

<b>DECISION-MAKER:</b>	GOVERNANCE COMMITTEE		
<b>SUBJECT:</b>	SOUTHAMPTON CITY COUNCIL COMPLAINTS ANNUAL REVIEW 2021/22		
<b>DATE OF DECISION:</b>	26 SEPTEMBER 2022		
<b>REPORT OF:</b>	DIRECTOR: LEGAL & BUSINESS SERVICES		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	Sarita Riley, Head of Legal Partnership	Tel: 023 8083 3218
	<b>E-mail:</b>	<a href="mailto:Sarita.riley@southampton.gov.uk">Sarita.riley@southampton.gov.uk</a>	
<b>Director</b>	<b>Name:</b>	Richard Ivory	Tel: 023 8083 2794
	<b>E-mail:</b>	<a href="mailto:Richard.ivory@southampton.gov.uk">Richard.ivory@southampton.gov.uk</a>	
<b>STATEMENT OF CONFIDENTIALITY</b>			
N/A			
<b>BRIEF SUMMARY</b>			
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.			
Housing Ombudsman Complaints		1 total for 2021/22	
LGSCO Complaints		26 total for 2021/22	
<p>The Complaints Resolution Team (CRT), based in Legal and Business Operations, administers complaints independently from all areas within the Council (stage 2) that the service area has been unable to resolve at initial point of contact (Stage 1), alongside and responsible to the Head of Legal Services Partnership who acts as the Council's single point of contact for Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman (HO) complaints.</p> <p>The Complaints Resolution Team annual complaints review will be submitted separately to this report; this report focusses on the annual report received from the LGSCO on complaints referred on to them during 2021/22.</p>			
<b>RECOMMENDATIONS:</b>			
	(i)	That the report be noted and to offer any feedback on governance or performance relating to the Ombudsman complaints, to inform or improve future service delivery.	
<b>REASONS FOR REPORT RECOMMENDATIONS</b>			
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 2021/22. Identifying these issues assists the Council in understanding where things have "gone wrong" in the past year in order to improve service delivery, in particular focusing on areas where the Council's own complaints systems have been unable to resolve a complaint to the satisfaction of the complainant.		
2.	This report is presented to Governance Committee for information, learning points and feedback purposes.		

**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.

**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. Only a very small percentage of complaints will be considered by the LGSCO which demonstrates the Council is overall very effective at dealing with service requests and complaints internally to a high level of resolution or satisfaction.

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. The LGSCO (the Commission for Local Administration in England) 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 and an annual report on performance issued to Councils in late July / early August.

7. Statutory reports still remain the highest 'fault' finding the LGSCO can make. These require the Council's Monitoring Officer to prepare a report for consideration at full Council following a period of statutory publication of the findings. None have been prepared in recent years. Councils that fail to co-operate with the LGSCO or any of their findings may be subject to enforcement action and ultimately Judicial Review.

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

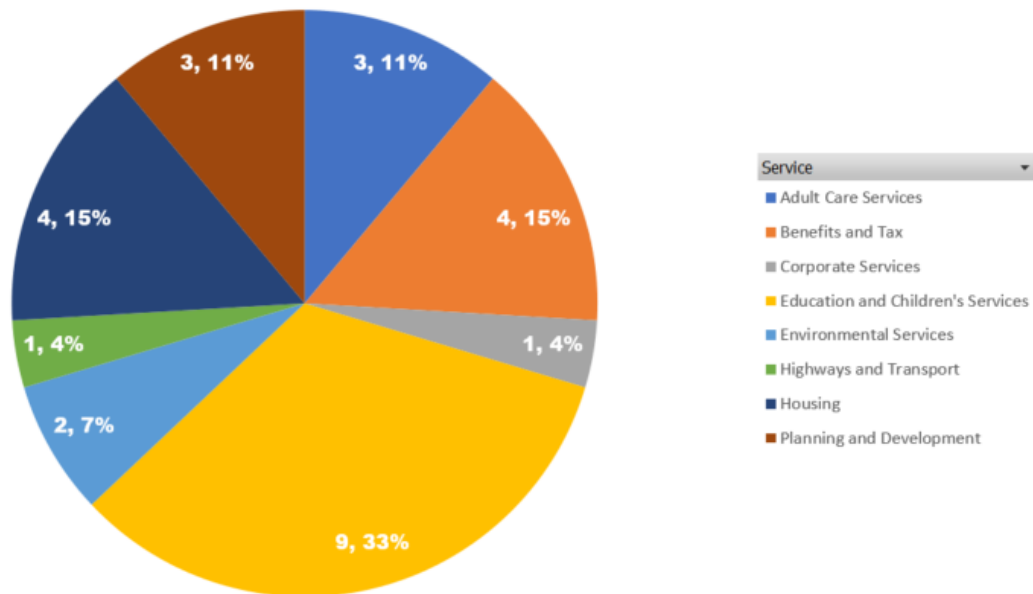
**8. Complaints Received – LGSCO**

9.		2019/20	2020/21	2021/22
	Complaints received	59	19	<b>28</b>
	Decisions made	57	19	<b>26</b>
	Statutory reports	0	0	<b>0</b>
	Upheld	7 (70%)	8 (67%)	<b>3 (43%)</b>
	Not upheld	3 (30%)	4 (33%)	<b>4 (57%)</b>
	Closed/Invalid, etc	25	7	<b>19</b>

