



Name of meeting: Corporate Governance and Audit Committee

Date: 13 May 2022

Title of report: Corporate Customer Standards Interim Report 2021-22

Purpose of report:

To provide an interim update for Corporate Governance and Audit on complaint handling for the year 2021-22. To highlight the number of Local Government Ombudsman complaints received, and to detail the cases where the Local Government Ombudsman found the council to be in error (April – Oct 2021 are reported).

The report also discusses the impact of the pandemic on complaints handling and the type of complaints received. Finally, the report provides a brief update on plans to share good practice, learning and restorative practices across services.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No .
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director & name Is it also signed off by the Service Director for Finance IT and Transactional Services? Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	 N/A Julie Muscroft 05/05/22
Cabinet member portfolio	Paul Davies

Electoral wards affected: all

Ward councillors consulted: none

Public or private: Public

Recommendations: For Corporate Governance and Audit Committee to consider the content of the report, and to share any thoughts on the work plans moving forward.

1: Introduction

The Corporate Customer Standards Officer usually attends Corporate Governance and Audit Committee twice yearly to report on complaint matters. This interim report covers Ombudsman findings on the first half of the previous financial year. The issues around the pandemic led to a disruption to this reporting schedule.

A full update for the year 2021/22 will be provided after the Ombudsman publishes their annual report update in July 2022.

2: Update on Complaints Workload and Cases Upheld by the Ombudsman

The ultimate sanction the Ombudsman may apply is to issue a formal report against a council. Once again, there were no formal reports issued against Kirklees Council in 2021-22. The last formal report against Kirklees Council was published in October 2018.

The Local Government Ombudsman publishes details of every complaint decision six weeks after they are formally made. This enables us to compare performance against other West Yorkshire Councils.

For the period 01/04/2021 – 30/09/2021, the Ombudsman considered the following number of cases

Council	Complaints Considered	Formally investigated	Upheld
Kirklees	33 (19.8% of the total)	16	9 (21.4% of the total)
Calderdale	22	8	5
Bradford	35	13	8
Leeds	51	18	12
Wakefield	26	12	8
Totals (West Yorks)	167	67	42

Kirklees' resident numbers are just under 20% of the West Yorkshire total. Here, the number of complaints received are broadly in line as might be anticipated per head of population. It is worth also bearing in mind that given the comparatively low numbers of contacts involved, just one or two extra complaints can make a considerable difference on percentages, although over the years the proportion of complaints that are created in Kirklees is remarkably consistent.

Detail of Cases Upheld by the Ombudsman – April – October 2021

(Wording within the case summaries are provided by the Local Government Ombudsman).

Case 21 005 768 – Disabled Children

Summary: The Council is at fault for delaying considering a complaint at stage one of the children's statutory complaints procedure. The Council has agreed to complete its stage one investigation without further delay and will offer to make a payment to the complainant to remedy the time and trouble its delay has caused her.

Case 21 003 913 – Covid Business Grants

While we were dealing with Mr X's complaint, the Council reviewed the matter when it was preparing some documents we had asked for. The Council then decided it should pay Mr X's organisation the grants he was seeking. Mr X's organisation has therefore received all the grants it was entitled to.

Case 20 013 525 – Refuse and recycling

Summary: Mrs N has made a complaint about the Council failing to stop household waste being left outside her property. She says the Council delayed in providing a solution and failed to respond to her. The Ombudsman has identified failings by the Council, including delivering on promises made, maintaining contact with Mrs N and following its own complaints process. This caused Mrs N an injustice and so we have recommended a number of remedies.

Case 20 007 360 – Childrens Care Services – support for carer

Summary: We find fault with the Council for delays carrying out an assessment for Mrs C. There were also delays handling her complaint. Mrs C missed out on support and experienced distress, time and trouble pursuing her complaint. The Council agrees actions to remedy the injustice.

Case 20 006 638 – Waste Collection

Summary: Mr B complained about the Council's failure to take enforcement action against his neighbour who was leaving bins and bin bags out on Mr B's land and for poor communication about the issue. We found fault with the time it has taken the Council to acknowledge it does have a power it can use where a nuisance is being caused. But we do not find fault with its decision not to take action against the bins. The Council has agreed to pay Mr B £100 for his time and trouble and to carry out a period of monitoring of the bin bags.

Case 20 005 598 – Adult Services Safeguarding

Summary: We found fault on the part of a domiciliary care provider regarding its decision to suspend the care package of a vulnerable woman with complex needs due to the COVID-19 pandemic. We also found fault by the Clinical Commissioning Group (CCG) for the advice it provided to the care provider and family. The care provider and CCG will apologise to the family and pay them a financial sum in recognition of the impact of this fault on them. We also found fault with the Council's handling of the initial safeguarding enquiries but are satisfied it has acted to put matters right.

Case 20 013 122 – general communication

Summary: We will not investigate this complaint about unsolicited emails sent by the Council to the complainant. This is because the Council remedied any injustice during its complaint procedure, and it is therefore unlikely we could add to their investigation. If he feels the Council has mishandled his data, he can raise his complaint with the Information Commissioner.

