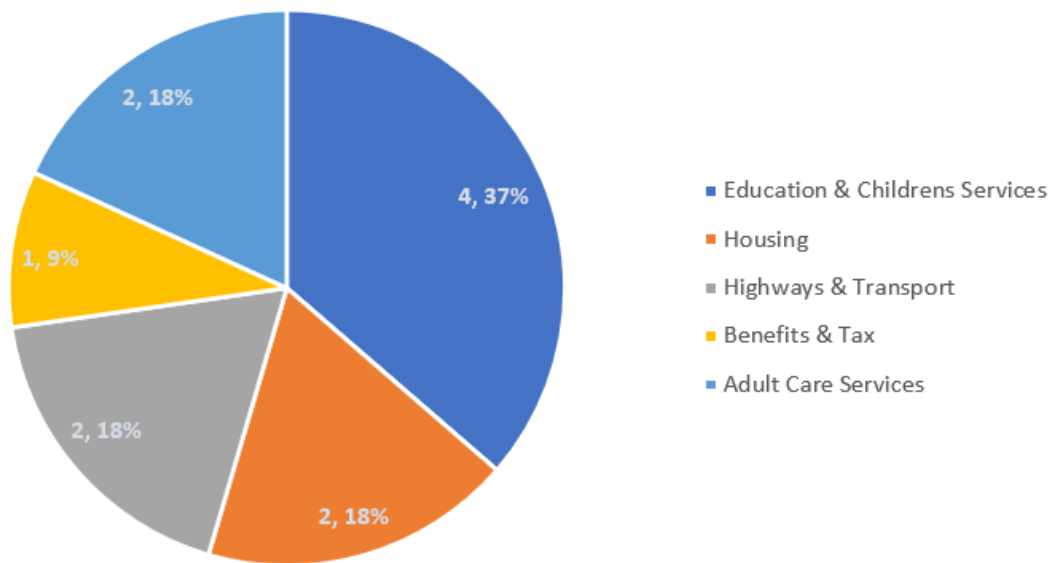
complaints are handled, reviewed and progressed within the Council. The average in other authorities is just 13%.

As shown in the above pie chart, the number of complaints (including those with no further action) regarding Education and Children’s Services still outweigh other areas of the Council, showing as 29% of all complaints overall. As these tend to be the most complex and time consuming cases , this is not unexpected and is in line with the position in all Council’s that have a statutory child protection function. There was a wide array of complaints received in areas such as Benefits & Tax (7%), Environmental Services (9%), Housing (16%) and Highways and Transport (16%). Again, this is entirely in spet with comparator authorities and does not highlight any areas of significant concern for this Council.

LGSCO Complaints Upheld by area and detail 2022/23

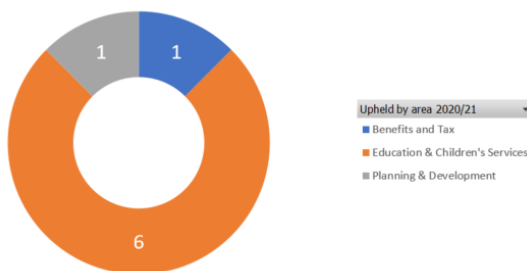
12.

Upheld by area 2022/23

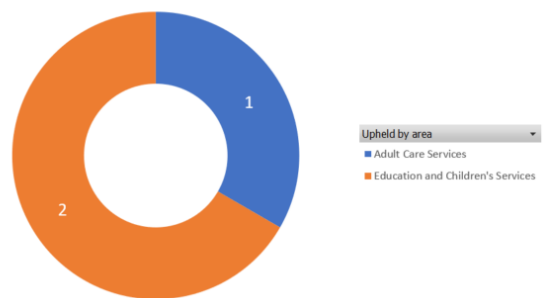


13.

