Corporate Complaints Annual Report 2023 - 2024

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Executive Summary

Introduction

This is Luton Council's Annual Corporate Complaints Report for the period 1 April 2023 to 31 March 2024.

Findings

The number of corporate complaints received by the council is decreasing. In 2023/24 the Council received a total of 1740 corporate complaints, compared to 1988 in 2022/23.

69% of complaints received in 2023/24 were responded to on time. This is an improvement on the previous year when 58% of complaints were responded to within the specified timeframes.

There was a small increase in the proportion of stage 2 complaints from 8% to 9%.

Data from the Local Government Social Care Ombudsman (LGSCO) evidences that the council is 100% compliant with recommendations made by the LGSCO and is performing well compared to similar organisations.

In 2023/24, 69% of complaints about the council investigated by the LGSCO were upheld. This a reduction from 82% in 2022/23 and is lower than the average for similar organisations of 79%.

The council proactively identified satisfactory remedies in 33% of cases investigates by the LGSCO compared to an average in similar organisations of just 13%.

The Housing Ombudsman completed two investigations in relating to complaints made by council tenants. One of these cases included two findings of maladministration.

Improvement Actions

A series of corporate and service specific improvements are underway to further improve complaint handling response times, quality and service delivery in 24/25, including:

Enhanced quarterly reporting to DMTs

A review of complaint handling resources and structures

Development of a new corporate complaints policy to reflect the new Ombudsman joint handling code

Development and delivery of additional training and supporting materials for complaint handlers

Development of caseworker to support improved analysis, case tracking and monitoring of outcomes.

Appointment of a Member Responsible for Complaints (MRC)

Contents

1 Introduction

This is Luton Council's Annual Corporate Complaints Report for the period 1 April 2023 to 31 March 2024. It focusses on the nature of complaints received by the Council, handling performance and the learning identified through the complaints process which has shaped service development and improvements.

In addition, the report includes a summary of performance, decisions and learning from the Local Government Social Care Ombudsman (LGSCO) and Housing Ombudsman (HO) for the same time period.

The Councils Corporate Complaints Policy covers most complaints submitted to the council with the following exclusions:

Complaints about schools

Complaints about members

Complaints made by employees about terms and conditions, working conditions or personnel issues covered by other internal policies.

Complaints about adults and children's care services.

The data within this report includes complaints regarding Adult and Children's Social Care, however these are processed and monitored under a specific statutory framework. Consequently, detailed reports for these areas are also produced separately.

The corporate complaints function historically formed part of the organisation's Business Intelligence team but in October 2022 was embedded into Customer Services.

The team acknowledge and allocate complaints received and undertake performance reporting and monitoring functions. Responsibility for complaint investigations and responses sit with the respective service areas.

Complaints are recorded on the caseworker system. This is a relatively new system introduced in 2022. This means the reporting of trends is restricted to the past two financial years. The system also offers limited qualitative analysis, however development work is underway to improve this.

2 Complaint Handling Performance 23-24

2.1 Complaints Volume

Table 1: Corporate Complaints 2023/24

	Stage 1	**Stage 2**	**Total**
Airport	4	0	4
Chief Exec Dept	458	28	486
Children, Families, Education	164	26	190
Inclusive Economy	443	24	467
Population Wellbeing	530	63	593
Total	**1599**	**141**	**1740**

There were a total of 1740 corporate complaints submitted to the council in 2023/24. Of these 1599 were stage 1 complaints and 141 were stage 2 complaints.

There has been an overall reduction in complaints of around 12.5% compared to 2022/23 when the council received 1988 complaints (1843 at stage 1 and 145 at stage 2).

Whilst the overall number of complaints has fallen, the proportion of stage 2 complaints has increased from 7.3% to 8.1%. This may be indicative of decreased satisfaction in stage 1 complaint handling and so additional guidance and training for complaint handlers has been developed.

2.2 Complaint Handling Timeliness

During 2023/24 the council operated a two-stage complaint process:

Stage 1 complaints: to be responded to within 15 working days

Stage 2 complaints: to be responded to within 25 working days

69% of complaints were responded to within the stated timelines. This is an improvement on the previous year when just 58% of complaints were responded to on time.

