



Name of meeting: Corporate Governance and Audit Committee

Date: 29 Sept 2023

Title of report: Corporate Customer Standards Annual 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.

To highlight the number of Local Government Ombudsman complaints received, and the cases where the Local Government Ombudsman found the council to be in error.

The report also sets out information about “Whistleblowing” reports received and actions taken.

The report incorporates an update about Housing Services Complaint Handling for the year (as an appendix).

The report contains a summary of a number of drivers for a forthcoming review of the complaints procedure.

The report provides an update on initial work to share good practice, learning and restorative practices across services.

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 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?	Julie Muscroft 20.09.2023 Not applicable Julie Muscroft 20.09.2023
Cabinet member portfolio	Paul Davies

Electoral wards affected: **all**

Ward councillors consulted: **none**

Public or private: **Public**

1: Purpose of Report

The Local Government Ombudsman (LGO) publishes its annual report at the end of July each year, and so the report for Corporate Governance and Audit Committee follows this schedule and addresses third stage complaint received during the year 2022/23, and those which were considered by the LGO during that year.

The report also addresses “Whistleblowing” matters which have been notified through the councils corporate process.

The report also contains as an appendix a report on Housing Services complaints, which are handled through slightly different processes. Unfortunately, Childrens Service information is not finalised at the point of publication of this report (last year’s Customer Standards Annual Report was published later on in the year).

The report highlights some additional examples of learning from complaint handling, in addition to those highlighted in the recent interim report, and it also discusses a forthcoming review of complaint procedures resulting from a recent review of Liverpool's complaints process by the Ombudsman, and a new complaints code that is due to be introduced and work resulting from restorative practice.

2: The Ombudsman - complaints volumes, cases upheld and local comparative information

The ultimate sanction the Ombudsman may apply is to issue a formal report against a council.

There were no formal reports issued against Kirklees Council in 2022-23. 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 (with rare exceptional cases).

For the period 01/04/2022 – 31/03/2023, the Ombudsman considered the following number of cases in West Yorkshire.

Council	Total enquiries received	Complaints formally investigated	Numbers Upheld (% of complaints formally investigated)	Numbers satisfactorily remedied prior to LGO involvement
Kirklees	90	16	11 (69%)	1 (9%)
Calderdale	55	20	15 (75%)	1 (7%)
Bradford	160	34	26 (76%)	0 (0%)
Leeds	171	54	37 (69%)	5 (14%)
Wakefield	55	14	10 (71%)	4 (40%)
Totals (West Yorks)	531 (KMC 17% of total)	138 (KMC 12% of total)	99 (KMC 11% of total)	11

Kirklees' resident numbers around 19% of the West Yorkshire total.

It is useful to note that the numbers formally investigated by the Ombudsman has reduced considerably (138 in West Yorkshire in 2022/3 compared to 170 the previous year). The Ombudsman has explained they have revised the process for determining those cases which progress for formal review. This has an impact upon year-on-year comparison and also upon the percentage of cases upheld that the Ombudsman reports upon (they measure their percentage from the number they move forward to detailed review, rather than overall complaints received).

In Kirklees the change in the figures is even starker with just 16 complaints being formally investigated by the Ombudsman as opposed to 43 last year.

In terms of the actual number of cases, the number upheld by the Ombudsman in Kirklees reduced from 20 to 11 in year (Appendix 1 gives the Ombudsman conclusions for each of these cases, note the Ombudsman decided not to publish

details of 1 case because the individual might be identifiable from the circumstances).

At the meeting which discussed the interim results CGAC requested further validation on Kirklees' position to offer greater assurance that the complaints process appeared robust.

To do this we have considered figures for both South Yorkshire and Greater Manchester (Appendix 3 gives full details).

The analysis broadly confirms the position as previously suggested; it seems that Kirklees is an effective performer in terms of complaints management and is likely to be performing somewhere around the edge of the top quartile when compared against other northern Metropolitan Councils (which might be expected to have similar characteristics and issues to Kirklees).

However, given the comparatively small numbers of complaints being considered, some qualification about the confidence of the results is needed.

While councils must never be complacent about its complaint performance (and overall numbers are very low meaning a few cases can slew the percentage outcomes), the figures do indicate a reasonable confidence that the complaints process in Kirklees robustly considers complaint matters and correctly identifies the issues arising (else we might expect the number of complaints escalated to Ombudsman and those upheld would be greater).

This report has not sought to compare historic data – the variation in numbers is too large because of covid, and Ombudsman changes to make this comparison valid.

3: Third Stage Complaint Investigations

Appendix 2 shows a brief summary of the council's complaints process.

In total 921 cases passed through the Corporate Customer Standards Section in 2022-23. This compares to 1045 cases in 2021-22 and 845 the previous year.

Last year's report anticipated a 10% drop as covid grant complaints stopped.

Third Stage Complaints - investigated internally

Service	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Adults	4	2	4	1	1	1
Benefits, C Tax & NNDR	14	6	7	6	8	6
Corporate and others	10	6	12	7	16 (includes 10 business grant)	7
Children's and Education	5	11	7	2	2	3

Environment & Public Protection	29	31	19	19	17	7
Highways and Transport	3	8	7	7	12	3
Housing	2	4	2	4	5	6
Planning	15	20	13	26	22	23
Total	82	88	71	72	83	56
% Upheld and Part Upheld	20.7%	22.7%	21.1%	18%	16.9%	17.8%

Number of complaints considered at third stage dropped significantly in year and followed the trend of non-covid complaints considered in 2021-22.