Premature complaints	22	0	2
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10.

Breakdown of Service Area - complaints received 2021/22



11.

When comparing data from previous years 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 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.

47% of considered complaints were upheld during 2021/22, this compares favourably to the average of 64% in similar authorities. The Council also received a 100% score of compliance with Ombudsman recommendations, with an average of 99% elsewhere.

In 67% of the upheld cases, the Council had already provided a satisfactory remedy before the complaint reached the Ombudsman, demonstrating significant improvement in how complaints are handled, reviewed and progressed within the Council. The average in other authorities is just 12%.

As shown in the above chart, the number of complaints (including those with no further action) regarding Education and Children's Services (9) still outweigh other areas of the Council, showing as 33% of all complaints overall. There was a wide array of complaints received in areas such as Benefits & Tax (4), Environmental Services (2), Housing (4) and Planning (3). This could be due to difficulties citizens have faced over the two-year pandemic and suspension or delays in delivery areas.

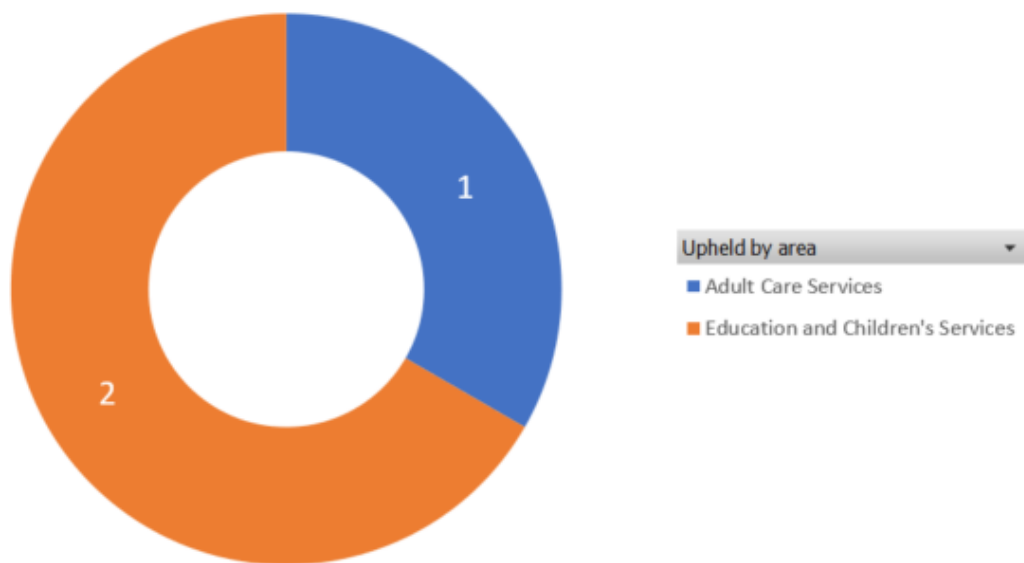
## Housing Ombudsman

Just one complaint had a determination from the Housing Ombudsman in 2020/21. In recent years there have been no such determinations from the HO. Initial enquiries are received from the Housing Ombudsman with instructions to the Landlord to follow up where required but these are not logged as determinations.

### LGSCO Complaints Upheld by area and detail 2021/2022

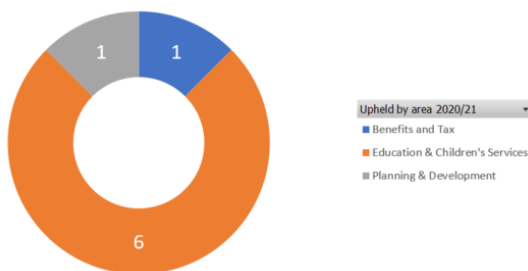
12.

Upheld by area 2021/22

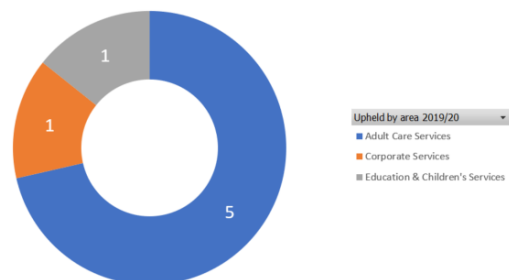


13.