There is considerable variation across the council with regards to handling times but overall improvement has been consistent across all directorates.

Table 2: Complaints Responded to on time 23/24

	Stage 1	**Stage 2**	**Total**
Airport	75%	N/A	75%
Chief Exec Dept	82%	71%	82%
Children, Families, Education	52%	39%	50%
Inclusive Economy	72%	50%	71%
Population Wellbeing	63%	54%	62%
Total	**70%**	**54%**	**69%**

2.3 Complaints Upheld

The % of complaints upheld is not reported in this annual report due to inconsistencies in the way this has been recorded on the corporate complaints system. These inconsistencies are such that the data relating to this measure is considered unreliable.

Improvement actions including additional staff training and a review of the caseworker reporting functionality is underway to improve the reliability of this measure and to support future reports.

It is anticipated training to all complaint handlers will be completed by April 2025.

2.4 Complaint Trends

At the point of submission residents have the ability to categorise the reason for their complaint. There has been relative consistency in the reasons stated for complaints over the past two years.

Table 3: Reasons for submitting a complaint

	2023/24	2022/23
Delay in providing a service	25%	25%
Failure to provide a service	18%	23%
Lack of contact / not returning contact	11%	7%
Disagree with decision	10%	13%
Staff behaviour	8%	6%
Provided a poor service	8%	10%
Other	20%	16%

Options are not service specific and unfortunately the caseworker system does not currently facilitate automated reporting, we are therefore unable to provide more comprehensive analysis at this time. This functionality is being explored to enable a more detailed understanding of the causes of complaints in future reports.

3 Ombudsman

Once the Council's internal complaints process has concluded, residents who remain unsatisfied have the option to escalate the ombudsman. There are two relevant bodies that residents can escalate to depending on the nature of their complaint; the Housing Ombudsman (HO) and the Local Government Social Care Ombudsman (LGSCO).

The Ombudsman are independent organisations providing impartial reviews of resident's complaints. While most complaints come under the remit of the LGSCO, the HO has a statutory regarding social housing. The Ombudsman decisions are final.

3.1 Housing Ombudsman

Housing Ombudsman decisions (known as determinations) are categorised as follows:

- Severe Maladministration
- Maladministration
- Service Failure
- No Fault

At the time of writing the Housing Ombudsman has not yet published its landlord performance reports for 2023/24.

However, as the ombudsman only produced and published reports in 2022/23 for landlords with 5 or more cases determined between 1 April 2022 and March 2023 it is not anticipated that a report will be produced for Luton as the number of determinations (decisions) made in relation to the authority did not exceed this figure. This means we are unable to provide comparative data regarding the council's performance.

In 2023/24 there were two determinations made by the HO following investigations of complaints made against Luton Council.

Case 202115941 Determination: Finding of Service Failure

Case 202210084 Determination: Two findings of Maladministration

The findings of maladministration relate to the handling of the resident's reports of repairs, in particular a shower room and the way in which the resident's complaint was responded to.

The Council was ordered to pay £775 in compensation. Full details of this case is published on the Housing Ombudsman website.

Whilst the low number of determinations made by the HO can be viewed positively, it does mean that any findings of maladministration will result in the council having a high % of maladministration findings.

Consequently, the determination made in case 202210084 will likely result in Luton's inclusion on the HOs list of landlords with high maladministration findings when it is refreshed and published.

3.2 The Local Government Social Care Ombudsman

If a resident makes an approach to the Ombudsman, the Ombudsman will typically undertake a three-stage process.

Usually, they will make a preliminary enquiry to the council requesting information about the complaints and our handling of it. They will use this information to decide whether to undertake the second stage, investigation.

The final stage is decision. The Ombudsman will decide to either uphold or not uphold the complaint. If the complaint is upheld, the Ombudsman will identify actions for the council to take and a deadline by which they must be completed.

During 2023/24 the Ombudsman made enquiries regarding 64 cases. 13 of these progressed to investigation and 9 were upheld.

