



Annual Complaints Review 2022-23

1. Introduction

This report presents complaints performance trends for 2022/23, and a comparison of performance between 2021/22 and 2022/23, where applicable across stage 1 and stage 2 of the corporate complaint's procedure. There is limited information on Children's and Adults Services statutory complaints as this is covered in separate reports. It also includes a summary of the findings from the Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman (HOS) decisions.

2. Background

The Council's two stage complaints procedure is as follows:

Stage 1 - Complaints are addressed by the local service delivery manager (10 working day target turnaround).

Stage 2 - A review by a senior officer delegated by the Chief Executive can be requested (20 working day target turnaround).

LGSCO - If the complainant remains dissatisfied with the stage 2 reply they can take their concerns to the LGSCO.

The Council's corporate complaint's procedure covers most Council services although Adults and Children's Social Care Services must adhere to separate statutory complaints procedures for some complaints as defined under the relevant legislation. There is limited information about statutory complaints for within this report as separate reports are produced for Member and Officer oversight. Data about Children's Services complaints which can be addressed within the corporate complaint's procedure is included in this report.

3. The Management of Complaints

The Housing Management service continue to investigate and respond to their own stage 2 complaints. All other stage 2 complaints are handled by the Corporate Complaints team.

It should be noted that the Housing service has now moved to its own Directorate, however as this report covers 2022/23 housing complaints (both management and housing needs) have been recorded under Growth, Planning and Housing.

4. Headline findings

Stage 1 Summary

Complaints received - 2366 stage 1 complaints were received which was an 8% increase on the previous year. This was mainly attributable to a significant increase

in complaints about the Council Tax service and Waste services and a small increase in complaints about the housing management service and the parking service.

Response times –The 10-working day response target has been met in 61% of stage 1 complaints which is a 1% reduction on the previous year.

Complaint Learning – Section 5 provides examples of how complaint data has been used for complaint learning.

Stage 2 Summary

Complaints received – 419 stage 2 complaints were received which is 3 less than the previous year.

Response Times – 47% of stage 2 complaints were responded to within the target response time, against 55% in the preceding year.

Complaint Escalation Rate – Across all services the escalation rate from stage 1 to stage 2 is 18%.

Local Government and Social Care Ombudsman (LGSCO)

The LGSCO received 111 complaints about the Council in 2022/23. 77 of those were either referred back to the Council's complaints procedure or the Ombudsman closed the case after initial enquiries were made. The remaining 34 were formally investigated and of those 28 were upheld and 6 were not upheld. Our compliance with the remedies was 100%, however in 5 cases the recommendations were completed late.

In 2022/23 a total of £13,115 was offered which was a significant increase from 2021/22 when a total of £5,950 was offered.

No formal public reports were published against the Council in 2022/23.

Housing Ombudsman Service (HOS)

The Council received 39 determinations from the Housing Ombudsman in 2022/23 including 1 finding of 'severe maladministration'. Details of the case will follow in the report. A plan was put in place to ensure that the actions and recommendations were completed. The work was overseen by the Housing Service. Compliance with the remedies was 100%.

In 2022/23 a total of £15,495 compensation was offered on Housing Ombudsman complaints.

No 'Complaint Handling Failure Orders' were published against the Council in 2022/23.

*NB: These figures are taken from the **DRAFT** Landlord Performance Report 2022/23 so may be subject to change.*

Number of complaints received across all Stages and Directorates

As indicated in **Table 1** 2366 stage 1 complaints and 419 stage 2 complaints have been recorded (withdrawn complaints not included). When all the statutory

complaints are included, the totals are 2,487 for all stage 1 complaints, 424 for all stage 2 complaints and 2 Children's stage 3 complaints.

The statutory complaints procedure for Adults Services is a one stage process after which the complainant can escalate to the LGSCO. The statutory complaints procedure for Children's services has three stages.