Upheld by area 2020/21



Upheld by area 2021/22



14. Further information on upheld matters:

Adult Care Services: 2 matters
Benefits and Tax: 1 matter

Education and Children's Services: 4 matters

Highways and Transport: 2 matters

Housing: 2 matters

Total compensation for upheld complaints, 2022/23: £14,495

Brief summary of selection of upheld matters:

Adult Care Services / Transport:

The original complaint concerned how the Council declined an application for a toll bridge fee exemption, not considering the application as someone with a mental health disability in the same way as it would consider an application from a person with a physical disability. The Council had erred in how the service that considered applications had applied updated guidance on the mobility component of PIP payments. The Council was found at fault for discrimination against Mr X. **Action: The Council provided a financial remedy of £500, a full apology and review of its procedures for considering toll exemptions in this area. The Head of Legal Partnerships reviewed the application of the Council's interpretation of PIP / Mobility points in consultation with the service and confirmed that the Council's system was not up to date resulting in a change in procedure following this complaint. This will ensure that mental health conditions affecting travel planning and mobility are now taking into account when considering whether an individual is entitled to a Toll exemption or not.**

Benefits and Tax:

This complaint was regarding a vulnerable tenant's outstanding Council Tax. There was fault found by the Council as it did not respond to an official complaint within timelines. **Action: A full letter of apology to Miss X remedied this injustice. There was, however, no fault found in the Council's, albeit late, response as charges had been written off and recovery action was stopped as soon as the Council was made aware of her vulnerabilities.**

Education and Children's Services:

This complex complaint concerned how the Council failed to properly carry out recommendations proposed at the final stage of the Council's own internal statutory children's complaint procedure. Mr and Mrs C suffered additional distress, time and trouble due to these delays and failure to implement actions the Council itself had recommended. **Action: the agreed actions and a full apology, additional payments totalling £9,506 and a review of the Children's complaint process including staff training.**

Highways and Transport:

Mrs X made a complaint about an unsuccessful application for a dropped kerb. The complaint was upheld by the Ombudsman, however they agreed that the Council had already provided a fair remedy and no change in outcome could be achieved for Mrs X.

Housing:

This complaint concerned the Council's failure to take action to ensure the landlord completed remedial works to their property within a reasonable time. Difficulties were caused by Covid – sickness and absence of Council staff in

the service area, however the Council was at fault in failing to respond to correspondence within a timely manner. This complaint was upheld by the Ombudsman but did not cause a significant injustice as delays were justified given the complexity of the case.

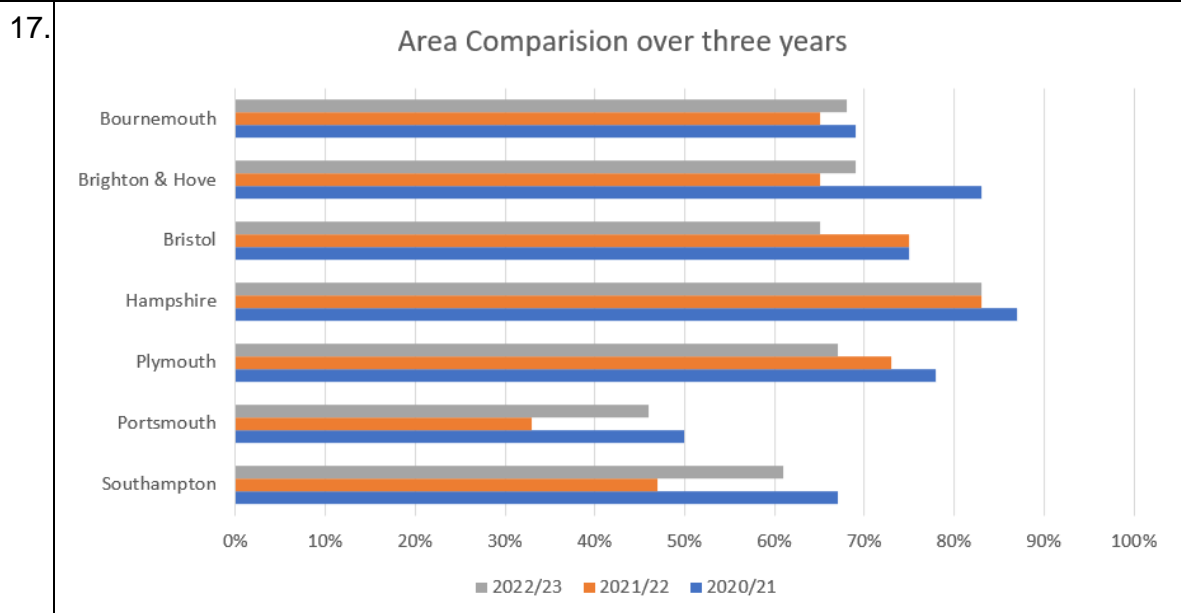
How Does Southampton Compare?