The table below identifies the service area which were the subject of these complaints. The categorisation was undertaken by the LGSCO hence discrepancies with internal service titles.

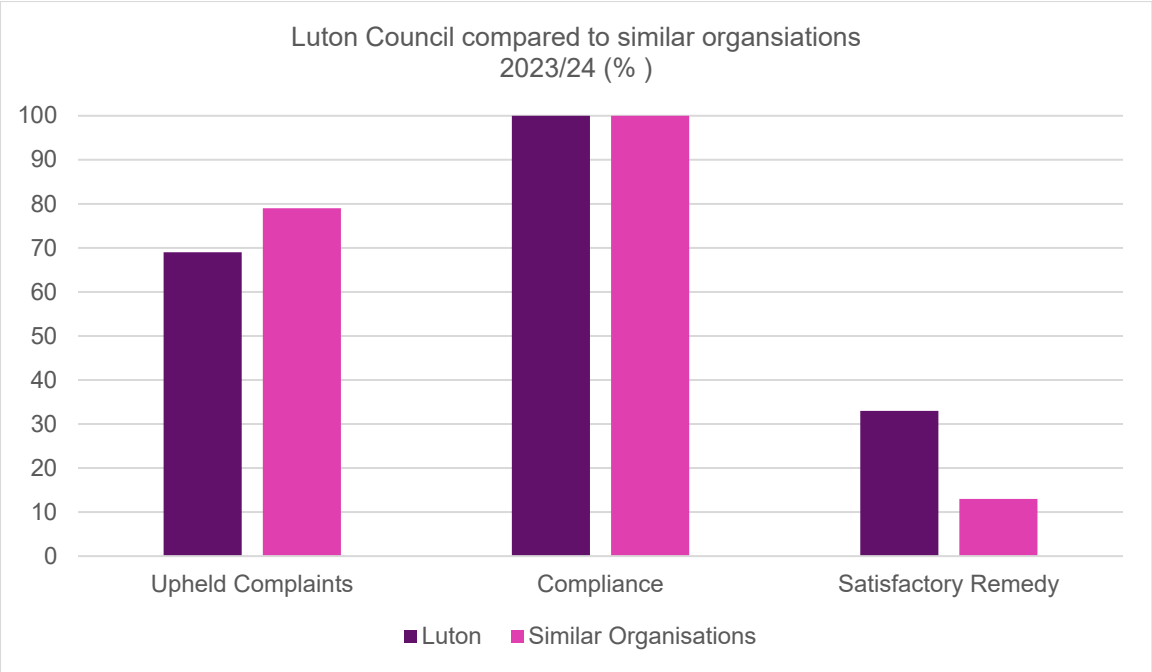
Table 4: LGSCO Involvement 2023/24

	Enquiry	**Investigation**	**Upheld**
Adult Care Services	16	6	6
Benefits & Tax	7	-	-
Education & Children Services	10	2	1
Environmental Services, Public Protection & Regulation	7	1	-
Highways & Transport	4	1	1
Housing	13	-	-
Other	2	-	-
Planning and Development	4	3	1
TOTAL	64	13	9

The LGSCO produce an annual review letter that sets out the performance of the Council compared to other similar organisations / local authorities.

Three measures are reported; complaints upheld, compliance, and satisfactory remedy. In 2023/24, the council performed better than other similar organisations with respect to both complaints upheld and satisfactory remedy and achieved 100% on compliance.

Figure 1: LGSCO reported Performance 2023/24



Upheld complaints

The LGSCO uphold complaints when they find fault in an organisation's actions, including where the organisation has already accepted fault.

The LGSCO undertook a total of 13 investigations pertaining to Luton Council upholding 9 of these (69%). This equates to 4 upheld decisions per 100,000 residents. This is an improvement from 2022/23 when the LGSCO upheld 82% of complaints against the council.

This is also now better than the average upheld complaints for similar organisations (79%) or 4.6 upheld decisions per 100,000 residents.

Compliance

When the LGSCO upholds a complaint, they will recommend ways for the council to put things right and closely monitor these actions.