Case 20 005 961 – Planning Enforcement

Summary: Mr E complains the Council failed to ensure the development he lived in complied with its planning conditions. He also says the Council did not take enough action against the developer, caused delays, and failed to keep him informed about its enforcement progress. As a result, Mr E says he experienced distress and loss of trust in the Council's ability to address his concerns. The Council was at fault for its failure to start its enforcement process in late 2018 and the delay this caused. It was not at fault for its handling of the enforcement process, nor how it communicated with Mr E from January 2020. The Council has agreed to apologise to Mr E and pay an acknowledgement for the distress and time and trouble it caused him.

Case – 20 005 593 – Business Grant

Summary: Mr X complains the Council refused him business rates relief and a business grant, resulting in distress, time and trouble. We find no fault in the Council's decision making but find its poor communication with Mr X amounts to fault. We recommend the Council provides an apology and payment.

3: The impact of covid on complaint handling

The period in question was obviously affected by the pandemic, and the resultant change that occurred, both in the way the council conducted its activities, and in resident activity and behaviour.

Services have reported that some complaints have become more important for the resident – perhaps reflecting that many people spent more time at home, and where local issues (repairs, fly-tipping, waste collection etc.) have held more significance to them.

We have received complaints of concern where, for example, council officers may have undertaken fewer site visits in line with government restrictions, and in areas of work where some delays on standard service delivery have accrued because of the additional duties that arose.

In planning, for example, there have been some concerns expressed by residents about the level of scrutiny and checking of planning applications. Officers were still able to robustly check applications and consider the impact of the proposals upon their surroundings (and there is no indication the Ombudsman found any increased levels of fault and error), but perhaps the less visible way the work was undertaken, and the difficulty and unfamiliarity for residents of speaking at on-line meetings created public concern about the robustness of the process.

Complaints about delay where covid has been a factor (perhaps through staff absence, staff unable to inspect issues on site, and where schemes were rescheduled etc.) had also increased.

There have been few complaints received about direct covid activity (such as pedestrian access changes, town centre support etc.), although one complaint highlighted by the Ombudsman (as detailed above) related to the public health messages that were sent via email to residents.

One significant new area of complaint related to the business grant scheme, which was administered by local councils. There were a whole series of schemes (over a dozen) with different qualification rules, different qualification criteria and time periods, and very short deadlines for introduction. One local business owner presented 14 separate complaints to the Local Government Ombudsman in relation to different business grant claims at the same premises, all of which had been rejected for payment. Only minor administrative issues, related to volumes and pressure of work were identified. Given the numbers of Kirklees complaints considered by the Ombudsman for Kirklees in 20-21 is likely to be around 80 cases in total, this one situation has had a considerable impact upon overall figures for 2021-22.

Numbers year on year for 2021-22 are also affected by the backlog created within the Ombudsman Service following their 3 month close down at the start of the pandemic in 2020, and their “soft return” to case handling in acknowledgement that councils were stretched through dealing with new and additional duties, and the issues presented during the lock down periods.

The Local Government Ombudsman has published a report on its experience of complaints handling in covid times. <https://www.lgo.org.uk/information-centre/news/2022/feb/ombudsman-s-covid-report-highlights-how-councils-and-care-providers-coped>

4: Introducing restorative practice in complaints handling.

Unfortunately, with the pressure on workloads over the past 2 years, it has meant making new progress beyond that already undertaken on sharing learning and restorative practice has been slower than hoped.

An additional member of staff to the Corporate Customer Standards Section will assist with this work, as we intend to spend more time speaking directly with complainants to better understand their concerns, to understand the impact the situation has had, and also so officers can better explain the constraints on service provision and the legislative boundaries that may apply to the particular decision.

We also recognise that a more restorative approach would need to be adopted earlier in the complaints process, so more time is spent in service understanding the situation and discussing the complaint with the resident at an earlier point. Many services do some excellent work, working with residents to try to guide them through the process and to assist and enable them to understand processes, but we need to make this work more consistent and integral to what we do. We are discussing the

approach to roll out and test some ideas with service with the restorative team at present.

5: Information required to take a decision

This is detailed in the report above.

6: Implications for the Council

6.1 Working with People

It is important that customers feel that – as far as is reasonable- they are fairly treated.

6.2 Working with Partners

None directly, although their roles and actions sometimes appear within complaint resolution issues.

6.3 Place Based Working

None directly.

6.4 Improving outcomes for children

Improved outcomes for all customers is an important part of any complaints process- both resolving the immediate complaint and understanding what can be learnt, as addressed in the report above.

6.5 Climate change and air quality

None directly.

6.6 Other (e.g., Legal/Financial or Human Resources)

The work to resolve complaints both within Service areas and Directorates, and through the central team is an important part of caring, for citizens, customers and staff, suppliers and businesses.

7: Consultees and their opinions

There are no consultees to this report although executive team, service directors and heads of service are involved in understanding complaints handling, and they and or the teams have detailed involvement in all complaint handling by the corporate team and Ombudsman.

8: Next steps and timelines

To consider if any additional activity, or further reports or information is sought.

12: Officer recommendations and reasons

Members are asked to note the Report and determine if any further action is sought on any matter identified.

13: Cabinet portfolio holder's recommendations

Not applicable

14. Contact officer:

Chris Read (01484 221000 x73579)

15. Service Director responsible:

Julie Muscroft; Legal, Governance and Commissioning