

SLOUGH BOROUGH COUNCIL

REPORT TO: Customer and Community Scrutiny Panel
DATE: 20 October 2022

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WARD(S): *all*

PART I **FOR DECISION**

TASK AND FINISH GROUP: COMPLAINTS HANDLING

1. **Purpose of Report**

1.1 Complaints is a key area for Member attention and is central to the remit of the Customer and Community Scrutiny Panel. A Task and Finish Group is recommended to review the subject area and make recommendations building on the work reported in September 2022 to the Audit and Governance Committee (see Appendix A).

2. **Recommendations:**

1. That a 'Complaints Handling Task and Finish Group' be convened;
2. That the Panel commends to this Task and Finish Group the 'key lines of enquiry' set out at section 5.7, subject to any input from the committee in light of this report and its appendices; and
3. That this Group be made up of up to 5 members from the committee, ideally with cross-party input, and be expected to report their findings to the Customer and Community Scrutiny Panel within three months, subject to the discretion of the Panel Chair.

3. **Commissioners' Review**

Commissioners support this proposal and the approach suggested.

4. **Report**

4.1 On 28 September 2022 the Audit and Corporate Governance Committee received an [item about complaints](#). This report is included as an appendix to today's item. It includes:

- a [summary of decisions upheld by the Local Government and Social Care ombudsman](#) (ie where an independent body has upheld a complaint about the council)
- a [summary of complaints received by the Council](#)
- a [note of the themes identified](#) and the actions being taken to respond to these themes.

4.2 The following actions are summarised from section 3 of the report to Audit and Corporate Governance Committee (Appendix A) – a recommendation relating to this scrutiny item has been underlined:

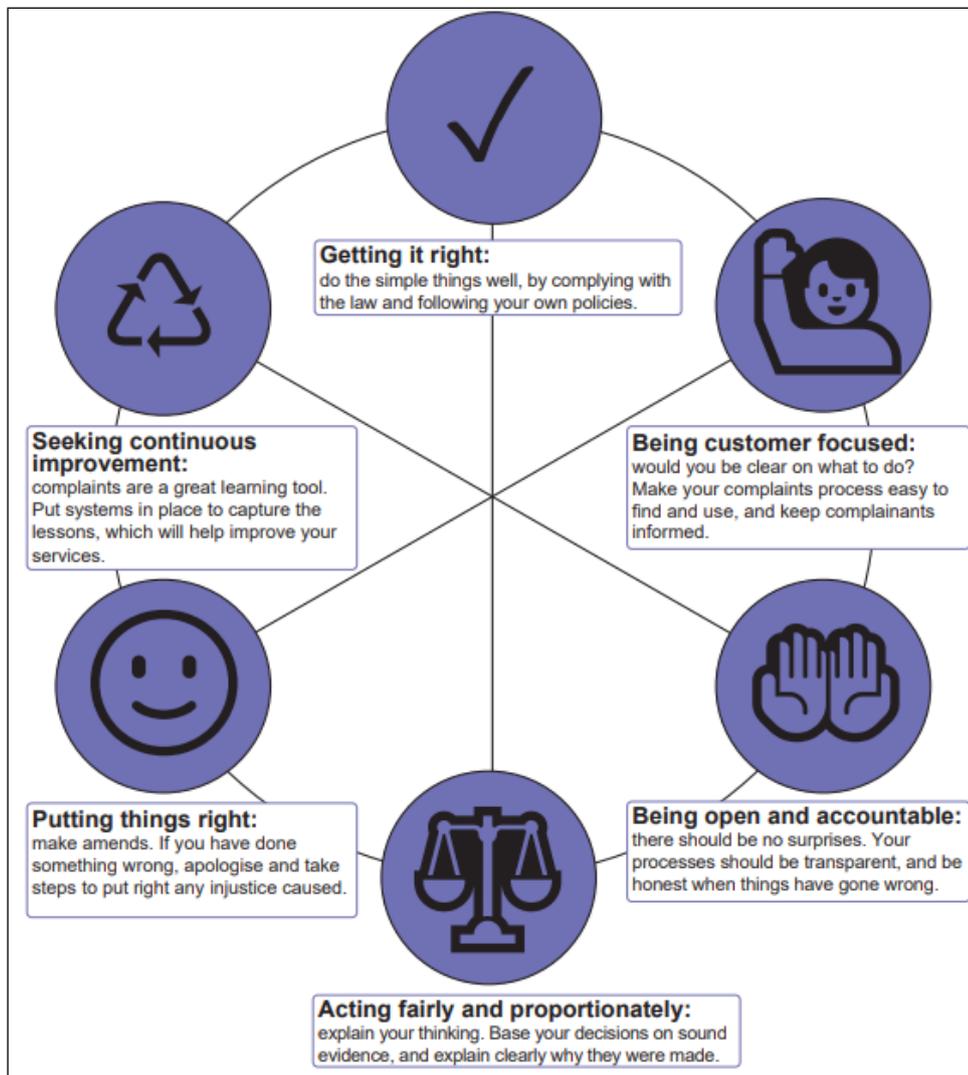
- *The Complaints Team intends to reduce their complaints process from a 3 stage process to 2 stage process.*
- *Officers are liaising with scrutiny members in relation to setting up a task & finish group to look at best practice guidance and the LGSCO's training programme to enable recommendations to be made to cabinet on improving the complaints process.*
- *When reporting about complaints, the Complaints Team wishes to move away from a focus on the number of complaints and timeliness of responding and towards focusing on capturing learning and trends.*
- *The Monitoring Officer has taken a lead on reviewing all cases which have been referred to the LGSCO to ensure the Council responds in an open and transparent manner and that options for early resolution are explored.*