Factors in the decline may include that the Customer Standards Section provides more complaint handling advice to services for pre-third stage complaints, the council is more proactive in seeking to resolve a complaint by thinking about how the Ombudsman might remedy the complaint at an earlier stage and setting that out clearly, the restorative work in complaints handling undertaken by the waste team (in particular) which has seen a reduction in the numbers of complaints progressing, and perhaps more national factors, where more general discontent with the standards in public services means some people may be less likely to complain.

4: Childrens Services

Unfortunately, information from Childrens Service is not available at this time. Last year the CGAC report was completed later in the year. We will provide an update for Childrens Service in the next interim report and will look to co-ordinate timings for 2024.

5. Homes and Neighbourhoods

Homes and Neighbourhoods have their own full complaints management processes, and there is an opportunity for dissatisfied complainants to progress matters to the Housing Ombudsman.

Unfortunately, a full report from Homes and Neighbourhoods are not available for 2022/3. However, the service has provided some detail information, which is provided at Appendix 4

Both the manager responsible for complaints handling and her manager left the employment of the council, and the post of complaints manager was unfilled for some months.

While the posts have now been recruited to and filled, work to improve learning from complaints is ongoing.

I intend to provide a further update on Homes and Neighbourhoods performance at the next interim report.

6: Learning from complaints

The interim report earlier in the year provided some examples of learning from complaint, so the Annual Report focuses upon a few additional learning examples only.

6.1 SEND

During the year, we received a small number of complaints relating to SEND – the services making assessments identifying and procuring suitable additional support for those children requiring it.

The provisions contained within the legislation are challenging for many councils in the country, and councils have received the strongest sanction (formal report) from the Ombudsman in this area.

Cases can take many months to reach a conclusion, given the nature of the assessments, and the educational placements. Accordingly, these complaints are often complex and are amongst our most challenging to consider

Common issues identified by the Ombudsman nationally, include delays in assessing and issuing individual support plans (which then enables a formal appeals process for parents/guardians to challenge the level and content of proposed support if they choose), delays in identifying and providing alternative educational provision after a standard schooling arrangement has broken down, and delays in assessing educational support and provision need for children who have been excluded from school.

The cause of failure nationally can include a shortage of specialist assessment staff, a shortage in specialist schooling provision, a gap between parental expectation and what a council may reasonably provide in the way of support, and the complexity of the individual needs and circumstances.

The SEND team in Kirklees are well aware of these complex issues, and an improvement plan is in place, and helpful liaison and discussion with parents and guardians takes place through an interest group, which helps ensure the council are aware of particular local concerns and facilitates discussion and the addressing of issues.

The Corporate Customer Standards team have been working with the councils SEND team to consider complaints on these types of issues, and looking to remedy complaints in the same way the Ombudsman might – with an apology, ensuring that practice is improved by learning from the complaint and considering ways to as far as possible rectify the failure.

If successful, this should reduce the number of complaints overall, and reduce the length of time it takes to address these complaints.

6.2 Planning

Last year, the experienced officer responsible for complaints handling retired, and the various team managers of the department became responsible for complaint

handling.

A temporary dip in performance was experienced, largely because these officers were not experienced in the complaints process, did not have a consistent understanding of the complaint stages or the sufficient knowledge to advise the resident onto the next stage of the complaints process if they remain dissatisfied.

The Corporate Customer Standards Manager met with the team managers of the section, and an experienced complaints handler also took on the responsibility of oversight of the complaints received, and the complaints log the service completes.

Kirklees has hitherto a good track record of handling planning complaints and the area is not a complaints issue in the way it is for some authorities.

The Planning team have a set process for completing planning assessments which demonstrate all areas of the planning legislation are covered, and complaints handling looks to respond to the resident by relating the decision to the appropriate legislation and planning policy. We continue to have a good record of providing full complaint responses to complainants.

Planning is an area which means there is often someone who is impacted by the decision, and as the decision often relates to a development near to existing homes, any decision can be seen to be controversial.

As such, planning decisions can be highly contentious and decisions to approve an application can prompt vigorous challenge from neighbours.

The planning service closely monitor all complaints received, and only around 12% of initial complaints received by the service move through the complaints process to third stage.

It is worth noting that of the 8 Kirklees planning cases considered by the ombudsman in 2022/3 all of them were closed after initial enquires and did not progress to a full ombudsman investigation. In West Yorkshire 38 planning complaints were received by the Ombudsman, making Kirklees' proportion of planning complaints around as you would expect per population share.

6.3 Blue Badges

The Council received a complaint from a resident whose partner was entitled to receive a blue badge. The legislation enables people to qualify for blue badges through 2 routes – one is via automatic assessment which is linked to a receipt of a welfare benefit, where the expiry date is linked to that Welfare Benefit review date, the second is a more detailed application process which requires the resident to provide medical information or where this is not possible, a physical assessment, but if successful, it allows a qualification period of three years (which in this particular case was longer).