Table 1 – Complaints (both corporate and statutory) received across Stage 1 and Stage 2 for 2022/23

Directorate/ Division	Stage 1 complaints received 2022/23	Stage 2 complaints received 2022/23	Stage 3 Children's complaints 2022/23
Finance and Resources	306	17	
<i>Housing Benefit</i>	82	2	N/A
<i>Council Tax</i>	154	9	N/A
<i>Business Rates</i>	54	6	N/A
<i>Corporate Property</i>	2	0	N/A
<i>Corporate Finance</i>	1	0	N/A
<i>Coroner Services</i>	6	0	N/A
<i>Electoral Services</i>	2	0	N/A
<i>Legal Services</i>	5	0	N/A
ECM	377	22	
<i>Waste</i>	214	4	N/A
<i>Public Protection and Licensing</i>	76	10	N/A
<i>Parking Services</i>	74	8	N/A
<i>Highways and Public Realm</i>	13	0	N/A
Growth, Planning and Housing	1575	369	
<i>Development Planning</i>	38	2	N/A
<i>Housing Solutions Service</i>	196	42	N/A
<i>Housing Needs/Commissioning</i>	0	2	N/A
<i>Housing Mgt</i>	1338	322	N/A
<i>Regen & Economy</i>	2	0	N/A
<i>Westminster Employment Service (WES)</i>	1	1	N/A
Innovation and Change	37	4	
<i>City Promotions</i>	3	1	N/A
<i>Campaigns</i>	3	0	N/A
<i>Policy/Projects</i>	2	0	N/A
<i>Communities (Parks)</i>	8	1	N/A
<i>Communities (Sports & Leisure)</i>	21	2	N/A
WAES	3	0	N/A
Children's Services	68	7	N/A
Sub Total for all Corporate Complaints	2366	419	
Children's Statutory complaints	6	5	2
Adult Statutory complaints	110	N/A	N/A

NB: During 2022/23 Parks and Sports & Leisure moved from ECM to the Communities team in Innovation & Improvement

Table 2 – A comparison of corporate complaints received for 2020/21, 2021/22 and 2022/23 across all Directorates.

	2020/21	2021/22	2022/23
Stage 1	1541	2198	2366
Stage 2	243	422	419

5. Stage 1 complaints

Total number of Stage 1 Complaints received by directorate (withdrawn complaints not included) – 2366.

Table 3 – Comparison of number of Stage 1 complaints received by services within Directorates for 2021/22 and 2022/23. Adults and Children’s statutory complaints data is not included.

Directorate/ Division	Total for 2021/22	Total for 2022/23	Variance
Finance & Resources	180	306	126
<i>Housing Benefit</i>	67	82	17
<i>Council Tax</i>	41	154	113
<i>Business Rates</i>	65	54	-8
<i>Corporate Property</i>	1	2	1
<i>Corporate Finance</i>	0	1	1
<i>Coroner Services</i>	1	6	5
<i>Electoral Services</i>	5	2	-3
<i>Legal services</i>	0	5	5
ECM	311	377	64
<i>Waste</i>	158	214	56
<i>Public Protection and Licensing</i>	91	76	-17
<i>Parking Services</i>	46	74	28
<i>Highways and Public Realm</i>	12	13	1
Growth, Planning and Housing	1589	1575	-14
<i>Development Planning</i>	55	38	-17
<i>Housing Solution Services</i>	228	196	-32
<i>Housing Mgt</i>	1306	1338	32
<i>Regen & Economy</i>	0	2	2
<i>WES</i>	0	1	1
Innovation & Improvement	28	37	9
<i>Campaigns / Engagement</i>	4	3	-1
<i>City Promotions, Events and Filming</i>	4	3	-1
<i>Policy/Projects</i>	0	2	2
<i>Communities (Sport & Leisure)</i>	20	21	1
<i>Communities (Parks)</i>	4	8	4
Westminster Adult Education Service (WAES)	1	3	2
Children's services (inc. Libraries)	89	68	-21
Total	2198	2366	168

