

DECISION-MAKER:	Governance Committee
SUBJECT:	Review of Complaints Policy 2024
DATE OF DECISION:	12 February 2024
REPORT OF:	COUNCILLOR FIELKER LEADER

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
N/A	
BRIEF SUMMARY	
<p>Each year the council undertakes a review of complaints processes to ensure they remain fit for purpose and in line with revised Ombudsman Guidance and case law / precedent.</p> <p>Following the publication of a detailed consultation by the Ombudsman (Local Government & Social Care and Housing Ombudsman) the focus has now shifted on 'putting things right' as early in the complaints process as possible. There is also a focus on ensuring front line services take ownership of learning from complaints from the outset. This confirms the approach taken to resolve complaints through a 'business as usual' approach within services. We are making this a formal part of the complaints process, give service areas greater freedom to resolve complaints at senior level. This will allow the complaints team and Ombudsman Link officer to focus on</p> <ul style="list-style-type: none"> A. the most complex complaints B. areas of the council where complaints processes are determined by legislation C. a critical friend approach where practice around responding to complaints falls below expected performance. 	
RECOMMENDATIONS:	
Governance Committee is recommended	
	(i) To note the content of the report and approve the proposed changes to the Corporate Complaints Policy to take effect from 1 st April 2024.
	(ii) To delegate authority to the Director of Legal & Governance to approve any further changes to the Complaints Policy which may be

	required to respond to changes to ombudsman guidance, case law and precedent.
REASONS FOR REPORT RECOMMENDATIONS	
1.	To ensure the council adapts its complaints policy to meet emerging guidance and changes to recommended best practice published by the Local Government & Social Care Ombudsman (LGSCO) and Housing Ombudsman (HO).
2.	To provide a clear process of accountability and responsibility for complaints and learning from complaints at the earliest stages of the complaints process, improving resolution times and outcomes for customers.
3.	To focus the work of the complaints team on statutory complaints, the most complex complaints and areas of service where there are emerging concerns about service failure or who need additional support due to the multi service impact and volume of complaints received.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
4	To retain the current complaints policy. This has been rejected as the current policy does not comply with the emerging LGSCO / HO guidance on dealing with complaints or achieve the quickest outcome for customers.
DETAIL (Including consultation carried out)	
5	<p>SCC currently have two complaints policies:</p> <ul style="list-style-type: none"> • The Children’s Statutory Complaints policy which is determined by the terms of the Children Act 1989 and is not subject of this report (There are no proposed changes to that policy or process). • The Corporate and Adult Social Care complaints policy, which covers all aspects of council services (including children’s services complaints which do not fall under the statutory policy).
6	The last full review of the Corporate and Adult Social Care policy was conducted in 2013. Since that time the policy has been reviewed on a yearly basis. Only minor updates have been required since 2013. These minor updates have been in relation to lessons learned internally, changes to administration process and observations fed back to the council from the Ombudsman
7	In 2022 the Housing Ombudsman introduced a new complaint handling code. The council’s complaint policy was largely unaffected by these changes, as it already complied with the new codes and was updated accordingly where it was necessary in 2022. The main impact change was a reduction in the stage one response times from 20 working days to 10 working days. Other stipulations in the new code were in relation to reporting requirements which are undertaken by the Housing Team and do not affect the complaints policy.
8	In 2024 the Local Government and Social Care Ombudsman are introducing their new complaint handling code. This, in the vast majority of points, purposely mirrors the Housing Ombudsman code, again the main impact on the council complaint policy is the reduction of the 20 working days allowed