The complaint was around querying the difference in assessment periods, they wanted the longer qualification period but without the assessment. They argued their partners condition was such that it would not improve, and argued there was disability discrimination.

Following the complaint, the service had offered them the option of taking up the physical assessment, but the complaint investigation determined this was incorrect advice - there is no provision for people who qualify for the blue badge by benefit entitlement to opt for the medical assessment, where the benefit award has more than 6 months to run.

The service also raised the issue and complaint with the government department to highlight the apparent discrepancy with the assessment periods. The service offered the man assistance to help him complete the second assessment.

The qualification for blue badge has also altered over recent years, meaning that people with non-physical disabilities may apply for a blue badge. While there is a formal appeals process for blue badges a small number of complaints progressed to the Corporate Complaints team, arguing error with the assessment, or dissatisfaction with the appeal outcome.

The complaints have highlighted the need for the Service to scrutinise the stated reason for the blue badge, and whether issuing a badge might help address the individual's need. It also requires the Service to check the medical reports provided to support the application to see whether the condition relates to the stated need for the badge.

6.4 Refuse/Highways

Within the Waste Service a decision was taken, due to the volume of complaints and high percentage of repeated complaints, to create a customer support team within the Service. A team was established to complaint handle all resident and councillor complaints, as well as analyse key data from calls and complaints, and to work directly with the Waste Operations team to find long term solutions.

The team was designed to work in a restorative and place-based way, with each officer allocated a specific area of the district to allow them to spot trends, learn their areas and build relationships with residents with persistent problems. These officers work with three main principles:

- They will always contact the resident the way they have contacted the Council, or by their chosen method of contact.
- They will visit residents should this be needed to investigate problems on the ground.
- They will update residents weekly for ongoing issues, always providing proactive support.

The team also aim to work restoratively with Kirklees Direct, with constant feedback channels open to allow for training and support for both the support team and the

Kirklees Direct officers. Additionally, the team provide real time updates on issues around the district so that residents can be informed of issues at the first contact.

This approach has seen a drop of repeat complaints from 17% in 2021 to 6% now, and a reduction in calls of 29% into Kirklees Direct from 21-22 to 22-23, and a current year drop of 16% so far. Additionally, complaints are down between 20% and 50% each month versus the same month last year.

7: Introducing restorative practice in complaints handling.

The interim report highlighted some ongoing work to explore the role of restorative practice in complaints handling, and handling customer enquiries.

The council has had a small team focussed on introducing restorative practice for the past few years, and many senior and middle managers have attended an introduction to the principles in that time. This means that services are generally knowledgeable about the principles of restorative practice.

There is a strong synergy with restorative practice and customer service and complaints handling. Restorative practice encourages the concept of “working with” rather than “doing to” and attempts to strike a balance between support and challenge. Working in a restorative way encourages the fair process approach to customer engagement whereby staff explain the policy/legislation and processes in question, so the resident can better understand and anticipate the likely outcome of an enquiry to the council. There is both an element of listening to the resident (support) to understand their concerns and as appropriate, to challenge when the residents request or expectation is unrealistic or unreasonable.

The restorative team have developed and delivered a facilitated learning workshop which explains the principles of restorative, and how those principles may be applied to help staff reduce the risk of difficult and protracted situations from arising. Clearly if staff members can build up a rapport and understanding with residents, it becomes less likely that the relationship will break down or end negatively. While the restorative approach perhaps takes some extra initial staff time, the more positive outcomes that result mean that less time is spent on disagreement and complaint, and the next contact with that individual is more likely to also be more productive and positive.

Within the complaints team we have long advised services to develop a relationship with those more difficult to please residents. This allows us the ability to anticipate those changes which might prompt complaint from long term service users, and to actively contact them beforehand to discuss the changes. We believe that approaches like these save time in the long run, and of course it leads to improvements in the customer experience, and also leads to a more positive working atmosphere.

The training the Restorative team introduced was presented in lieu of a “handling difficult conflict” session that had been requested saving the council approximately £7000. The teams involved come under Public Protection – Pest Control, Food Safety, Animal Welfare, Pollution and Noise Control and Licensing - so unwelcome

news is routinely shared with residents. The workshops introduced restorative practice and explored how it may be able to be applied within this context. The overarching aim is to avoid challenge escalating into conflict and also to de-escalate conflict where it arises, to avoid incidences of verbal or physical abuse towards officers and to resolve the issue being dealt with by officers. By approaching these situations in a restorative way – giving unequivocal challenge but with support to understand why this is the case and help and support in how to rectify the situations.

Around two thirds of the participants that attended the course, who gave feedback, confirmed they felt that they could introduce restorative ways into relationships with residents, and that they felt it would assist with their work.

The restorative team intends to undertake a further questionnaire of participants in due course to check on outcomes, and to see whether any specific examples can be captured where a different approach to discussing a matter led to a more positive outcome arising. They intend to hold a further session after that to reinforce the learning and hopefully to persuade any sceptics to see if they can adopt the methods.

8: Complaints review

The Corporate Complaints Team regularly consider the existing complaints procedure and process to ensure that the council is effective in its complaints handling process.

There will be a value in the council to consider the complaints handling process over the next year.