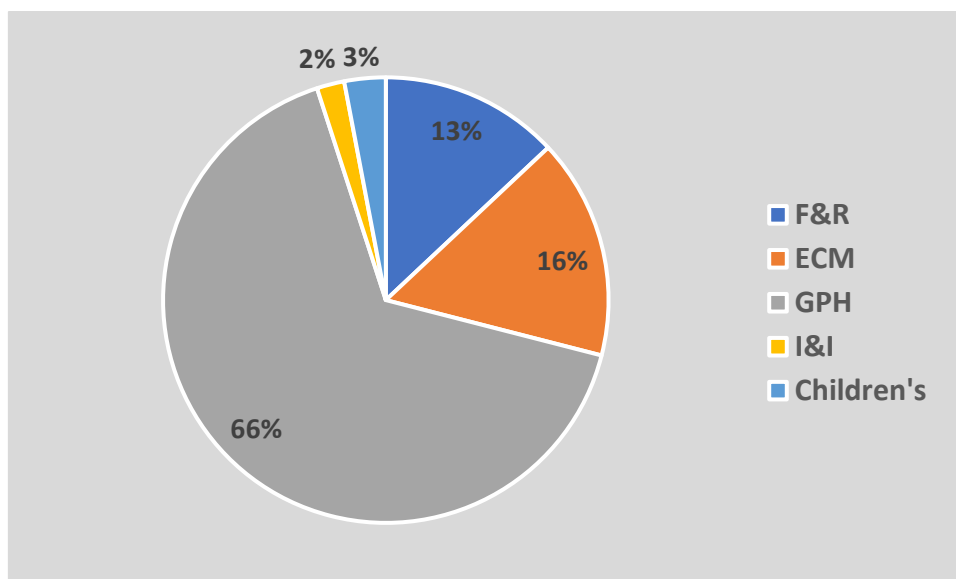
Table 3 (above) indicates that overall, there has been a slight increase in the number of stage 1 complaints (8%). This was mainly attributable to a significant increase in complaints about the Council Tax service and Waste services and a small increase in complaints about the housing management service and the parking service.

The housing management services continue to receive a large volume of complaints, in particular about the repairs service. There is a Housing Improvement Programme in place which is driving improvements in the service. The programme aims to improve service quality for residents which over time should lead to a reduction in complaints received.

Complaints about the Waste Service increased by 35% this year. This could be because we are collecting a lot more waste than in previous years as the city has become busier again post pandemic. However, it should be noted that the independent street surveys indicate that the cleaning standards are good.

The other significant increase was for Council Tax. The Council Tax service processed 206,000 items during 2022/23, an increase of 35% on the previous year. The increase being due to the re-introduction of the full recovery process after the pandemic and the administration of the government's Council Tax Rebate (£150 Energy) scheme. The latter required the diversion of significant resources from normal Council Tax work to administer the scheme. Given these factors, the number of complaints against the service (154) remained low, with only 75 being Upheld or Partially Upheld.

Chart 1 - Profile of complaints received by directorate with a total of 10 complaints or over in 2022/23



As seen in **Chart 1** complaints from Growth Planning and Housing (GPH) represent 66% of all stage 1 complaints received and the situation was similar in 2021/22 as GPH represented 73% of all stage 1 complaints.

Stage 1 response time by Directorate

The target response time for replying to a stage 1 complaint is 10 working days. Performance is therefore measured by:

- Complaints completed in target response time (0 to 10 days)
- Those completed in 11 to 20 days.
- Those complaints that took over 20 days.

As indicated in **Table 4** (below) the average response time for all complaints completed within target response time across all directorates in 2022/23 is 61% against 62% for the preceding year. It is disappointing that the performance has not improved this year and this needs to be a priority for services next year.

Table 4 - Percentage of Stage 1 complaints completed in target response time for the last 3 years.

