



Audit & Standards Committee Report

Report of: Tom Smith, Director of Operational Services / David Hollis,
Monitoring Officer

Date: 30 October 2023

Subject: Annual Ombudsman Complaints Report 2022/23

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Summary:

This report provides an overview of the complaints received, and formally referred and determined by the three Ombudsmen (Local Government & Social Care Ombudsman, Parliamentary & Health Service Ombudsman and Housing Ombudsman) during the twelve months from 1 April 2022 to 31 March 2023.

The report also identifies future developments and areas for improvement in complaint management.

The report is jointly presented by the Monitoring Officer and the Director of Operational Services who is responsible for managing the Complaints Service.

Recommendations:

The Audit & Standards Committee is asked to consider the Annual Ombudsman Report in order to provide its view on the performance of Ombudsman complaints and the issues raised.

Background Papers:

LGSCO Annual Letter 2022/23
HO Annual Report 2022/23

Category of Report: OPEN

Annual Report Ombudsman Report 2022-2023

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1.0 INTRODUCTION

- 1.1 As a Council we want to provide high quality, accessible and responsive services that deliver what matters most to our diverse communities. We know that timely responses lead to increased customer satisfaction and enhances our reputation as a caring organisation that listens to its population.
- 1.2 The effective handling of customer complaints across the organisation enables the Council to be open and transparent, respond in the right way, make the best use of resources and make well-informed decisions.
- 1.3 Since the implementation of a new Complaints Case Management Recording System in November 2021, we have continued to work with services embedding a new ‘listening culture’ which is changing staff behaviours and holding managers more accountable for complaint handling.
- 1.3 We aim to become better at listening to complainants; learning from complaints and improving the customer’s experience when they make a complaint.
- 1.4 We welcome complaints as an opportunity to improve our services. Indeed, our definition of a complaint is “any expression of dissatisfaction whether justified or not”, which is deliberately wide to ensure that complaints are recognised and are properly addressed. We also encourage positive feedback on the services we provide.
- 1.5 The Feedback & Complaints Team in Customer Services is responsible for the development and implementation of policy and procedures on complaints. In addition, the Team acts as the Council’s liaison point with the Local Government & Social Care Ombudsman (LGSCO), Housing Ombudsman (HO) and Parliamentary & Health Service Ombudsman (PHSO).

- 1.6 The Ombudsmen provide a free, independent and impartial service. They consider complaints about the administrative actions of local authorities. They cannot question what a council has done simply because someone does not agree with it. However, if they find something has gone wrong, such as poor service or service failure, and that a person has suffered as a result, they recommend a suitable remedy.
- 1.7 The LGSCO's powers are set out in the Local Government Act 1974, as amended. The HO's powers are set out in the Housing Act 1996, as amended. The PHSO's powers are set out in the Parliamentary Commissioner Act 1967, as amended, and the Health Service Commissioners Act 1993, as amended.

2.0 SUMMARY

- 2.1 This report provides an overview of the complaints received, and formally referred and determined by the Ombudsmen during the twelve months from 1 April 2022 to 31 March 2023.
- 2.2 The report also identifies future developments and areas for improvement in complaint management.
- 2.3 The report is jointly presented by the Monitoring Officer and the Director of Operational Services who is responsible for managing the Complaints Service.

3.0 COMPLAINTS OVERVIEW 2022/23

- 3.1 Overall, the Council and its strategic delivery partners (Amey and Veolia) dealt with 9514 complaints through the corporate complaints process in 2022/23. This represents a significant 269% increase on the 2580 complaints reported the previous year. This was to be expected as complaints resolved via 'problem solving' were now included in these figures.
- 3.2 Amey/Veolia accounted for 30% of complaints received 2022/23. Council services with the highest number of complaints received 2022/23 were Council Housing Repairs (29%), Customer Services (12%) and Finance (11%).
- 3.3 A separate annual complaints report was presented to Audit and Standards Committee back in July 2023 which provided more detailed information and commentary on the Council's local complaint handling during 2022/23.

4.0 OMBUDSMAN COMPLAINTS/ENQUIRIES

- 4.1 The LGSCO received 124 complaints and enquiries about Sheffield City Council and its strategic delivery partners during 2022/23.
- 4.2 This is 9% increase on previous year. A breakdown of complaints/enquiries by category is provided at **Appendix A (Table 2)**. The LGSCO received the most

complaints about Education and Children’s Services (27%); Housing (23%) and Adults Social Care (14%).

- 4.3 The Housing Ombudsman does not publish the number of complaints/enquiries they receive about individual authorities, but the Council’s Feedback and Complaints Team have recorded 60 complaint referrals/enquiries from the HO during 2022/23.