This year the Housing Ombudsman and the Local Government Ombudsman are looking to work more closely together on joint complaint investigations, to ensure the resident is not potentially dealing with concurrent complaint investigations or find some element of their complaint falls outside of the scope of the Ombudsman scheme. This in turn will require us to co-ordinate more regularly with colleagues in the Homes and Neighbourhoods Department.

In this summer's Annual Report, the Local Government Ombudsman has highlighted:

We have continued to work with colleagues at the Housing Ombudsman Service to support authorities to focus on the fundamentals of complaint handling. A joint complaint handling code will provide a standard for authorities to work to. We will consult on the code and its implications later in the year.

This will have an impact upon how the complaints function will work.

This year, Liverpool Council invited the Ombudsman to consider its complaints handling procedure, and the Ombudsman findings were published recently. The main recommendations published recently are available in Appendix 5. This can also inform the council's current practices.

This year too, the Ombudsman has criticised a number of councils for poor complaints handling and with backlogs of complaints building up at corporate level in

a couple of councils. In Kirklees we have recruited an additional assistant role to support the 2.5 FTE's we have had in the section for some years.

It is worth noting that of the 18 Councils in West, South Yorkshire and Greater Manchester, only three councils still retain the traditional three stage corporate complaints process (Kirklees being one). Rotherham's third stage complaint process is for matters to be considered like a formal appeal and is considered by a panel.

While the change is perhaps largely symbolic (stage 1 of our complaints process is considered to be an "informal" stage), altering the complaints process could make it easier for staff who transfer across councils to follow the process in Kirklees as it would have a consistency.

It is intended that the Corporate team work with colleagues across the complaints handling teams, and with the restorative practice teams to identify where it is possible to review our complaints procedure to reflect the best practice identified and complaints handling guide currently being prepared by the Ombudsman, over the coming months.

9: Whistleblowing

The Head of Risk and the Corporate Customer Standards Officer co-ordinate investigations for those cases directly reported to the Whistleblowing telephone line and email address. Other investigations may take place through issues reported to the HR section, direct to Internal Audit, the external auditor or to the Chief Executive's Office.

It is worth noting that many of the cases received fall outside of the technical definition of a Whistleblowing complaint (the legislation seeks to protect internal staff if they "whistle-blow") and many concerns arrive from members of the public.

Services are reminded that employee whistle-blowers are legally protected from persecution and that they should play their part to ensure that reviews are impartial and that concerns are reasonably considered.

Whistleblowing issues may be referred to the Corporate Governance and Audit Committee or to Scrutiny for their consideration. Those investigated by Internal Audit are reported as a part of other reporting mechanisms to Corporate Governance and Audit Committee.

Whistleblowing contact details when provided always remain confidential on request although whistle-blowers are always advised if in specific certain circumstances, they are likely to be identified, or if they are an employee, they may have a legal responsibility to be open (with the statutory protection).

During the year 2022-23 9 Whistleblowing referrals were received via either the Whistleblowing e-mail address (www.whistleblowing@kirklees.gov.uk) or telephone (01484 225030). This was a reduction in the usual numbers received. The Whistleblowing process was promoted and highlighted via email to all senior managers in an email of 5 June 2023, with a request that the Fraud Prevention, Anti Bribery & Anti-Corruption Policy, and the Whistleblowing Procedures are shared with all staff.

The whistleblowing reports received and how they were dealt with can be found in Appendix 6.

10. Implications for the Council

- 10.1 Working with People** – It is important that consumer satisfaction is monitored and understood; the complaints process is a part of this.
- 10.2 Working with Partners** – None directly; issues arising with partners would be resolved by them; Council /partner relationship issues are resolved outside of this process
- 10.3 Place Based Working** – None directly
- 10.4 Improving outcomes for children**– as addressed in the report/as 10.1
- 10.5 Climate change and air quality**- None directly
- 10.6 Impact on the finances of local residents**- None directly
- 10.7 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

11. Consultees and their opinions

Heads of service / directors are involved in complaints about their service area.

12. Next steps and timelines

To consider if any additional information is sought.

13 Officer recommendations and reasons.

Members are asked

- 1. To note the report.
- 2. To determine if further action is appropriate on any matter
- 3. To ask officers to look in detail at the Ombudsman report re Liverpool CC and Complaints Handling, and to determine if any changes to practice in Kirklees should be considered, and report back to this Committee in due course.

Contact officer.

Chris Read (01484 221000)

Background Papers and History of Decisions

Ombudsman's reports are available online.

Service Director responsible

Julie Muscroft (01484 221000)

Appendix 1: Detail of Cases Upheld by the Ombudsman 2022 - 2023

(For impartiality purposes, the wording within the case summaries is provided by the Local Government Ombudsman).

- [Kirklees Metropolitan Borough Council \(21 011 984\)](#)

Statement Upheld Disabled facilities grants 04-Apr-2022

Summary: Mrs X complained the Council told her it would build a ground floor extension to provide suitable facilities for her disabled son, Mr Z, and then changed its mind and failed to respond to her telephone calls. The Council assessed Mr Z's case without fault and made suitable recommendations. There is no evidence it told Mrs X it would build an extension. There was some delay in communicating its recommendations to Mrs X but this did not cause her an injustice.