15. An average of 72% of complaints investigated were upheld, throughout similar authorities.

In 2020/21 the Ombudsman received and decided fewer complaints than normal as they stopped accepting new complaints for three months due to Covid.

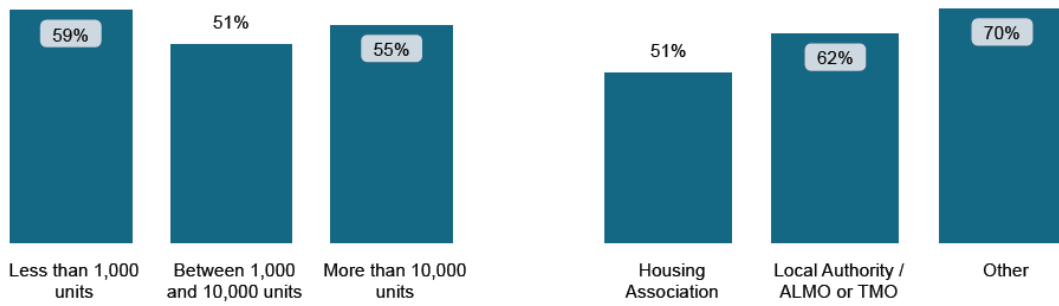
The table below shows how Southampton performs against key local and unitary comparators (detailed investigations and overall % upheld). This is an edited snapshot of total number of detailed investigations and the percentage upheld and is not intended to give more than a brief overview of comparative pressures / performance. More detail, and statistics for all other Councils, is available at www.lgo.org.uk .

16.	Area comparison	Population	2020/21 (Uphold rate)	2021/22 (Uphold rate)	2022/23 (Uphold rate)
	Bournemouth (inc. Christchurch & Poole District Councils)	400,109	9 (69%)	22 (65%)	26 (68%)
	Bristol	471,117	19 (83%)	22 (65%)	31 (69%)
	Brighton & Hove	276,334	12 (75%)	21 (75%)	15 (65%)
	Hampshire	1,406,199	27 (87%)	35 (83%)	35 (83%)
	Plymouth	264,727	14 (78%)	11 (73%)	14 (67%)
	Portsmouth	206,828	2 (50%)	4 (33%)	6 (46%)
	Southampton	247,256	8 (67%)	3 (47%)	11 (61%)