Complaints/Enquiries Received	2020/21	2021/22	2022/23
LGSCO	95	114	124
HO*	13	19	60

* numbers recorded by Feedback & Complaints Team

- 4.4 The Council’s Feedback & Complaints Team recorded a total of 137 complaints received by the LGSCO (77) and HO (60) during 2022/23. The numbers reported by the LGSCO do not match the number recorded by the Council’s Feedback & Complaints Team because they include, for example, complainant’s who have made an ‘incomplete or invalid’ complaint or cases where advice was given but details were not shared with the Council.

- 4.5 A breakdown of the 137 complaints recorded by the Feedback & Complaints Team by service area is provided at **Appendix A (Table 1)**. The service areas that generated the largest number of Ombudsman enquiries/referrals during 2021/22 were Repairs & Maintenance (28%), Housing and Neighbourhood Services (24%); Education & Skills (9%) and Adult Social Care (7%).

- 4.6 It is important to note that not all Ombudsman enquiries lead to a formal investigation. In fact, of the 137 complaints recorded by the Council’s Customer Feedback & Complaints Team in 2022/23, 85% were concluded without a formal investigation.

- 4.7 Of the 21 (15%) complaints that were formally investigated, the highest numbers were about Repairs & Maintenance (7) and Education and Skills (5).

5.0 RESPONSE PERFORMANCE - OMBUDSMAN

- 5.1 The Council’s average response time to 51 preliminary ombudsman enquiries in 2022/23 was 7 calendar days (generally 5 working day target but some preliminary enquiries have specific response date on case by case basis).

- 5.2 The Council’s average response time to 23 initial formal enquiries made by the LGSCO/HO in 2022/23 was 30 calendar days (21 working days) with 87% of responses meeting the original or initial agreed revised deadline. There has been a significant improvement in response time performance in 2022/23 compared with previous years which has been acknowledged by the LGSCO in his annual letter:

“I was pleased to see that, after raising concerns last year about your Council’s lack of timely responses to our enquiries, there has been a significant improvement in this

area. Following my letter last year, all the responses we received were on time. Thank you”.

	Number of Initial Formal enquiries	Number within original deadline	Number within initial agreed revised deadline	Number requiring 2 nd extension
LGSCO	13	7	4	2
HO	10	6	4	0

5.3 Delays in responding are mainly due to late/incomplete service comments and/or the annual leave of key officers. The 2 responses that exceeded both the original and initial agreed revised deadlines were both SEND related complaints.

6.0 OUTCOMES

6.1 In resolving complaints, we aim to work with the customer to try to achieve their preferred outcome, and when appropriate we will apologise. When the Council is found to be at fault, we will aim to resolve the complaint by putting the customer back into the position they would have been in had the fault not occurred, or by offering another remedy if this is not possible.

6.2 During 2022/23, the LGSCO upheld 19 complaints (73% of the complaints they formally investigated). A breakdown of all LGSCO decisions is provided at [Appendix A \(Table 3\)](#) and details of all the upheld complaints and the remedies and service improvements that were agreed (including the public report) are set out in [Appendix B](#). The SENDARS Service accounted for 37% of complaints upheld by the LGSCO.

6.3 The LGSCO issued one public report during 2022/23. The report was about the Council’s failure to meet a young person’s care and support needs following problems with their care provider and its failure to properly review the young person’s Education, Health and Care plan or consider alternative provision. In his annual letter the LGSCO has commended the Council for promptly accepting fault during the investigation of the complaint and demonstrating its ability to learn from this complaint having made a range of improvements to its services for young people transitioning to adulthood.

6.4 During 2022/23, the HO determined 5 complaints and made 12 individual complaint findings in respect of these complaints. A breakdown of the 12 HO findings is provided at [Appendix A \(Table 4\)](#).

6.5 The HO found maladministration/service failure in 3 out of the 5 complaints determined. A summary of the 5 individual maladministration/service failure findings is provided at [Appendix A \(Table 5\)](#) with more detail around these findings and the remedies and service improvements that were agreed set out in [Appendix B](#). It is of

note that 3 out of the 5 findings of maladministration/service failure were in relation to the Council's/landlord's handling of the complaint.

6.6 In total, the Council paid £45455.12 in compensatory payments and other reimbursements following Ombudsman enquiries. This compares with £8445.49 paid in 2021/22.

7.0 BENCHMARKING

7.1 Looking at LGSCO involvement and how Sheffield City Council compares with other local authorities (see **Appendix A - Table 6 for core city comparison and Annual Letter at Appendix C for overall averages for similar authorities**):

- The LGSCO upheld 73% of the complaints that were formally investigated about Sheffield City Council, which is below the 77% average for similar authorities. Core City upheld rates range from 61% - 89%.
- The LGSCO found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman in 0% of upheld cases, which is lower than the average of 10% in similar authorities. Core City rates range from 0% - 38%.
- In terms of LGSCO recommendations, Sheffield City Council, like most of the other Core Cities during 2022/23, had a 100% compliance rate against an average of 99% in similar authorities.