The Council was 100% compliant with all recommendations made by the LGSCO as was also the case in 2022/23. This is to be expected as non-compliance is exceptionally rare, and a compliance rate below 100% would be a cause for concern.

Satisfactory Remedy

In these cases, the LGSCO has upheld the complaint but also agreed with the steps taken by the council to put things right. The LGSCO encourages early resolution of complaints and gives credit to organisations that accept fault and offer resolutions.

The Council was found to have offered satisfactory remedy in 33% of cases investigated by the LGSCO compared to just 13% in similar organisations. This is an improvement on 2022/23 when 22%

of complainants were found to have been offered satisfactory remedy. Whilst there is scope for further improvement, this is an encouraging and positive finding from the LGSCO.

3.3 Compensation

Table 5: Total compensation ordered by the Ombudsman 23/24

Ref	Service	Summary	Ombud'	Value (£)
202210084	Housing (BTS)	Handling of repairs and complaint handling	HO	775
22010409	Adult Care Services	Failure to deal with request for Carers Grant	LGSCO	200
22015473	Adult Care Services	Delay in progressing a safeguarding enquiry	LGSCO	550
22015676	Adult Care Services	Delay in providing care due to waiting lists	LGSCO	500
22018241	Adult Care Services	Dealy in reviewing care contribution and complaint handling.	LGSCO	300
TOTAL				**2325**

4 Ombudsman Joint Handling Code

During 2023/24 the Housing Ombudsman and Local Government and Social Care Ombudsman consulted on a new joint complaint handling code.

The resulting guidance was published in April 2024. The guidance is substantial and key changes are:

- A reduction in the timelines for complaints processing. Reducing the timescales for stage 1 complaints from 15 days to 10 days (following acknowledgement) and stage 2 complaints from 25 days to 20 days (following acknowledgement).
- A greater focus on equalities, including identifying and responding to vulnerability.
- A greater expectation that the organisation evidences learning and service improvement.
- More detailed and transparent reporting of complaint handling
- The appointment of a Member Responsible for Complaints

Our existing complaints procedure has subsequently been rewritten with reference to these guides to ensure our approach meets the expectations and requirements of both bodies.

The revised policy is scheduled to be presented to the Council's Executive Committee in October 2024.

5 Learning and Service Improvements

The Council is committed to using its complaints process as a source of intelligence to identify issues and support positive changes in service delivery.

Through the complaints process, the following actions and improvements have been identified and actioned:

As a result of a complaint made to adult social care the Council has considered giving residents the option to opt out of receiving encrypted-emails if that is their preference. Guidance has also been circulated to all staff via the intranet and email advising of different options for send messages securely.

- The Council reviewed the need for refresher training for staff responsible for safeguarding enquiries in the Adult Social Care teams to ensure they are familiar with, and follow, all the required stages in the safeguarding procedures and work within the specified timescales. Staff have been reminded of the need to communicate with the person who made the referral and ensure they are invited to case conferences and given the opportunity to discuss the outcome of the enquiry.
- The Council has provided a report to the LGSCO showing the criteria used to prioritise dealing with the waiting list for adult social care, the number of individuals on the waiting, length of waiting times and progress made in reducing the waiting list.
- In response to the Housing Ombudsman finding of maladministration relating to complaint handling, training was developed and rolled out to staff responsible for complaint handling. Support materials have also been developed to assist staff in conducting meaningful investigations and writing comprehensive responses to complaints.

The Council has not only implemented changes following recommendations from the Ombudsman. Internal reviews, reporting and quality assurance sampling has also identified opportunities for service development and improvement, including:

- Quality assurance checks in relation to regular reporting highlighted the inaccuracy in recording complaint outcomes. We have developed and commenced delivery of additional training for complaint handlers to address this issue. The training is expected to be completed by the end of the financial year meaning that confidence in this measure will increase during 24/25 and that the organisation can be fully confident in reporting by 25/26.
- Commissioning of more analysis functionality to support and improve the quality of future complaints reporting and assist in identifying trends and issues.

6 List of Appendices: Other Reports and Publications

LGSCO Annual Review Letter

Adult Social Care Report

Children's Complaints Report