18.																					
19.	Complaints Received – Housing Ombudsman																				
20.	<p>Housing Ombudsman 2022/23 Complaints received: 6 Determinations: 3 Maladministration findings: 2 Orders made: 2 Recommendations: 4 2 orders of compensation totalling: £300 (£200: Complaints Handling. £100: Anti-social behaviour)</p> <table border="1" data-bbox="820 320 1382 842"> <thead> <tr> <th colspan="2">Southampton City Council</th> </tr> <tr> <th>Outcome</th> <th>% Findings</th> </tr> </thead> <tbody> <tr> <td>Severe Maladministration</td> <td>0%</td> </tr> <tr> <td>Maladministration</td> <td>17%</td> </tr> <tr> <td>Service failure</td> <td>17%</td> </tr> <tr> <td>Mediation</td> <td>0%</td> </tr> <tr> <td>Redress</td> <td>0%</td> </tr> <tr> <td>No maladministration</td> <td>67%</td> </tr> <tr> <td>Outside Jurisdiction</td> <td>0%</td> </tr> <tr> <td>Withdrawn</td> <td>0%</td> </tr> </tbody> </table> <p>Maladministration findings:</p> <p>Complaints Handling Miss G’s complaint regarded noise and anti-social behaviour around her tenancy property. The landlord’s responses to these reports of ASB was appropriate, however there was maladministration by the landlord in its complaint handling at service area level as replies and acknowledgements were sent outside of the response time set out in the HO Complaint Handling Code. £200 compensation was provided for time and trouble and the Council’s complaint procedure was reviewed and updated with service areas to fully comply with paragraph 5.1 of the HO Complaint Handling Code.</p> <p>Anti-social behaviour Ms M made several complaints regarding anti-social behaviour in a block of maisonettes (several historic ASB reports had been noted by previous tenants). The Ombudsman was not satisfied that the resident was given reasonable and appropriate responses to the ASB issues she had reported, and mentioned that the various options considered by the Council were encouraging but reassurance to the tenant should have been provided at an earlier point to avoid exacerbating the mental health concerns of Ms M and her son. £100 compensation and full letter of apology was sent to Ms M who has since moved out of SCC accommodation.</p> <p>The order compliance rate (where we have complied with Housing Ombudsman recommendations) for Southampton is 100%</p>	Southampton City Council		Outcome	% Findings	Severe Maladministration	0%	Maladministration	17%	Service failure	17%	Mediation	0%	Redress	0%	No maladministration	67%	Outside Jurisdiction	0%	Withdrawn	0%
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21.	National maladministration rate: 55% Southampton City Council: 33%																				

Southampton City Council performed *very well* when compared to similar landlords by size and type:



22. **Comparative findings by category**

Top 3 Categories for Southampton City Council			
Category	# Landlord Findings	% Landlord Maladministration	% National Maladministration
Anti-Social Behaviour	2	50%	40%
Moving to a Property	2	0%	29%
Complaints Handling	1	100%	76%
Property Condition	1	0%	54%

23. Learning from Complaints

24. As of 2018/2019, new and updated guidance was developed with regard to process and investigation of complaints, together with advice and guidance from the LGSCO and published on the Southampton City Council intranet to aid managers and others tasked with resolving complaints.

There are still areas to address within Service areas, specifically with regard to communication with complainants and delays in responding to complaints which have again been highlighted in this years findings.

25.

26. It is difficult to identify any real common themes with very low numbers of complaints but the majority of complaints failures are down to lack of communication and delays in processing normal service requests and complaints which have resulted in letters of apology and financial redress where recommended. The Council is getting its level of services right in the vast majority of cases, but its communication in that regard and the timeliness of how it keeps customers updated is resulting in adverse findings that otherwise would not be upheld. This must, however, be considered in the context of the extremely stretched resource position of most current services at this time and the challenging financial position of the Council which will have an impact on future customer satisfaction levels and the time taken to respond to concerns when raised.

RESOURCE IMPLICATIONS

Capital/Revenue

27. Compensation orders and financial remedies are payable by the service area in which fault has been identified and are a draw on service areas approved budgets and must be met within existing Council resources.

<u>Property/Other</u>	
28.	N/A
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
29.	Section 111 Local Government Act 1972 and Section 1 Localism Act 2011.
<u>Other Legal Implications:</u>	
30.	Individual complaints touch on a wide variety of Council duties and powers which are taken into account (alongside pervasive legislation such as the Equalities Act 2010) when reviewing and responding to customer complaints and areas of service recovery or improvement.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	None
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	LGSCO / HO Annual Review letters

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None