

Corporate Customer Standards 2023/4 Interim Report

Meeting:	Corporate Governance and Audit Committee
Date:	28/06/2024
Cabinet Member (if applicable)	Cllr Scott
Key Decision Eligible for Call In	No
<p>Purpose of Report</p> <p>To update Corporate Governance and Audit Committee of corporate complaints performance.</p> <p>To discuss the Ombudsman Complaints Code, to propose work to introduce a Council “customer standard” and to update on a review of recording and reporting arrangements.</p> <p>To provide a brief update on performance and learning for 2023/4 ahead of the full year report in late summer 2024.</p>	
<p>Recommendations</p> <ul style="list-style-type: none"> To note the initial performance information for 2023/4. To note the plans for changing the complaints procedure, introducing a new customer standard, and performance monitoring, and request a more detailed report back in due course. <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> The introduction of the Local Government Ombudsman (LGO) Code necessitates a review of complaints procedures. Recognition that corporate performance data is currently limited outside of the third stage of the corporate complaints process. 	
<p>Resource Implications:</p> <p>The Corporate Customer Standards section is a small team, and development, and ongoing data collection work will need to be proportionate so as to not impact upon day-to-day complaint handling performance.</p> <p>In implementing the LGO Code there may be issues for services in meeting complaint handling deadlines, sending acknowledgements, and collecting performance data. Balanced against this, we may reduce repeat demand and spend less time complaint handling.</p> <p>Work to build up complaints and monitoring capacity within service areas will be needed.</p>	
Date signed off by <u>Strategic Director</u> & name	12/06/24 Rachel Spencer-Henshall

<p>Is it also signed off by the Service Director for Finance?</p>	<p>N/A</p>
<p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>12/06/24 Samantha Lawson</p>

Electoral wards affected: All – general report

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Executive Summary

A summary of 2023/24 complaint outcomes at third stage are provided at Appendix 1 below. A brief outline of the work required to bring the complaints process in line with the Local Government Ombudsman code is provided, along with plans to introduce a “Customer Standard”, and improved complaints reporting.

Examples from learning from complaints are provided.

The Kirklees Council complaints process appears to perform favourably when compared with West Yorkshire councils.

2. Information required to take a decision

Contained within Appendix 1.

3. Implications for the Council

While recognising individual complainants may suffer frustrations and loss, the council’s complaints process appears reasonably robust, when considering Ombudsman outcomes.

The report suggests that improvement change be made incrementally, as it is vital that the core focus remains on day-to-day complaints handling within the corporate team and directorates. This may increase pressure on managers in services to meet the deadlines and reporting required by the new Local Government Ombudsman Code, although this is less onerous than was originally proposed by the Ombudsman.

3.1 Council Plan

None

3.2 Financial Implications

None (at this stage, and likely to be quite small)

3.3 Legal Implications

None

3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)

None

4. Consultation

None at this stage

5. Engagement

None

6. Options

Options considered

The Council could decide to ignore the new Ombudsman code, but the Council has in any case recognised a need to review and update the complaints procedure, and the need to improve the scope and scale of our complaints reporting. The Ombudsman would be very likely to be critical of the council's complaint handling efforts, if it was decided to disregard their advice without good cause.

Reasons for recommended option

Not applicable

7. Next steps and timelines

To continue work, and to provide update at full report (September 2024)

8. Contact officer

Chris Read, Corporate Customer Standards Officer

Martin Dearnley, Head of Risk

9. Background Papers and History of Decisions

See report below

10. Appendices

None

11. Service Director responsible

Samantha Lawton, Service Director - Legal, Governance and Commissioning, Rachel Spencer Hensall, Strategic Director

Appendix 1.

1. Update on Local Government Ombudsman Code

Towards the end of 2023, the Local Government Ombudsman proposed a new Complaints Code. This was intended to set out a standard complaints procedure for all councils to follow prior to escalation to the Ombudsman.

The code was intended to be coupled with the Housing Ombudsman's Complaints Handling Code for Landlords. It was not intended to replace other complaint progression routes set out in law (for example Childrens, Housing Benefit Appeals, Planning Appeals etc.)