Percentage Total for 2022/23	61%
Percentage Total for 2021/22	62%
Percentage Total for 2020/21	69%

Table 5 - A breakdown of stage 1 response times for all directorates 2022/23

Directorate/ Division	Number of stage 1 complaints received	% in target time
Finance and Resources		
<i>Housing Benefit</i>	82	100%
<i>Council Tax</i>	154	77%
<i>Business Rates</i>	54	80%
<i>Corporate Property</i>	2	0%
<i>Corporate Finance</i>	1	100%
<i>Electoral Services</i>	2	100%
<i>Coroner Services</i>	6	0%
<i>Legal Services</i>	5	50%
ECM		
<i>Waste</i>	214	81%
<i>Public Protection and Licensing</i>	76	39%
<i>Parking Services</i>	74	71%
<i>Highways and Public Realm</i>	13	31%
Growth, Planning and Housing		
<i>Development Planning</i>	38	50%
<i>Housing Solutions Service</i>	196	88%
<i>Housing Management</i>	1338	50%
<i>Regen & Economy</i>	2	100%
<i>WES</i>	1	100%
Innovation & Improvement		
<i>Campaigns/Engagement</i>	3	33%
<i>City Promotions, Events and Filming</i>	3	33%
<i>Policy/Projects</i>	2	0%
<i>Communities (Sport & Leisure)</i>	21	86%
<i>Communities (Parks)</i>	8	100%
Westminster Adult Education Service (WAES)	3	0%
Children's services	68	64%

Total		61%
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Those services where performance was below 75% will be raised with the relevant service heads and ELT Director.

It should be noted that it is challenging for the Coroner Service to respond to complaints within 10 working days due to the complexity of the complaints and the time it can take for inquests to be completed.

Complaint Outcomes

Each complaint response should indicate what is the complaint outcome (finding), explain if the Council considers that anything went wrong and if it did what has/will be done to put it right. Complaint outcomes are usually expressed as Upheld, Not Upheld or Partially Upheld.

An Upheld decision indicates that we accept that there was fault. A Partially Upheld complaint decision is reached if the majority of the complaint concerns are Not Upheld, but there are some minor lapses in service delivery which did not have a significant impact in reaching the complaint decision. A Not Upheld complaint indicates that there has been no fault.

It is generally accepted that at stage 1 there will be a higher percentage of complaints that are upheld or partially upheld as the main purpose in investigating a complaint is to try and find any mistakes and put right any wrongs. This should then prevent the need for the complainant to escalate to the final stage of the complaint procedure.

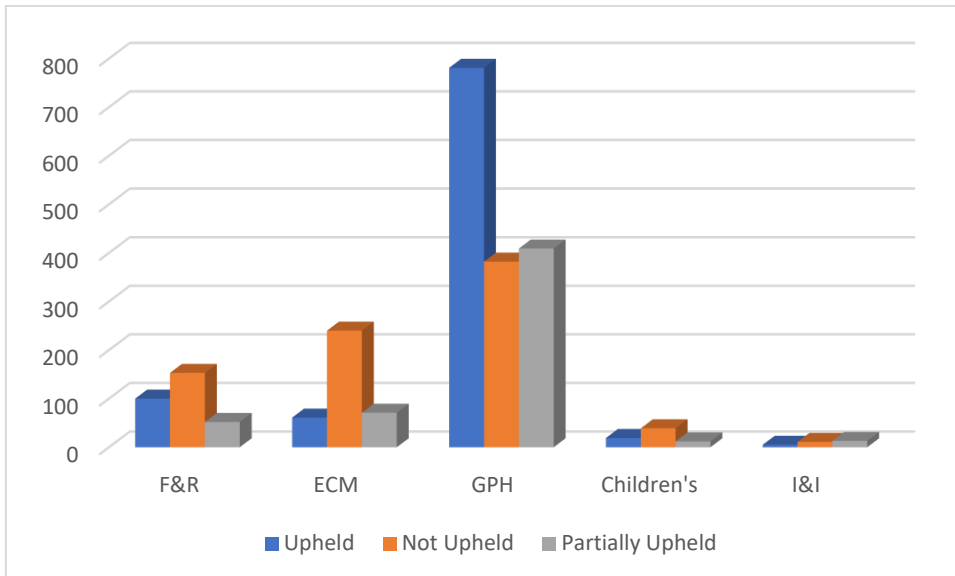
As seen in Table 6 below across all directorates the percentage of Partially Upheld and Not Upheld complaints has increased slightly but there are less upheld decisions which is encouraging.