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- [Kirklees Metropolitan Borough Council \(21 007 499\)](#)

Statement Upheld Covid-19 10-Apr-2022

Summary: Mr X complained the Council wrongly refused COVID-19 business grants and gave him incorrect advice. The Council initially refused a Restart grant for an incorrect reason, but this fault did not cause Mr X an injustice because it reconsidered the application when he challenged its original decision.

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- [Kirklees Metropolitan Borough Council \(21 007 760\)](#)

Statement Upheld School admissions 18-Apr-2022

Summary: the school admissions appeal panel failed to properly consider Miss B's case for appeal and a panel member asked inappropriate questions. A new appeal is satisfactory remedy.

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- [Kirklees Metropolitan Borough Council \(21 012 734\)](#)

Statement Upheld Noise 12-Jul-2022

Summary: Mrs D complained the Council caused delays in investigating and resolving her concerns about a noise nuisance from a neighbouring nursery. We found the Council at fault for causing some delays in progressing Mrs D's noise complaint, how it communicated with her, and its extended delays in responding to her complaint. The Council agreed to apologise and make payment to acknowledge the injustice this caused her. We found no fault in the methods the Council used to investigate her noise concerns. We cannot therefore criticise the merits of its decisions.

- [Kirklees Metropolitan Borough Council \(21 013 930\)](#)
-

Statement Upheld Other 28-Jul-2022

Summary: Ms C complained about the way she has been treated by staff at the extra care housing scheme she lives and believes this has been due to her ethnicity. She says this has had a major impact on her mental wellbeing. While I found there had been some fault with the actions of the care provider, I did not find there was evidence to support Ms C's allegation that she was treated differently because of her ethnicity.

- [Kirklees Metropolitan Borough Council \(21 017 658\)](#)
-

Statement Upheld Allocations 27-Sep-2022

Summary: Mr X complained about how the Council responded to his concerns about his housing and anti-social behaviour. There was fault with how the Council responded to a noise nuisance Mr X reported and how long Mr X had to wait for a social care assessment. However, these did not cause Mr X an injustice. The Council agreed to provide training to its housing staff and review how it manages social care assessments.

- [Kirklees Metropolitan Borough Council \(21 012 517\)](#)
-

Statement Upheld Refuse and recycling 02-Oct-2022

Summary: Mr D complained the Council failed to provide an acceptable bin collection service. He also says the Council delayed and failed to properly deal with his complaint about the matter. We find the Council was at fault for its failure to provide a consistent bin collection service and its delays in

responding to Mr D's complaint. The Council has agreed to our recommendations to address the injustice caused by fault.

- [Kirklees Metropolitan Borough Council \(21 014 338\)](#)
-

Statement Upheld Assessment and care plan 03-Jan-2023

Summary: Miss X complained about the care put in place on Ms Y's discharge from hospital. She said it was not adequate and the hospital told Ms Y it should be free for six weeks, but the Council charged her. She wants the Council to waive the charges. We found the Council was at fault in initially providing Ms Y with visits from only one care worker. We find no fault in the other matters except failing to agree a time for response to her complaint. We recommended the Council apologise to Miss X and review its processes; it agreed to do this.

- [Kirklees Metropolitan Borough Council \(21 017 692\)](#)
-

Statement Upheld Charging 03-Mar-2023

Summary: Mrs A's representative complained the Council wrongly concluded she had deprived herself of capital. The Council has offered to review its decision. We consider this is a suitable remedy for the fault we have identified.

- [Kirklees Metropolitan Borough Council \(22 003 031\)](#)
-

Statement Upheld Special educational needs 27-Mar-2023

Summary: Miss X complained about a lack of support for her son, Mr Y's, special educational needs. There was fault in how the Council reviewed Mr Y's Education Health and Care plan and failed to arrange suitable alternative education after he was permanently excluded from school. The Council agreed to pay an improved financial remedy, review its practices and share learning from this complaint.

Appendix 2: 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.

Appendix 3: More detailed analysis of Ombudsman complaints handling, comparing West and South Yorkshire and Greater Manchester

South Yorkshire

Rotherham is seen as a council which has a complaint's handling expert in charge of its complaints function (chair of the national complaints group). They may therefore be expected to be a very good performer. Rotherham in context with S Yorks, perform very well.

Council	Total Enquiries received	Complaints Formally Investigated	Numbers Upheld (% of complaints formally investigated)	Numbers satisfactory remedied prior to Ombudsman's involvement
Rotherham	45	7	6 (86%)	0
Sheffield	124	26	19 (73%)	0
Barnsley	43	9	7 (78%)	1 (14%)
Doncaster	56	12	9 (75%)	0
Total	268	54	41	1

Comparisons – West Yorkshire population 2.325m (2019), South Yorkshire 1.362m (2019) – 3.687m total (W Yorks is therefore 63% of the combined W&S Yorkshire pop)

Complaints Received by the Ombudsman

Complaints received for S&W Yorks combined is 799. Taking West Yorkshire population and applying an equal distribution, you might anticipate the West Yorkshire councils would receive 503 complaints (rather than 531 (actual)).

Kirklees is around 12% of the total W/S Yorkshire population (433,000) or 96 complaints from the combined. It actually received 90.

Rotherham is around 7% of the total W/S Yorkshire population (270,000) or 56 complaints from the combined totals. It actually received 45.