	for stage one response to 10 working days. It also includes a change in which a complaint is categorised when completed (upheld, partially upheld, and not upheld).
9	The revised Code also contains a presumption in favour of addressing complaints at the earliest possible stage of the complaints process with revised expectations on Council's to reduce the amount of time taken to manage and resolve complaints that are less complex.
10	The main proposed changes to the Corporate and Adult Social Care policy are procedural. The changes determine which officers deal with the stages of the council's complaints policy and recognise the current informal stage the council introduced that successfully resolves the majority of 'minor' or non-complex complaints.
11	<p>The current policy / process is:</p> <ul style="list-style-type: none"> a. Business as Usual or 'Service Recovery' activity is not recognised as part of the formal complaints policy, despite this being where the majority of customer contact is actually resolved. b. When a 'formal complaint' is accepted, all initial enquiries and complaints are dealt with by the service area relevant to the subject matter of the complaint (stage one). The investigating/responding officer is a team leader, manager or in a small number of cases, a service manager of the affected service. Where more than one service is affected then one person is nominated to oversee the investigation and collate the enquires across multiple services and provide one response to the complainant. c. If the complainant remains dissatisfied with the outcome at stage one, complaints are referred to stage two of the process. These are dealt with by the Complaints Resolution Team (CRT), within the legal service. The team provide an independent review of the complaint and respond to the complainant on behalf of the council at the final internal stage of the complaints policy.
12	<p>The proposed change will result in:</p> <ul style="list-style-type: none"> a. Business as usual and service recovery actions being recognised alongside more formal complaints as stage one. Initial enquiries that can be dealt with immediately, those that are registered as complaints and investigated at stage one of the process will remain the responsibility of the service area team leaders/managers. b. Stage 2 complaints will be allocated to the relevant Director for investigation either by them or their nominee. This will encourage greater ownership and early insight into potential areas of concern regarding service performance. It will allow service greater freedom to provide an early resolution, with a greater range of remedies to customers and a greater control over the costs of remedy.
13	A small number of stage 2 complaints will remain the responsibility of the Complaints Team mainly those regarding Housing (tenant/leaseholder-landlord matters) and Childrens Services (both statutory and corporate).

	<p>Housing is experiencing a significant upsurge in complaints, predominantly driven by disrepair claims and the sheer volume of complaints mean that assistance is required together with some independent trend analysis as a 'critical friend' for this service area at this time.</p> <p>The Complaints Team will adapt support when</p> <ul style="list-style-type: none"> • housing complaints decrease • other service area complaints increase, • key areas of service failure are identified <p>This will only be considered following consultation with Executive Directors for the relevant service areas.</p>
14	<p>The Complaints Team will also investigate “<i>complex, multi-agency or multi department complaints</i>” following consultation with the relevant service Director. This will be at the discretion of the Complaints Team Manager / Head of Legal Partnerships where capacity allows and where the independent investigation by this team will provide efficiency for the council and value for the customer.</p>
15	<p>In terms of how the proposed changes compare to other local authorities, it should be noted:</p> <p>The majority of local authorities in England operate a system where both stage one and stage two complaints are dealt with by the service area affected by the complaint subject.</p> <p>Some authorities operate a single stage process (which will now be changed as a result of the LGSCO changes- who highlight a two-stage process as best practice).</p> <p>A number of authorities have a team similar to the Complaint Resolution Team, however these teams do not provide an investigation service. They provide advice and guidance to stage one and two to investigating officers</p>
16	<p>In order to support these changes, the Complaints Team will be providing a number of measures including:</p> <ul style="list-style-type: none"> • Updated packages of template letters to service areas (including decision templates to help record decisions for customers) • Drop in training and advice workshops • Advice and assistance to individual service areas if needed • A 'sounding board' for service areas on complaints they are unsure how to resolve or what an appropriate remedy may be.
17	<p>The team currently consists of 3 FTE's (one staff post is currently vacant pending the outcome of these proposals). The approval of these changes will allow the vacant post to be deleted providing a budget saving to the Council of circa £57k.</p>
18	<p><u>Complaints Statistics</u></p>
	<p>Complaints recorded at stage one of the policy (all services) – 506.</p>

Complaints requiring investigation at stage two of the policy (all services) – 149.

Stage two complaints breakdown by area –

Service	Area	Number	Total
Children and Learning Service			26
Adults			12
Housing			51
	Repairs	16	
	Leaseholders	6	
	Allocations	10	
	Supported Housing	4	
	LHO and investment	15	
All other			56
	Council Tax/Benefits	15	
	Planning	8	
	Parking	6	
	Parks (mainly allotments)	14	
	Waste	3	
	Regulatory Services	5	
	School transport	1	
	Highways	4	
General	Multiple areas	4	4

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Good Practice

To ensure good practice the Complaints Team will continue to provide advice and guidance to service areas and yearly service level training input as well as attend team and department training days on request or where complaints training is required as a result of investigations into complaints.