Decisions on their own say little about the quality of the complaint response and should be viewed with the escalation rate from stage 1 to stage 2, as we expect small volumes escalating to the next stage of the complaints procedure if service faults found have been rectified at stage1. This issue is addressed under section 7.

Table 6 – A comparison of stage 1 outcomes for the last 3 years across all Directorates

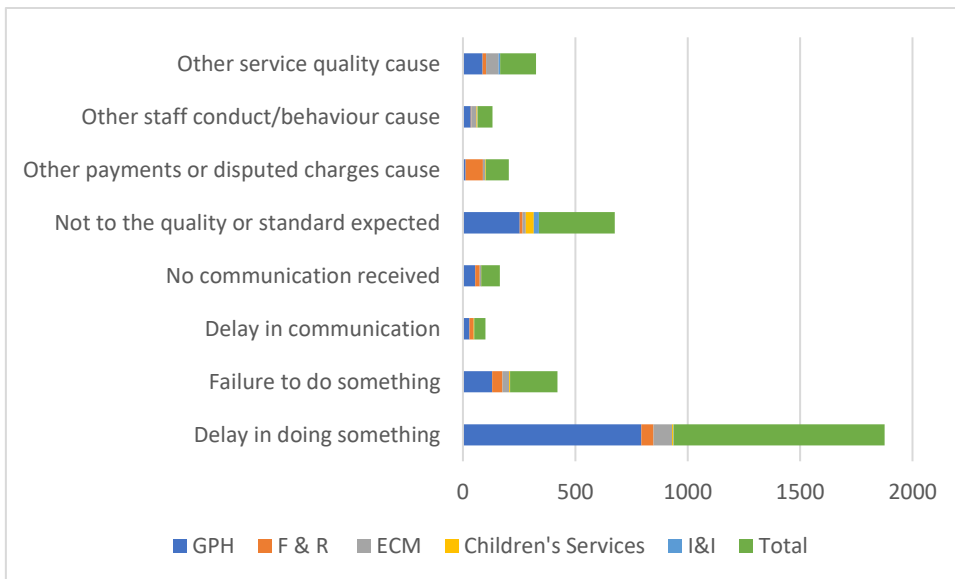
	2020/21	2021/22	2022/23
Not Upheld	40%	33%	36%
Partially Upheld	22%	21%	24%
Upheld	37%	46%	40%

Figure 2 – Outcomes by Directorate



Reasons for Complaining

Figure 3 - Cause of complaint by Directorate where there were more than 50 complaints per cause.



In view of the complexity of all the different services offered by each directorate, generic causes are used so we can track at a corporate level the overarching cause of complaint. As seen in Figure 3 service quality, delay in doing something, and not done to the quality or service standard expected are the most common cause of complaint. The top 2 causes of complaint were the same as 2021/22 and will be mainly because of delays in completing repairs and the service provided not being to an acceptable standard.

Complaints Learning

The following Council-wide learning was identified:

- All services must use the standard complaints templates including the correct escalation text.
- Ensuring that stage 1 responses are of an excellent quality, address all points raised and offer a remedy where appropriate.
- Recommendations and agreed actions need to be tracked at stage 1 and stage 2 to ensure that we keep our promises to customers and reduce the escalation rate.
- The importance of communication and keeping customers updated, returning calls as promised and responding to correspondence and complaints in accordance with our SLAs.
- Ensuring that Council policy and procedures are followed.
- Ensuring that appropriate levels of compensation are awarded in line with the Ombudsman guidelines and payment is made in a timely fashion. This includes considering where offering compensation might have a negative effect as the customer is seeking a different resolution.

