



Name of meeting: Corporate Governance and Audit Committee

Date: 16 June 2023

Title of report: Corporate Customer Standards Interim Report 2022-23

Purpose of report:

To provide an update of Corporate Customer Standards to Corporate Governance and Audit Committee on complaint handling for the year 2022-23, ahead of the Local Government Ombudsman Annual Report which is published at the end of July.

The report offers some typical examples of complaints learning and further discusses how the corporate customer standards complaints process is looking to develop and improve over the next couple of years.

For Corporate Governance and Audit Committee to consider the content of the report, and to advise if they have any comment on the work plans moving forward.

Key Decision - Is it likely to result in spending or saving £500k 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 <u>Strategic Director</u> & name	Julie Muscroft 06/06/23
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft 06/06/23
Cabinet member portfolio	Paul Davies

Electoral wards affected: all

Ward councillors consulted: none

Public or private: **Public**

Has GDPR been considered? **Yes.** No personal data is included in the report.

1 Introduction: who are Corporate Customer Standards.

1.1 The Corporate Customer Standards function considers customer complaint matters at the final internal stage of the complaints process (available to view at Appendix 1). liaises with the Local Government Ombudsman, helps to co-ordinate Whistleblowing concerns and offers services advice on complaint handling, learning and remedy.

1.2 The team consists of 2.5 FTE during the year 2022/3. It will be expanded to 3.5 FTE.

1.3 Each year a full report for Corporate Governance and Audit Committee to consider performance for the previous year is produced – linked with the Local Government Ombudsman Annual Report which is published late in July. The Corporate Customer Standards Officer also reports on an interim basis to CGAC. This provides a commentary on ongoing performance and covers other areas of interest.

1.4 Note there are separate teams which handle statutory children service complaints and housing complaints which might be considered by the Housing Ombudsman. The full year report looks to incorporate outcomes from these sections also.

2 Performance 2022/3

2.1 Local Government Ombudsman

2.1.1 The strongest sanction that may be imposed by the Local Government Ombudsman is a formal report, which is published with associated press releases. A formal report is required to be considered by councillors and service improvements are presented, discussed and agreed. For the year 2022/3, the Ombudsman published over 40 formal reports against individual councils.

2.1.2 During the year 2022/3, Kirklees did not receive a formal report from the Local Government Ombudsman. The last formal Ombudsman report received was in October 2018, and as at the date of writing this report, no formal report is pending.

2.1.3 The Ombudsman divides the complaints they receive into those that merit further detailed investigation (and separate out those more minor issues and complaints where it seems clear the council has acted appropriately are discounted). From those detailed investigations, the Ombudsman determine where fault was identified and produce a council percentage upheld figure.

2.1.4 There is also a value in more simply monitoring the overall number of complaints received by the Ombudsman where they have made a determination (i.e.

the resident approach to the Ombudsman is not considered “premature”, where the council’s internal complaints process is yet to be exhausted).

2.1.5 Although the Ombudsman’s formal report is not yet available, data for 2022/3 is available, where the full number of complaints considered by the Ombudsman are recorded.

Number of Ombudsman complaints received 01 April – 31 March for 2021/2 and 2022/3 – Findings listed on their website

Council Area	2022-3	2021-2	Change in caseload	Numbers upheld 2022-3 (% of cases received)
Kirklees	49 (14.9% of WY Totals)	63 (21.3% of WY Totals)	- 14 (28% drop)	10 (20% of Kirklees cases received)
Calderdale	41	32	+ 9 (28% increase)	14 (34%)
Leeds	113	94	+19 (20% increase)	36 (32%)
Wakefield	31	41	- 10 (32% drop)	8 (26%)
Bradford	95	71	+ 24 (34% increase)	25 (26%)
Total	329	301	28	93

2.2 Number of complaints received by the Local Government Ombudsman

2.2.1 This year, Kirklees experienced a notable reduction in the number of Ombudsman determinations for our area. Wakefield presented a similar fall in numbers, whereas the other 3 West Yorkshire councils showed a significant increase.

2.3 Numbers upheld by the Local Government Ombudsman

2.3.1 It is also worth noting that in 2022/3 Kirklees had the lowest (of West Yorkshire) proportion of complaints received where the Ombudsman identified fault and error. For Kirklees there were 10 complaint cases where fault was identified (20 for 2021/2 - although those figures were skewed with covid grant complaints as there were 9 business grant cases last year).

2.3.2 While the council is not complacent about its complaints handling, the figures indicate the complaints handling process works effectively.

2.4 Ombudsman History and comparison to West Yorkshire

2.4.1 Over the past decade, Kirklees has consistently received between 17-21% of the West Yorkshire Ombudsman complaints, whereas the Kirklees share of the West Yorkshire population is around 20%.