4.3 Councillors have an important dual role signposting complaints on the behalf of members of the public, and scrutinising the delivery of local services. Councillors therefore have a unique perspective on the Council's complaints process, and many reasons to want to make sure it works effectively. It is critically important that Councillors have confidence in the arrangements which their own council has in place for handling residents' complaints on their behalf, as well as understanding the system and feeling an ownership of it.

4.4 Furthermore, there is an opportunity to learn about the Council's performance in all kinds of areas by looking at trends and themes in the complaints it receives. This makes complaints an important area for the overall governance of the authority and a valuable source of information for Overview and Scrutiny. As an example of the kinds of insights available, the Local Government and Social Care Ombudsman has used its knowledge of complaints across the whole sector to develop [lists of questions](#) which it believes Overview and Scrutiny Members should be asking in every local authority when considering certain topics. By setting this example, they are showing that this should be an aspiration for every Council to do using their own complains data.

4.5 The Local Government and Social Care Ombudsman is an independent body which has a role to investigate complaints about Council services, usually when the Council's own complaints process has failed to resolve the issue. It publishes advice and guidance about good practice handling of complaints.

4.6 For example, this diagram sets out the Local Government and Social Care Ombudsman's 'Principles of Effective Complaint Handling':



4.7 The proposed key lines of enquiry for the Task and Finish Group have been drawn from a publication by the Local Government and Social Care Ombudsman called [Effective Complaint Handling for Local Authorities](#). They should be considered draft until confirmed by the T&F Group itself, and are as follows:

Complaint handling

- How quickly does your authority respond to complaints?
- How quickly does your authority look to put things right when there is evidence of fault?
- How does your authority make sure all partners it commissions services from also have effective complaint handling processes?
- Does your authority's complaints process clearly signpost to the Ombudsman?

Complaints upheld:

- Does your authority uphold particularly high or low numbers of complaints in particular service areas?
- How does your uphold rate compare to the number of complaints made to your authority?

Our decisions:

- Do we refer a high number of complaints back to your authority to consider first? This may show that people are not being properly signposted to the local complaints process.
- Uphold rates show the proportion of investigations in which we find some fault and can indicate problems with services. Using our interactive map you can compare your uphold rate with that of similar authorities.

Putting things right:

- How often does your authority offer a suitable remedy for a complaint before it comes to us? This is a good sign that your authority is able to accept fault and offer appropriate ways to put things right for people.
- Use the interactive map to look at the service improvement recommendations your authority agrees to make following our investigations. How are they being implemented, and their impact monitored?
- What is your authority's compliance rate? This indicates our satisfaction with the evidence your authority has provided to implement a recommendation it has agreed to.

4.8 By considering these, or similar, lines of enquiry, it is anticipated that Councillors will be able to develop recommendations for the Panel to consider recommending on to the Cabinet. In order to resolve the work well before the end of the current administration and provide space for other T&F work it is proposed that an expectation of a three month duration be set by the Panel Chair.