The below provides some service-specific examples of complaint learning.

Housing Management - mould and damp – our new approach to the management of mould and damp is well documented and has been shared with Audit and Performance committee in the past year. It has been developed and influenced with the benefit of the learning from complaints and the insight of the housing ombudsman.

At the centre of our improvement programme is the focus on resident experience. We know from our complaints that many of our residents do not receive the service that is expected. Work is underway with our staff and partnering contractors to refresh our Vision and Values, and the resident experience is core to this. We are collaboratively changing the way we work, working together to be more responsive and empathetic. This includes rolling out joint training for all staff and contractors.

We have appointed a temporary Head of Resident Experience to coordinate a number of work streams. The aim is to provide a more personal and supportive approach for residents with more complex issues or those who are more vulnerable, with dedicated officers working closely with residents. This includes a focus on developing a culture of learning from feedback and complaints.

We are also developing a compensation policy specifically for housing complaints. The new policy is designed to make the process of claiming compensation more fair, transparent, as well as ensuring awards reflect the impact on the resident.

Following complaints and feedback from the housing ombudsman we are reviewing our approach to providing services to residents who have vulnerabilities and how we should deliver our services to them. We are referring more residents to Children's Services and Adult Social Care so that they are able to benefit from additional support and improving our training on safeguarding. We are also developing a vulnerability policy that will be subject to resident consultation later this year.

Housing Solutions Service (HSS) - delays in the homeless assessment process was the main cause for complaint and the need to reduce administrative delays is the main priority for the service. Over the course of the year the service has been undertaking work to address the delays in processing homeless applications, this is taking time to fully take effect, particularly within the context of an increasingly high-volume service which sees an average of over 400 new homeless approaches per month and the complex nature of some cases.

The service has fully reviewed the resource plan to meet the increased demand and this work includes staff training, reshaping the Casework team to enable staff to better manage their workload and improved monitoring, including increasing the number of front-line officers.

In addition, the current pressures across the London housing market that is leading to increased homeless presentations at HSS also means it is challenging for the Council to secure suitable accommodation to meet need whether to prevent homelessness or secure Temporary Accommodation and the low availability of accommodation is also a driver of complaints to the service.

Business Rates - a significant proportion of complaints received in 2022-2023 reflected either a) the full resumption of recovery processes after the pandemic or b) challenges with telephoning the service. Once the call back service (introduced during the pandemic to enable the processing of business grants to be prioritised) was discontinued, three phone lines are opened daily providing ratepayers with easier access to an agent. Further, the Business Rates Team was able to return to agreed service levels which meant that businesses do not wait for an extended period for a response reducing complaints about delays. The quality of stage 1 responses has been generally improved via the use of a complaints template to ensure all aspects are dealt with in the first response.

Housing Benefit - whilst the number of complaints registered in 2022/23 did increase, so did the number of new claims made, with a 19.5% increase to 1933 applications recorded. Although the number of changes in circumstance assessments dropped 7.9% from last year's totals, the number remains very high, with 34,895 assessments recorded. Continued emphasis has been placed upon maintaining good lines of communication with customers so that enquiries were dealt with in a timely manner; an important contributory factor at keeping complaints to a minimum. A comparison of 2021/22 telephony and visiting numbers shows the effects of working under the last of the Covid restrictions compared to 2022/23, with fewer phone calls recorded (5.6% decrease) against the significant 58.9% increase to face-to-face home visits recorded. We continue to proactively offer our customers home visits where appropriate and attempt to ensure that all correspondence received into the office is responded to within SLA's.