2.4.2 This year, 15% of the Ombudsman West Yorkshire complaints relate to Kirklees, which means that in 2022/3, the Ombudsman received around a quarter fewer Kirklees complaints, than might be anticipated by population (15% v 20%).

2.4.3 Taking out covid related complaints for 2021-2, there is on reflection some indication of the number of Kirklees complaints falling at that time too, although overall total numbers of complaints in Kirklees (including Covid) was at 21% of the West Yorkshire share.

2.4.4 We have not asked those residents who have decided not to progress their complaint to the Ombudsman for their reasons, but factors might include:

- A simple workflow issue within the Ombudsman Service in the period following covid restrictions. However, while the Ombudsman did experience a backlog of work at one point, it seems unlikely that different councils in the same region might be affected significantly differently.
- In our complaint responses, we always seek to explain the legislative position and the council's responsibility, and then plot how the service has responded against that measure. We believe this is a restorative approach which involves the resident by transparently sharing what our role and responsibility is, and whether we have met it. This approach may reduce complaint numbers progressing to the Ombudsman. We have sought to expand upon this type of response in recent years.
- Kirklees has undertaken more work to seek to remedy complaints as the Ombudsman might as part of the internal complaints process. In 2021/2 Kirklees achieved a much better than average score from the Ombudsman on this measure (30% as opposed to 11% on average), where the Ombudsman recognised fault but also found the council had already offered a satisfactory remedy. This approach also might have had an impact upon residents progressing matters to the Ombudsman.
- Public service generally has gained a poor reputation over recent years and perhaps residents do not have faith that anything would be achieved by complaining (although we would expect that to be an impact on all councils more evenly). Likewise there is no indication that fault is found more often in Kirklees.
- Since January, we have seen a slight upswing in numbers of complaints. Since Jan 1st to 18th April 2023 (the most recent date published by the

Ombudsman at the point of preparing the report), Kirklees had received 21 of 119 West Yorkshire complaints (17%). Clearly the small numbers involved makes it difficult to reach a definitive conclusion yet.

2.5 Kirklees Council Ombudsman complaints by service area

Service Area	2021-22	2022-23
Environment	8	8
Adults	7	12
Housing	2	2
Planning	18	8
Childrens	6	4
Highways	3	1
Education	3	8
Tax and Benefits	31	5
Other	6	1

2.5.1 It is worth noting that Tax and Benefits decreased significantly as the majority of covid complaints in 2021/2 were about business covid grants. The highest increase this year was within Adult Services, but the numbers of overall increase (5 complaints) does not appear statistically significant at this point, although further monitoring will take place.

2.6 Third Stage and Pre-Third Stage Complaints

2.6.1 In 2022/23, there were approximately 55 complaints at third stage of the internal complaints process. In 2021/22 we received 83 (although around 15 of these were Covid 19 related). The drop in numbers therefore would seem to mirror the drop in cases progressing to the Local Government Ombudsman.

2.6.2 More work is being undertaken to support services at first and second stage in the process, and again, this may be having an impact on the numbers of complaints reaching third stage, if services are more actively considering remedy at an earlier point.

2.6.3 Some services (such as refuse) have invested in their complaints management process, ensuring more residents receive active response, and where repeat complaints (missed bins for example) are more actively monitored sooner. This is having a very positive impact upon complaints being resolved at an earlier point. It is intended to present more information on this in the full report.

3 Learning from complaints

3.1 As a matter of course, learning and implications are considered when receiving a complaint. When error is identified, the Local Government Ombudsman expects an apology to be provided, some consideration around service improvement

to take place, and to suggest how the fault will be remedied to broadly place the resident into the position they should have been in as if the error had not occurred.

3.2 Many of the complaints we receive are around concerns about communication (not being clear about process, not being kept up to date), and around delay and not keeping to deadlines.

3.3 The following is a snapshot of the types of learning we identify from complaint handling. It is not an exhaustive list, and it should be noted that in many instances services identify learning and rectify complaints before they are presented to the third stage of the complaints process and the Local Government Ombudsman.

- This year monthly meetings take place with the Senior Finance Officer responsible for maintaining the councils risk log, so as to cross reference any wider implications from complaint handling.
- We monitor national ombudsman formal findings and consider whether they may have an impact on Kirklees. In a recent example for another council, the Ombudsman found a lack of suitable training on hidden disabilities for managers and staff in a service assessing support packages. While Kirklees had obtained external specialist training for its staff, there were some gaps in the recording of relevant training, and the information contained in that council's report was able to be fed into a wider piece of work on ensuring appropriate training, and creating a monitoring record to demonstrate the learning, for our staff and managers.
- Services have been advised the Ombudsman is increasingly considering human rights, and that council departments should have a record that they actively considered human rights when reviewing a complex situation. This has helped to ensure some complex complaints have been more appropriately considered.
- A number of services have recruited new senior managers, either from within or from other councils. Advice and training has been provided to reinforce the complaints process to help ensure complaints are considered appropriately, and residents correctly guided through the complaints process.
- A schools admissions complaint required the service to scrutinise and review their policy on applications for the child to be schooled in class a year later than usual, and how they considered the request and explained their reasoning. Recent new government guidance has clarified the position further.
- A complaint about a blue badge application highlighted the difference in qualification period the service should grant, depending on the type of qualification for the badge (whether it is assessed on physical need or through the type of benefit claimed). It led to the service requesting clarification from other councils and the government department, to check it was assessing the cases accurately, and it highlighted that difference in process.