Conclusions:

In comparison with the total number of contacts, we are only analysing a tiny number, so some caution around taking too much account of these figures are needed.

However, it seems both Rotherham and Kirklees receive slightly fewer complaints than might be anticipated. However, Rotherham performs better. It may be that Kirklees is acting in a way which reduces the number of complaints received, but it could do more.

Greater Manchester

Council	Total Enquiries received	Complaints formally investigated	Numbers upheld (% of complaints formally investigated)	Numbers satisfactorily remedied prior to Ombudsman's involvement
Tameside	63	19	15 (78%)	4 (26%)
Bolton	64	18	17 (94%)	2 (12%)
Bury	72	25	22 (88%)	0 (0%)
Manchester	148	36	22 (61%)	2 (9%)
Oldham	59	6	2 (33%)	0 (0%)
Rochdale	54	8	3 (38%)	0 (0%)
Salford	78	9	7 (77%)	0 (0%)
Stockport	65	22	19 (86%)	7 (37%)
Trafford	60	21	14 (66%)	1 (7%)
Wigan	62	15	12 (80%)	4 (33%)
Totals	725	179	133 (74%)	20 (15%)

The Greater Manchester population is 2,867,000. West Yorkshire is 2,325,000 (5,192,000 total).

Complaints received in Manchester and West Yorkshire combined is 1256. Extrapolating these totals by population, would give an expected West Yorkshire number of complaints of 562 (as opposed to an actual number of 531).

Therefore, Greater Manchester receives more complaints per head than might be anticipated, and Kirklees also generally performs better than the councils in this region.

Council complaints per head of population.

Calculating South, West and Greater Manchester Councils by population/complaints received by the ombudsman creates the following list (in order from lowest number of complaints in council area to the highest).

Authority	Number of Local Population per Ombudsman Complaint (one in xxxx people)
Wakefield	6109
Rotherham	5898
Barnsley	5659
Doncaster	5569
Wigan	5312
Kirklees	4886
Sheffield	4717
Leeds	4638
Bolton	4624
Stockport	4535
Rochdale	4144

Oldham	4103
Trafford	3918
Calderdale	3845
Manchester	3729
Tameside	3668
Salford	3460
Bradford	3313
Bury	2692

Source data – population:

<https://www.citypopulation.de/en/uk/greatermanchester/>

<https://www.yhcouncils.org.uk/members/south-yorkshire/>

<https://www.yhcouncils.org.uk/members/west-yorkshire/?cn-reloaded=1>

Appendix 4

Housing: Homes and Neighbourhoods – Summary Report (Edited)

April 2022 – March 2023

The Homes and Neighbourhoods Service (HN) is responsible for the management and maintenance of around 22,000 council owned homes. This service was transferred into Kirklees Council in April 2021 having previously being managed by Kirklees Neighbourhood Housing (KNH), the arms' length management organisation (ALMO) since 2002.

The Housing Ombudsman Complaint Handling Code (CHC) was introduced in July 2020, and updated in April 2022, as part of the Government's response to improve the standards that every social tenant in England is entitled to expect from their landlord and an integral part of the Charter for Social Housing Residents White Paper. Further details can be found here:

[Complaint Handling Code - Housing Ombudsman \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

All social housing landlords were expected to be compliant with the CHC by 1 October 2022 and Homes and Neighbourhoods are compliant with the Code.

Starting in September 2023, the Housing Ombudsman will adopt a range of new powers, including:

- the ability for them to introduce a new type of order in their decisions where the lack of good policies and practices are leading to common themes in complaints.
- elevating the Complaint Handling Code to a statutory code of practice and a duty to monitor compliance with this.
- the statutory power to issue good practice guidance.

Performance Headlines

- 554 formal complaints and 163 informal complaints received in 2022/23, an increase of 108% on 2021/22 (345).
- Response times to complaints have improved from an average of 28 days in 2021/22, to 13 days at the end of 2022/23.

Customer Experience (Complaint Handling Process)

The revised complaints process was implemented in May 2022 and has now been in place for over 12 months. This was designed to improve the approach to complaint handling across HN and the service provided to customers. However, given the considerable increase in complaints being received, a trend expected to continue in 2023/24, it is appropriate that there is continuous review of the processes to ensure they remain fit for purpose and are assisting all service areas to continue to provide a customer focussed complaints service.

Assets, Development & Building Safety

Assets, Development & Building Safety received 96 formal complaints in 2022/23, 58% of which have been upheld or partially upheld. 54% of complaints received by Assets, Development & Building Safety related to damp.

The Development/New Business teams received one complaint in 2022/23 and have identified learning and service improvements as a result of the complaint.

Housing Management & Partnerships

Housing Management & Partnerships received 143 formal complaints in 2022/23, 58% of which have been upheld or partially upheld. 87% of complaints received by Housing Management & Partnerships are allocated to the North and South Housing Management Team with the remainder allocated to our Income Management and Partnerships Teams.

Property Services

Property Services receive the highest number of complaints, which is consistent with sector norms and reflects the volume of interactions with customers. Throughout 2022/23, Property Services have received 310 formal complaints, 65% of which have been upheld or partially upheld.

Property Services have been proactive in identifying themes and trends in complaints to recognise where processes and working practices are not meeting the needs of customers and action is being taken to address the findings and improve service delivery.