Following comment and consultation with Local Councils and other interested parties, a significantly revised code for "advice and guidance" for councils was published in February 2024. Councils are expected to introduce and follow the code by April 2026.

Main features of the new code are as follows:

- A two stage complaints process (service and corporate review) with a formal acknowledgement process.
- A timescale for response (stage 1: 5 days for acknowledgement, 10 further working days for response, Stage 2: 5 days for acknowledgement, 20 further working days for response). Extensions to the deadlines should be reasonable, and highlighted to the resident at the point the complaint is first considered.
- Consideration of reasonable complaint remedy to be made and provided at stage 1.
- Regular feedback to a "Member responsible for complaints".
- A self-assessment and performance reporting process
- There is a prior "service request" stage, which might be considered as a request the council receives to provide or improve a service or fix or reconsider a problem. This broadly equates to Kirklees' existing "stage 1 complaint", which is the initial contact.

The Corporate Customer Standards Section will be looking to work with Council Services to introduce changes to the existing complaints procedure during 2024, so the process can be tested and bed-in during 2025, and so the Council is operating in line with the Ombudsman's expectations for the Code by 2026. It is likely to be appropriate to continue to introduce restorative practice, particularly where remedy is considered more often within service areas, to resolve as many complaints as early as possible.

It should be noted that the Ombudsman is trialling the code with a small number of councils and feedback from that process is expected early in 2025.

While the Local Government Ombudsman Complaints code is technically voluntary, it appears to present good practice, and councils would need good cause to depart from the advice the Ombudsman provided. Again, the long lead time enables officers and services to consider the code in practice, and to discuss any departures from the code (should any be proposed, in time).

Issues that may present themselves might include:

- recording (new) stage 1 complaints and timescales,
- ensuring service timescales are met,
- considering remedy accurately and consistently (to the advice published by the Ombudsman)
- understanding the “service request” distinct from “complaint”

An initial review process will consider how these (and other identified) issues can be mitigated. A formal project plan will be drawn up, using information and advice provided by an Internal Audit and Risk team review of the initial Ombudsman proposals. At the present time the Council lacks corporate information on complaints, other than at current level 3. The newly defined “stage 1” complaint and the statistical information will be collectable, and available for corporate reporting.

2. New Corporate Customer Standard Statement

As part of the new refresh of the complaints process, it is intended to propose a new Customer Standards statement which will again affirm the Council’s commitment to providing accurate, helpful, and timely advice and information to residents.

The previous Customer Standard was withdrawn around 2011. At that time there was a considerable level of service change, and it was difficult to predict service performance. This was a prescriptive document which set out specific deadlines for service response etc. These deadlines were difficult to quantify and achieve given the different number of services and different levels of complexity etc. to accommodate.

Subsequently, work was undertaken on a “customer promise” which focussed more on our standard of service delivery, and ensuring staff were as helpful to the public as possible. This had an internal launch and set the tone for service delivery at the time. However, it was not formally published as a public document.

The complaints code (when introduced) can append to this Customer Standard Statement.

Discussion has taken place with the Customer Expectations project and front-line services to make sure the standard matches the front-line processes.

3. Complaints reporting and performance monitoring

Corporate performance monitoring by the Corporate Complaints team is mainly focussed upon (current) third stage complaint handling and comparing Kirklees performance for complaints taken to the Ombudsman against similar councils. Here the Council consistently performs better than average.

Second Stage (service review) has always been left as a function for Services to report on as they feel appropriate. There is no consistent corporate collection process. There is no universal complaints data base collecting data in Kirklees (conversely there is also no time-consuming double entry data collection process either).

The Corporate Team and the Data Insight and Enablement Lead have sought to determine what might constitute meaningful and achievable monitoring statistics.

In particular, some measures of learning from complaints at service level, and perhaps measuring the proportion of complaints which progress to the next complaints stage would give an indication of the success of the complaints process at service level.

More work to obtain corporate oversight of other complaint processes (such as those complaints which progress to the Housing Ombudsman, and those subject to the Statutory Complaints Process) is also required. Initially, it is planned to obtain regular feedback with these services to identify complaint issues and learning, which would seem to offer a good way to start building up a corporate picture of performance and challenges in these areas.