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It has been noticeable that the quality of stage one responses has significantly improved over the last five years, in certain areas of the council. These are generally in the areas where the service area work is governed by legislation which is prescriptive in its nature. Stage two investigation, where required, in these areas, requires minimal review due to the quality of the stage one responses produced at stage one.

In undertaking this review a comparison of stage 1 (service area) and stage 2 (complaints team) responses has been carried out (dip testing for quality assurance) across the various service areas to support the above conclusions, together with drawing on the knowledge and experience of the complaints team and their knowledge of the cases they have handled over the last 12-18 months. In the majority (circa 90%) of cases the stage 1 response provided by the service area resulted in only minor changes or recommendations at stage 2, with the majority of minor changes to address new information provided by the claimant to further support their claim or argue against the stage 1 findings . In all cases these did not result in a

	<p>change in the outcome or findings. The primary difference in responses is a format matter where the stage 2 review follows a template that is closer to the consideration undertaken, and format followed by, the relevant Ombudsman and under these proposals this template, together with training on its use, will be provided to service areas to follow.</p> <p>The areas where a significant difference between the stage 1 and stage 2 responses (again using the knowledge and experience of the team together with quality assurance dip testing of cases) has resulted in the areas chosen for more intensive support being identified. These areas are those where there remains a significant benefit in having a review carried out outside the service area, either due to the volume and complexity of complaints, cross service implications or the large number of faults found in investigations.</p> <p>In reaching these conclusions the Complaints Team has used their knowledge and experience in cases, quality assurance dip testing and maintains a full record of all cases over the last 6 years in the Legal Partnerships dedicated case management system which does not just store information, but also (through use of workflows) allows bespoke reporting on outcomes and recommendations from complaints to inform and identify patterns of behaviour and learning having regard to a range of parameters (date range, service area, types of complaint, geographical impact etc).</p>
21	<p>The areas of improved quality include planning, council tax and benefits, adult social care charging, housing allocations and parking (incl. Itchen Bridge). It is predicted that stage two reviews in these areas will not require substantial investigation. The impact will reduce the amount of work undertaken by front line officers and speed up responses due to:</p> <ul style="list-style-type: none"> a) Not having to supply information and records to the Complaints Team (who do not have access to systems and records and rely on records being retrieved and sent to the team) as senior managers will be able to access records themselves in order to complete a review. b) The information contained within the stage one response is generally thorough and referenced (legislation, policy, previous legal cases setting precedent) and therefore senior managers will have a base line in which to conduct the review (which is anticipated to be desktop review in the majority of cases rather than a full re-investigation).
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
22	The proposals, if approved, will result in a budget saving of £57k in the Complaints Team.
	No other financial implications identified.
<u>Property/Other</u>	
23	Not Applicable.
LEGAL IMPLICATIONS	

<u>Statutory power to undertake proposals in the report:</u>	
24	S.111 Local Government Act 1972 and S.1 Localism Act 2011.
<u>Other Legal Implications:</u>	
25	The review of the Complaints Policy fully accords with the Equality Act 2010 and the Human Rights Act 1998.
RISK MANAGEMENT IMPLICATIONS	
26	There is a risk that the proposed changes result in a drop in quality of stage 2 complaints responses. The advice training, templates etc provided to support implementation of the changes should provide sufficient support to service areas to maintain quality of responses. It should be noted that complaints are increasing generally, regardless of the changes proposed, as a result of cost of living impacts, financial challenges to services and changes to services to meet budget requirements. The impact of the changes will continue to be monitored and delegated authority is sought to make further changes to the Policy in the event that we need to shift resources to support other service areas or address any emerging trends in service failure / learning from complaints.
POLICY FRAMEWORK IMPLICATIONS	
27	The proposed policy changes are full consistent with the Council's published Policy Framework and will contribute to the Council priorities of building a strong, sustainable organisation and providing good quality services to our customers and residents.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Proposed Complaints Policy
2.	

Documents In Members' Rooms

1.	N/A
2.	

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.		
2.		