Compliments Received

During the same period there were 66 compliments received.

Complaints Strategy Progress

The strategy has been aligned with the requirements of the CHC and incorporates all actions that were identified during the internal assessments. Work completed to date have implemented and actioned all elements of the CHC and compliance was achieved by the deadline of 1 October 2022. It is recognised that some areas require further development and embedding, and work is ongoing to progress these areas.

The strategy puts the customers at the heart of the approach, work has been completed to update and improve the information available to customers on the website, to provide clear information in relation to policy and procedures and allow customers easy access to log a complaint online. The procedures implemented ensure a consistent service is provided to customers with clear information in relation to the procedure and timescales and adopts a restorative approach to engage with the customer at the earliest stage and throughout the investigation to fully understand the details of the complaint, the outcome the customer is seeking and to

provide regular updates of the investigation and to explain the outcome and any decisions reached.

Training for all Managers across HN has been delivered in relation to the complaint strategy and service excellence. In addition, a training package for all staff has been rolled out which focuses on early resolution, service excellence principles, maximising the tenant voice and improving the customer experience. The package also includes an action plan process to drive continued discussion and focus on complaints, customer satisfaction, learning and service improvements, to further embed the commitment to developing a positive complaints culture.

Learning and Service Improvement

Key themes identified from the data include, in some cases, a poor attitude from staff, and a lack of clear communication with tenants,

Processes are being implemented and action taken to assist service areas to review complaints performance within their teams, to identify areas of poor performance, Recurring themes and trends and identify specific learning and service improvement include:

- Service specific performance information provided to all H&N service areas, including analysis of all performance information and a higher level of detail in relation to specific teams to assist managers to identify areas of concern and specific learning and service improvements required.
- Property Services have implemented a complaints panel, to be held quarterly to review and assess a sample of complaints to identify areas of learning and service improvement.
- Housing Management & Partnerships have implemented a process of review for all complaints received by Housing Management Teams to identify areas of good practice, learning and service improvements.

Appendix 5: Findings of Ombudsman review at Liverpool Council

1 We recommend the Council aligns complaint handling with its performance framework and develops formal procedures to ensure qualitative and quantitative complaint data is regularly and properly scrutinised at Cabinet and relevant committees with clear lines of responsibility and records of actions taken. Track and record service improvements made as a result of complaint handling and monitor complaint volumes and themes following implementation.

This will ensure the Council has a more robust system in place for reporting the outcomes and learning from complaints and will demonstrate greater accountability to the public and Government. It will support the Council to introduce service improvements and manage its resources more efficiently. The Council will also better understand how service improvements implemented as a result of complaints received affect the volume and types of complaints the Council receives in the future.

2 Develop procedures and clear guidance for senior leaders/managers around sharing the outcomes and learning from complaints with frontline staff and teams. Implement new reporting procedures to evidence how the outcomes and learning for complaints have led to improved working practices and service improvements.

This is expected to help the Council improve services for the public and professional practice from its employees. It will assist the Council in identifying where to target resources and help reduce the volume of repeat complaints. It may also reduce the proportion of complaints escalated to the next stage of the process or referred to the Ombudsman. By recording how the learning from complaints has led to service improvements the Council will demonstrate greater accountability to the public, Cabinet and Government.

3 Develop a robust quality framework with quality monitoring procedures and clear guidance for managers to ensure consistently high-quality complaint responses. Align quality monitoring with the Council's performance framework. Ensure quality monitoring data is properly scrutinised at Cabinet and relevant committees with clear lines of responsibility and records of actions taken. Set clear expectations about the standards against which complaint handling will be measured for all officers responsible for responding to complaints.

This will standardise and improve the quality of complaint responses, provide a better service to the public and demonstrate greater accountability. It will provide a robust performance management framework where staff and managers have a clear understanding of the standards against which quality will be measured. The Council will be better placed to ensure individuals are accountable for the quality of their complaint responses.

4 Consider the benefits of unifying the three complaints teams into one, with oversight by and accountability to a senior leader who will act as the voice for complaints at senior management team meetings. We anticipate this will support the Council to use its resources more efficiently and achieve greater consistency in practice. It will also provide a more robust framework of accountability.

Develop standardised reports across the three complaints procedures to capture qualitative and quantitative data to report to the senior leadership team. complaint handling and improve how the learning from complaints is shared across the directorates.

5 Map the customer journey through the respective complaints procedures, noting the touchpoints at which contact should be made with the complainant. Align this information with the Council's time targets and KPIs for responding to complaints and set clear expectations for staff involved in the complaints procedures around frequency of contacts to update complainants of progress. Set up appropriate reporting procedures to ensure this data is captured and used for quality and performance monitoring.

This will promote greater customer focus and enhance the public's experience of the Council's complaints procedure. We also expect this to help raise the standard of professional practice in complaint handling and enable the Council to demonstrate accountability.

6 Develop procedures to ensure all complaints are handled through the recognised complaints procedures regardless of how they are received. This includes complaint from MPs and elected members. Develop a package of training for elected members on their role in the complaints procedure and the importance of learning from complaints.

We anticipate this will facilitate a more equitable complaints service for the residents of Liverpool and promote greater consistency in the timeliness and quality of responses. This will allow more effective scrutiny of complaints from elected members, ensuring they see their role as not just complainant advocates.