4. Ombudsman Complaints 2023 - 24 – initial findings

Kirklees did not receive a formal Ombudsman report in 2023-24. The last formal Ombudsman report against Kirklees Council was published in September 2018.

The Ombudsman shares details of every complaint decision for every council on its website and they are published approximately 6 weeks after the decision was made. This enables early comparison between West Yorkshire Councils.

As Kirklees' Council population makes up just over 19% of the West Yorkshire total, a helpful benchmark can be established. Between April 1st – March 31st (12 months), the following figures were obtained.

Number of complaints formally investigated by the Local Government Ombudsman – 01.04.2023 – 31.03.2024 inclusive.

Council Area	Number investigated (%)	Number Upheld (%)	% Upheld
Kirklees	50 (14.6% of West Yorkshire)	13 (12.7% of West Yorkshire)	26
Bradford	92	20	21.7
Calderdale	43	19	44.2
Leeds	119	42	35.3
Wakefield	38	8	21
Totals	342	102	29.8

The complaints that were upheld by the Ombudsman in Kirklees cover different areas and so no particular pattern could be identified. These will be reported in full as part of the annual report in late summer.

Kirklees once again received significantly fewer complaints than might have been anticipated by population, and the percentage upheld by population is lower still. Last year, further analysis took place with South Yorkshire and Manchester Councils, and this offered further assurance that Kirklees receives fewer complaints per head of population than might be expected.

The percentage upheld show Kirklees better than average, but higher than Bradford and Wakefield. Given the small number of complaints in the sample, the difference between Kirklees and the highest performer is 2 upheld cases in the year. While Bradford has a larger number of investigated cases overall, Wakefield does have better complaints performance.

5. Third Stage Complaints 2023- 4

There was an increase in the number of third stage complaints received in 2023/4, following a considerable downturn in 2022/3 compared with previous years. Numbers are back at longer term trends.

Number of Third Stage Complaints – Kirklees Council 2017 - 2024

Financial Year	Number
2017-18	82
2018-19	88
2019-20	71
2020-21	72
2021-22	83
2022-23	56
2023-24	81

The numbers being considered is across the wide range of activity, and individual service numbers are small, such that few obvious patterns are discerned from the complaints handled. It is also the case that a small number of “hard to please” complainants may have a disproportionate impact on numbers.

Two service areas Waste Collection (14) and Special Educational Needs (SEND) (16) accounted for 30 (37%) of the number of third stage complaints this year.

Both have reported some issues. Waste with issues around functionality of vehicles, changes to rounds and IT issues with assisted collections. Performance has settled in 2024/5. SEND are working through a backlog of cases caused through a national shortage of Education Psychologists (assessments needed to complete the educational support plan) and a significant upswing in the annual numbers of support plans and reviews both needed and physically being issued. The percentage of complaints upheld at service and corporate level have also increased for these services.

The reported reduction in budgets and services does not appear to feed through to the complaints process as yet. Anecdotally some residents believe the outcome of their complaint would have been different prior to the budget issues and so are presenting complaints on this basis, although there is little evidence this is feeding through to maladministration or error being reported by the Ombudsman. Further monitoring will take place as we move through 2024.

It should be noted that the customer standards team also spend time dealing with repeat complaints, offering advice to services on complaints handling, coordinating whistleblowing contacts, and co-ordinating complaints and advising residents of the complaint’s procedure.

6 Learning from complaints – practical examples

Every complaint has an element of learning, although often the learning is around keeping the resident well informed on progress and setting expectation of outcomes, or around timeliness of response.

It would be surprising if we were to find many learning points at corporate review which alters fundamental service policy or where we find process does not reflect legislation. A well run and managed organisation should in every case introduce processes which reflect legislation and

local policy. Furthermore, the initial stages of the complaints process which are considered by the service should capture most emerging issues.

Likewise, the complaints process does not take account of the other ongoing matters an officer or service is dealing with concurrently. An officer may know perfectly well that an acknowledgement should be sent, or a matter dealt with promptly, but circumstance may have prevented them from doing so. So, while there may be recommendations and learning in this area, and feedback to the service to be offered, it may be a point that is well known and one that is ordinarily actioned.