Upheld by area 2020/21



Upheld by area 2019/20



14.

Of the three upheld complaints, two were in Education and Children's Services with the remaining upheld complaint in Adult Social Care. The complaint upheld in Adult Social Care, including the financial redress, had already been logged in the previous year. The case was reopened in November 2021, additionally upheld in this year but with no further financial compensation. Of the two upheld complaints in Education and Children's Services, one was sent an apology as per the recommended actions from the LGSCO, and the second was awarded £250 for inconvenience which was sent with a letter of apology giving a total of £250 financial redress overall for 2021/22.

15.	<p><u>Further information on upheld matters:</u></p> <p><b>Education and Children’s Services. 1<sup>st</sup> complaint upheld:</b>  The original complaint concerned how the Council supported Mrs X and her three children, mentioning it did not complete assessments of their needs and failed to rehouse the family after learning her house was unsafe. The Council was found at fault for delays in completing assessments and reviews, however this did not cause Mrs X an injustice. The Council was not at fault in how it made her housing decision. <b>Action: The Council was to remind staff to hold CIN reviews in the timescales specified in the assessment and sent a full letter of apology to Mrs X.</b></p> <p><b>Education and Children’s Services. 2<sup>nd</sup> complaint upheld:</b>  The second upheld complaint was regarding the actions of the Council and Chair during a child protection conference leading to frustration and loss of faith in the Council. <b>Action: The Council sent £250 to Mrs B for the frustration caused.</b></p> <p><b>Adult Care Services. Complaint upheld:</b>  This was a complaint originally registered in 2020 and reopened in August 2021, regarding the length of time taken by the Council to increase personal expenses allowance. Mr P was recompensed in 2020/21. <b>Action: on this occasion the Council waived all charges up to 19<sup>th</sup> December 2020 to remedy any injustice caused by the delay in completing the appeal.</b></p>
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How does Southampton compare?

16.	<p>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 included in the LGSCO Annual Report referred to above.</p>
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19.	<p>Full details of both the Council’s annual performance letter and the LGSCO Annual Review can be viewed on <a href="http://www.LGSCO.org.uk">www.LGSCO.org.uk</a></p> <p><b>Whilst Southampton’s results are not perfect, we have performed in a very favourable light against similar authorities, with our uphold rate, both in sum and percentage, on a steady decrease over recent years.</b></p>																																
20.	<p><u>Learning from complaints</u></p>																																
21.	<p>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.</p> <p>There are still areas to address within Education and Children’s Services, specifically with regard to communication and delays in responding which have been highlighted in these upheld matters during 2021/22. Work is ongoing with Children’s as they work through their ‘Destination 22’ programme to improve management oversight of early stages of complaints and in bed quality assurance of complaints at an earlier stage in the process and improve the quality and access to data held of complaints.</p>																																
22.	<p>In last year’s report, the results for 2020/21 showed an overall reduction in the number of complaints received, mainly due to the Council and Ombudsman responding to the Covid-19 pandemic, however the 67% uphold rate demonstrated that more attention was required, especially within Education and Children’s Services.</p> <p>During 2021/22, there were still resource difficulties and delays due to the ongoing pandemic, but the overall number of complaints, the number upheld and the percentage have dropped contrary to the predicted rising trend in last year’s report. As mentioned above, Education and Children’s Services are still the largest area of complaint overall but with continued guidance and advice from the LGSCO and within the Council, there may not be such a rise again in forthcoming years.</p>																																

23.	As we have improved in the area of providing satisfactory remedies prior to the Ombudsman receiving complaints (67%), and far exceed the average of similar authorities (12%), this demonstrates improvements in the SCC Complaints Procedure and commitment from service areas.  It is difficult to identify any real common themes with very low numbers such as these, especially during the pandemic, but the majority of complaints are down to lack of communication and delays in processing or implementing earlier promised remedies which have resulted in letters of apology and financial redress where recommended.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
24.	.Service areas are responsible for all complaint costs and remedies funded from within existing service budgets.
<b><u>Property/Other</u></b>	
25.	N/A
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
26.	Section 111 Local Government Act 1972 and Section 1 Localism Act 2011.
<b><u>Other Legal Implications:</u></b>	
27.	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.

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	None
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	None.

**Documents In Members' Rooms**

1.	None.
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
<b>Data Protection Impact Assessment</b>	
<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
<b>Other Background Documents</b>	
<b>Other Background documents available for inspection at:</b>	

<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>	
1.		
2.		