7 Delegate authority to remedy complaints as early as possible to more officers.

This is likely to improve timescales for resolving complaints at all stages of the process. This will not only enhance the customer's experience, streamline the process for quality checking complainant responses to the complaints procedure but should also be a more cost-effective way for the Council to handle complaints.

8 Ensure the time taken to issue adjudications on Children's Social Care complaints is included in the Council's timescales and KPIs.

This will ensure the Council is compliant with statutory requirements.

9 Review and revise job descriptions to ensure all roles with a customer interface include appropriate references to responsibilities around complaint handling.

We anticipate this will promote a stronger culture and a shared responsibility towards complaints. It should also increase awareness of the importance and benefits of effective complaint handling and drive improvements in professional practice.

10 Compulsory training on effective complaint handling for staff who act on or respond to complaints. Include effective complaint handling in the induction plans for new recruits whose role has a customer interface. Consider compulsory training on and use of iCasework for all staff who respond to complaints. Staff will have a clearer

understanding of their role in the complaint handling procedure, the importance of learning from complaints, and best practice for investigating and responding to complaints.

This will help standardise the Council's approach to responding to and tracking complaints, with everyone using the same system and approach.

11 Identify opportunities to share the outcomes and improvements from complaints through internal communication channels.

This will help embed a culture of positivity toward complaint outcomes, raising the profile of the benefits of complaints.

Appendix 6: Summary of Whistleblowing Concerns

Operational Activity

A contact was received regarding the recruitment processes, and general culture within a service. The areas identified within the report were discussed with the manager.

A restorative approach towards dealing with the issues raised by the staff member was adopted - first suggesting the WB meet with the managers so they get a broader picture of the concerns about service culture and any potential weaknesses. Then listening circles were introduced to give staff the opportunity to suggest and input into any issues they had with service managers, and to work together to improve service delivery and the working environment.

The whistleblower advised things had improved, though it was still an ongoing process.

A complaint from a relating to a different service area, expressed general concerns about morale, changing management goals and priorities at short notice and low morale.

A similar exercise of listening circles and involving staff in the issues facing the service was recommended to be implemented.

The complaint remained anonymous (although with a point of contact), so the action that could be undertaken was rather more general in nature. The senior manager of the section did contact the WB and offered to have a confidential meeting with them to try to understand more about the complaint.

A contact was received from a staff member concerned about case management and line manager behaviours, with reference to two specific cases - primarily around record keeping and transparent decision making on the case

After initial fact finding, the service commissioned a neutral manager/professional not linked to the case to discuss the situation with WB in detail and to draw up initial thoughts on how this should be investigated and progressed.

This investigation concluded it was appropriate to hold a discussion about good practice within the Service. Issues were identified, and the whistleblower thanked for highlighting the issue. An action plan report was developed from recommendations with a view to implementing as soon as able.

A contact was received regarding concern about a manager's behaviour and approach to tackling issues. A senior manager of the service was consulted.

A comprehensive plan of action was recorded to support the working environment and to develop the new manager's leadership skills, which included involvement of the team as a whole, to discuss and agree processes.

The WB concern was somewhat wider than just issues about the directed at the Manager behaviour, and this was also incorporated.

A complaint was received from a member of the public regarding a Kirklees staff member and an ongoing litigation case: the complainant and staff member are neighbours.

WB was accusing staff member of using their position in the council to influence and gather information pertaining to the case. WB was asked to provide evidence.

WB was contacted and the separation between people acting as private individuals and as council employees explained, also the WB process could not cut across or halt a private legal process.

These private issues physically fell outside of the Kirklees Council area, and there was limited information the staff member might be able to access to assist with this private legal action.

Recruitment

A complaint asserted that a manager had recruited friends and family to a couple of posts. HR determined the recruitment process was followed correctly.

A meeting was held with the Manager to discuss the allegations where they confirmed they had some previous knowledge of the people in question.

While the manager had complied with the recruitment process, they could have been more transparent and reported their knowledge of the candidates.

While there was no cause to suggest progressing the concern formally, there were some matters of highlighting the expectation of the manager for them to take advice on whether it is appropriate for them to recruit to the post/declare the previous contact.

School Matters

A school support worker (employed by a contractor) raised an issue around a potential conflict of interest by a Governor at the school who also held a commercial service contract with the school.

Ongoing HR action was taking place between the worker and his employer,

The interest had been declared, but a discussion took place with the Head to share the concerns, along with a discussion about how school arrangements could be improved.

More generally, sharing a note on general procurement advice might be helpful to all schools was suggested.

Further correspondence regarding concerns about a High School which was originally dealt with in 2019/20. The Chair fully investigated matters to the level where the LA was satisfied matters had been considered previously.

Submissions were rechecked, concluded that the former teacher's complaint ended at that point – they had no new experiences to share after the conclusion of the investigation. They cannot act on behalf of others, and it would be for more recent/current staff to come forward if they held fresh concern.

We received a complaint initially regarding under staffing at a Kirklees School, a further 2 whistleblowing complaints were received whilst the investigation was ongoing.

The governors agreed to undertake a fact find exercise within school, and to determine staff morale and staff relationships.