This all means that the recorded learning for third stage reviews is often routine, and it is only occasionally that a fundamental service change emerges that was previously unknown.

The nature of identifying only routine outcomes give an indication of a robust management and change process with services. The Local Government Ombudsman review process additionally serves as an external check on the robustness of the complaints process, and that the complaints review has generally identified the right things. Therefore, this can offer some further anecdotal confidence that the complaints process is robust, and major issues are identified quickly.

In all cases where error has been identified, the resident has been offered an apology and in formulating the reply, some consideration to how the Ombudsman might respond to the complaint was undertaken.

Some learning examples identified through the third stage complaints process in 2023/4 are described below. This is intended to offer a spread of examples rather than be definitive. Further examples from learning, which moved onto the Local Government Ombudsman will be outlined in the full report.

Communication

1. An elderly person had a period of “short-term” care after leaving hospital while home care support was being arranged. The standard process is for the focus to be upon the care being arranged. In this case, “short-term” meant the individual was in care for some months, and a considerable chargeable bill accrued, about which the person and their family had not been formally notified. It was agreed that the service should review “short term” care arrangements to make sure residents are aware they will be billed if the arrangements remain in place for some time. It was also identified there may be merit in recording more telephone calls, to evidence the enquiries a resident raises and advice they receive, should later dispute arise.
2. A complaint about the withdrawal of a service from a supported living scheme identified that the consultation process had not fully taken account of the time it might take for residents to obtain help and support to be able to express their views. The consultation process was amended to take account of the needs of the people most affected.
3. Due to a service reorganisation, there were multiple issues experienced with regard to the waste service, and whilst many issues were managed effectively, the complaints team were not able to respond to all enquiries received. Some complaints were not able to be monitored to help to ensure further collections were not disrupted. This led to considerable frustration for some residents. The waste complaints team, who manage complaints about waste collection and liaise with the waste teams are valuable as they ensured cases were successfully resolved in most cases.

Record keeping

4. There is a specific liaison point within Special Educational Needs to help understand ongoing issues and developments as the service progress through their plans to improve service delivery. The dedicated contact should enable minimised response times for residents who may be particularly frustrated with their complaint issues.

Over the year, areas for improvement have been identified, including, for example, ensuring all records are stored and maintained on core systems, residents provided with realistic timescales to assist with their expectations on progress, ensuring schools report on those pupils who have stopped attending, and that monitoring of ongoing cases to ensure deadlines are tracked. The service is already aware of the need for improvements, but the customer experience helps illustrate the practical issues, and to show the benefits that can be achieved.

5. A complainant attended a council appeal and believed they overheard people talking about details of their case in the corridor outside. They also complained about the accuracy of minutes which suggested they had attended a previous meeting, when in fact they had been asked their opinion on a matter and this information was presented to the meeting. While the discussion in the corridor was unproven, advice was given to the service about ensuring confidentiality, and the accuracy of minute taking to give confidence in the full records.

Timeliness

6. A complaint about delay in handling a footpath modification order (after directions following a government investigation), has resulted in the service agreeing a plan to clear the backlog of such cases. Progress in this area is slow (and often involves consultation and information gathering), and the complaint has been helpful in raising the spotlight on these cases. Bi-monthly corporate monitoring now take place to discuss progress.

Staff Training

7. A complaint highlighted a little used council tax exemption which relates to repossessed properties, but where the service had continued to bill the resident. Information reminding staff of the exemption was shared.
8. A resident contacted the council to explain they would be late with their council tax payment. Unfortunately, a wrong hold was placed onto the computer system and the resident became upset to receive repeated reminder bills and to have to check again with the council. The customer service team identified the error and shared an update to their whole team to remind them of the correct process to use.
9. In respect of a resident who was near homeless, it was agreed it was better they remain in their existing home (which they preferred), rather than be classified as "homeless" and qualifying for temporary accommodation. The decision enabled the resident more opportunity to find suitable new accommodation and reduced potential for disruption for the family. However, it also affected their priority banding for rehousing for a period and did not meet with the council's published policy. The issue was raised with the team.