- A complaint about applications to obtain permission to undertake works to reduce a protected tree, has led to a review of the standard wording of the notification letters, the advice that the service provides to residents, and to provide a clarification on the formal appeals process against the decisions taken.

4 Complaint handling improvements

4.1 The council has agreed to increase the capacity of the Corporate Customer Standards function. We intend the increased staffing will provide the following benefits: -

- Peaks and troughs of work means there are periods where the council does not respond to third stage complaint enquiries in deadline. The additional capacity is intended to improve on overall complaint response times at third stage.
- Residents think more positively about the complaints process if they have had opportunity to explain their complaint in detail and feel their concerns have been listened to. While some complaints are straightforward and some residents are happy not to have telephone or face to face contact, it is intended to offer more time to residents to listen to and better understand their complaints. This will allow complaint responses to better answer some more of the queries residents may have, and will hopefully reduce numbers going onto the Ombudsman.
- Consideration (where it is beneficial to do so, and all parties agree) to merging the complaints process so as to facilitate a discussion between residents and services with involvement from Corporate Customer Standards. This will enable the concerns raised and how the service has responded to be discussed at a meeting, and the outcomes recorded as the complaint response. There will be some complaints and situations where this approach is less relevant (perhaps where there is little room for discussion), but a trial will see if it assists.
- Analysis of the time spent assisting services on pre-third stage advice, and to look to see how the process can be made more effective, and perhaps share learning with complaints handlers across the council. Clearly it is better for all concerned, if a complaint is resolved at its earliest point.
- Work is ongoing with the Restorative Practice team to improve the approach to complaint handling. We intend to update CGAC with information on this at our next presentation.
- Guidance notes for colleagues on certain complaint handling areas – for example, unreasonable or challenging behaviour, being recorded etc. will be updated. This should help enable a more consistent approach for these more difficult areas of work.

5 Implications for the Council

5.1 Working with People – It's important that consumer satisfaction is monitored and understood; the complaints process is a part of this.

5.2 Working with Partners – None directly; issues arising with partners would be resolved by them; Council /partner relationship issues are resolved outside of this process

5.3 Place Based Working – None directly

5.4 Improving outcomes for children– None directly

5.5 Climate change and air quality- None directly

5.6 Impact on the finances of local residents- None directly

5.7 Other (e.g., Legal/Financial or Human Resources)- Understanding where and how complaints arise is an important part of delivering better services. This often involves the service directly complained about, and support services

6 Consultees and their opinions

6.1 Executive Team have been consulted on this report. Heads of service / directors are involved in complaints about their service area.

7 Next steps and timelines

7.1 To consider if any additional information is sought. The full annual report should be available for CGAC in September 2023

8 Officer recommendations and reasons

8.1 Members are asked to note the report

9 Cabinet portfolio holder's recommendations

9.1 Not applicable

10 Contact officer

10.1 Chris Read (01484 221000)

11 Background Papers and History of Decisions

11.1 Ombudsman's reports are available online

12 Service Director responsible

12.1 Julie Muscroft (01484 221000)

Appendix 1: The Council's Complaints Procedure

The council's complaint process for 2022-23 has three internal stages.

First stage – the complainant initially contacts the council to express dissatisfaction about the service they have received. Many of these complaints are resolved by front line staff immediately, as errors are spotted corrected and an apology offered, or an explanation is given to explain the situation to justify why the situation is accurate.

Second stage – this is where the complainant remains dissatisfied, and the complaint is referred to a senior manager within the appropriate service to consider.

Third stage – the Corporate Customer Standards Officer will review the actions taken by the service on behalf of the Council and Chief Executive and consider whether anything further can be done to resolve the complaint. The Local Government Ombudsman requires the council to give the complaint a final review before they may become involved with it.

Some complaints do not progress through the council's standard complaints procedure; these are usually complaints where a formal review process applies such as complaints relating to Childrens and Adults Services and Housing Benefit assessment complaints. The Ombudsman will consider some complaints before third stage review if they are considered urgent (for example school admission appeals).

Complaint stages are sometimes merged depending on the type of complaint received to ensure matters are dealt with effectively and to ensure the complainant can progress to the Ombudsman as quickly as possible if the issue appears unresolvable.