4.9 Officer support to this Task and Finish Group will be drawn from staff in the service who necessarily must continue to do the 'day job' during this time, facilitated by Democratic Services who will advise on best practice planning and execution of a scrutiny review and assist with the synthesis of the information gathered. Members must therefore be prepared to take an active role in shaping and leading the review. In the first meeting of the T&F, members will be assisted to confirm the scope of their review and to explore the range of information they might like to look at or witnesses they may wish to call in order to shape their ideas. This could include looking at the way in which other authorities manage the function, for example.

5. Legal and Financial Implications

5.1 Financial

5.1.1 None – resources for the Task and Finish Group will be drawn from the existing officer corps. There may be financial implications to any recommendations resulting from this process, which will be dealt with in any report produced by the Task and Finish Group.

5.2 Human Rights Act and Other Legal Implications

5.2.1 There are no legal implications to convening a Task and Finish Group to consider the council's complaints processes. There may be legal implications to any recommendations resulting from this process, which will be dealt with in any report produced by the Task and Finish Group.

5.2.2 The LGSCO is the independent body responsible for investigating complaints made against local authorities where it is alleged that there has been maladministration causing injustice. Under the Local Government Act 1974, the

LGSCO is responsible for investigating complaints against council and some other authorities, investigating complaints about adult social care providers from people who arrange or fund their own adult social care and for providing advice and guidance on good administrative practice.

5.2.3 The expectation is that a complainant will utilise a local authority's complaints process prior to referring the matter to the LGSCO, although the LGSCO can dispense with this requirement in specific cases. Complaints can be made by a member of the public, their authorised representative, a personal representative of a deceased person or a person deemed suitable to act on behalf of a member of the public if that person is unable to authorise them.

5.2.4 The LGSCO has the power to make recommendations to a local authority following a complaint on how to improve its services and to put things right for the complainant. The recommendations are not mandatory and the local authority does not have to accept or follow them. Remedies recommended by the LGSCO can include an apology, financial compensation, a review of procedures, staff training, and reconsideration of a decision and payment of money where this should have been paid.

5.2.5 Maladministration is not defined in the legislation, however case law has held that it includes bias, neglect, inattention, delay, incompetence, ineptitude, perversity, turpitude and arbitrariness. Examples of maladministration include excessive or unreasonable delay, making misleading or inaccurate statements, failing to follow a specified procedure, failing to consult or liaise, failing to provide information when requested to do so, not keeping adequate records and failing to investigate or reply to a query from a member of the public. The LGSCO is concerned with the manner in which the decision was reached, as opposed to the actual decision.

5.2.6 Personal injustice can include the time and trouble involving in pursuing a complaint against a public body, the loss of a right or service, costs associated with pursuing the complaint and inconvenience, worry, distress and hurt feelings.

5.2.7 Certain matters are outside the remit of the LGSCO. These include decisions where there is a statutory right of appeal, situations where the complainant has had a remedy by way of court proceedings and where the complainant has failed to make a complaint within 12 months of the matter complained of (although there is discretion to extend this time limit).

5.2.8 The LGSCO regularly publishes good practice guides both on complaints handling and on suggested remedies for specific complaints. These include guidance relating to council housing repairs, neighbour nuisance, council housing management and benefits.

6. **Conclusion**

6.1 Complaints is a key area for Member attention and is central to the remit of the Customer and Community Scrutiny Panel. A Task and Finish Group is recommended to review the subject area and make recommendations building on the work already reported to the Audit and Governance Committee.

7. **Appendices Attached**

'A' - Report to the Audit and Governance Committee (and appendices)

[Local Government and Social Care Ombudsman Upheld Complaints and Statutory and Corporate Complaints Summary 2021/22](#)  PDF 127 KB

Additional documents:

- [LGSCO Appendix A - Summary of upheld decisions, item 6](#)  PDF 482 KB
- [LGSCO Appendix B - Annual letter from the LGSCO July 2021, item 6](#)  PDF 109 KB
- [LGSCO Appendix C - Annual letter from the LGSCO July 2022, item 6](#)  PDF 110 KB
- [Appendix D Statutory and Corporate Complaints report 2021-22, item 6](#)  PDF 1 MB

8. **Other public materials referred to**

[Effective Complaint Handling for Local Authorities \(Local Government and Social Care Ombudsman\)](#)

[Principles of Good Administrative Practice \(Local Government and Social Care Ombudsman\)](#)