7.2 Looking at HO involvement and how Sheffield City Council compares with other local authority landlords (see **Annual Report at Appendix D**):

- The HO reports a 62.5% maladministration rate for SCC during 2022-23 (this is based on 5 out of 8 complaint findings - excluding 4 outside jurisdiction findings). This is higher than the 55% national maladministration rate but similar to other local authority landlords/ALMOs (62%). The HO has written to all landlords with a maladministration rate of 50% or above, expressing concern that that the high rate of maladministration does indicate that improvements could be made to prevent and resolve complaints more effectively.
- The HO issued 12 remedy/learning orders during 2022-23 (5 x compensation payments; 2 x apology; 2 x case review and 3 x other actions). Sheffield City Council had 100% compliance rate for all orders with target dates April 2022 – March 2023.
- The HO issued 3 Complaint Failure Orders during 2022-23. All three orders were due to the Council's unreasonable delay in accepting or progressing a complaint through its process.

8.0 LEARNING

- 8.1 We aim to learn from complaints, so that we do not repeat the same problem. **Appendix B** includes details of the remedies, improvements and changes that have been made following Ombudsman investigations.

Examples of key learning/service improvements include:

- Home to school transport appeal process developed to include new templates for decision notices to include reasons for the decision and to reference evidence/information considered. (**Customer Services/Democratic Services**)
- Range of improvements made to its services for young people transitioning to adulthood including increased investment and reshaping of services which will enable the Preparation for Adulthood team to focus on pro-actively working with young people aged 14-18 years to promote autonomy and independence; and the introduction of a new tool called a 247 to enable families, young people, professions (across children's and adults) and non-social care professionals such as teachers, to have a shared approach to understanding and tracking goals and aspirations. (**Children's and Adults Social Care**).
- Procedures put in place to ensure any challenge of the District Valuer's decision is communicated to tenants buying their homes and only after full collaboration with the right to buy team by the surveyors (**Property Services**).
- Staff procedures and application forms reviewed/updated to ensure questions about reasonable adjustments are embedded in the process when a person approaches the Council as homeless or in need of housing (**Rehousing Service**).
- Standard prompt/reminder incorporated to stage 3 complaints review panel pre-meeting (statutory Children's social care procedure) to ensure that if Panel decide to 'uphold' any points of complaints they also consider any resulting impact/injustice and reach a view on whether further additional remedy is appropriate/should be recommended (**Feedback & Complaints Team**).
- Range of improvements made around customer communications and information sharing with new tenants; record keeping including the development of a standardised survey report; closer management of structural issues and contractors, and more robust/timely complaints investigations/reviews (**Repairs & Maintenance**).
- Changes and improvements made around the way the service responds to property leaks including the development of a simple guide for tenants

explaining the responsibilities of the tenant/landlord and advice on compensation; improvements in record keeping in relation to leaks including accurate description of source and impact; and more robust complaint investigation/review to ensure clarity on the dates that repair issues are reported; visits made and repairs resolved (**Repairs & Maintenance**).

9.0 IMPROVEMENTS 2022/23 AND ONGOING DEVELOPMENTS 2023/24

The following provides an update on actions and areas identified for improvement in 2022/23 and ongoing developments for 2023/24:

- **Feedback and Complaints Case Management system** – Improvements have been made to the system to address gaps in recording and improve performance analysis including the creation of mandatory function that captures categories of complaints, remedies and learning outcomes on each complaint recorded. This will provide a valuable source of information to develop our services and colleagues to better meet the needs of our citizens.

Ongoing development: Further Improvements continue to be made to system and associated reporting, in particular around learning where moving forward the aim is to share better information with the key stakeholders via a new Learnings Dashboard

- **Training** – The Feedback and Complaints Team continues to support Effective Complaint Handling training sessions and to provide system support as and when required.

Ongoing development: The Feedback and Complaints Team continue to track and monitor open cases and provide training and support to Responding Managers across the Council to ensure the transition and improvement in complaint handling.

- **Response times - Ombudsman formal enquiries/investigations** – Response times have improved in 2022-23. Formal 'sign off' of ombudsman investigation responses has been delegated to relevant Directors to reinforce ownership and improve timeliness.

Ongoing development: Work continues with some services around the quality and format of comments/information provided.

- **Joint Complaint Handling Code:** The LGSCO and HO are currently consulting on a joint complaint handling code which will come into effect April 2024.

Ongoing development: The Council's complaints policy and corporate complaints procedures are being reviewed to align with the LGSCO/HO joint

complaint handling code. The complaints internal SharePoint Site/intranet pages and public facing information on the SCC website will also be reviewed and updated.

10.0 RECOMMENDATIONS

- 10.1 The Audit & Standards Committee is asked to consider the Annual Ombudsman Report in order to provide its view on the performance of Ombudsman complaints and the issues raised.