Planning Enforcement – following complaints regarding the severity of some of our warning letters for minor works, new warning letter templates have been created which are softer in their tone, but which still seek to remedy the breach of planning control. We use this approach too when engaging with homeowners in the Queen's Park Estate, when our proactive monitoring of properties the subject of the Article 4 Direction, are found to have breaches which may otherwise benefit from "permitted development."

Children’s Services – the service has looked at the clarity of role, responsibility, and duties of a social worker. A propelling moment which resulted in initiating a community-based approach as there are more myths and opinions around the role of a social worker. It was identified that there was a need for clear communication of expectations and discussion around culture and feedback mechanisms. Service users were hurt or alleged hurt feelings when feedback was provided to them. This has been discussed and shared with teams. We need to reiterate that we do our best, but our best is within reason and there are things we can provide and there are things we cannot provide as we have a duty to ensure the cost effectiveness of use of public funds. Workers do make this clear, but we need to continue to do so.

Parking Services - With appeals for Disabled badges, the decisions made by the Mobility Assessors (Occupational Therapists) were found to be correct based on the information provided. There were instances where incorrect advice was given by our customer service agents on what results meant and how to pursue further – resulting in needless escalation. There were also missed opportunities to push for additional face to face assessments in certain cases. For PCN challenges preventable escalation was also a feature with opportunities to apply discretion or spot mistakes being missed in earlier contacts resulting in avoidable complaints. Feedback on individual errors was delivered to colleagues as well as the wider team. The on-street enforcement team were also reminded that although photographic evidence is not essential to pursue a PCN, irrelevant or unclear images hamper investigation and can lead to unnecessary escalation.

6. Stage 2 complaints

Volume of complaints received by Directorate.

Total number of Stage 2 Complaints received in 2022/23 – **419** (withdrawn and statutory cases not included). There were **422** stage 2 complaints received in the preceding year and this represents a very slight decrease.

Table 7 - A comparison of stage 2 complaints received by Divisions within each directorate for 2021/22 & 2022/23

Directorate/ Division	Stage 2 totals for 2021/22	Stage 2 totals for 2022/23	Variance
Finance and Resources	22	17	-5
<i>Housing Benefit</i>	4	2	-2
<i>Council Tax</i>	4	9	5
<i>Business Rates</i>	12	6	-6
<i>Corporate Property</i>	2	0	-2
<i>Electoral Services</i>	0	0	0
<i>Coroner Services</i>	0	0	0
ECM	32	22	-10
<i>Waste</i>	3	4	1
<i>Public Protection and Licensing</i>	15	10	-5
<i>Parking Services</i>	12	8	-4
<i>Highways and Public Realm</i>	2	0	-2
Growth, Planning and Housing	355	369	14
<i>Development Planning</i>	6	2	-4
<i>Housing Solutions Service</i>	50	42	-8

<i>Housing Needs/Commissioning</i>	0	2	2
<i>Housing Mgt</i>	299	322	23
<i>Westminster Employment Service (WES)</i>	0	1	1
Innovation and Change	5	4	-1
<i>City Promotions</i>	0	1	1
<i>Campaigns</i>	0	0	0
<i>Communities (Parks)</i>	0	1	1
<i>Communities (Sports & Leisure)</i>	5	2	-3
WAES	0	0	0
Children's Services	8	7	-1
Adults Services	0	0	0
Sub Total for all Corporate Complaints	422	419	-3

Stage 2 – Responses times

As indicated in **Table 8** we have responded to fewer complaints within the target time of 20 working days in 2022/23. This can be attributed to the housing management service clearing their backlog of stage 2 complaints from 2021/22 and some delays with the Director sign-off process.

Stage 2 - within target response times	2020/21	2021/22	2022/23
	17%	55%	47%

Stage 2 Outcomes

As with stage 1 each stage 2 complaint response should indicate what the complaint outcome is.

Table 9 below, indicates that that the percentage of Upheld decisions for 2022/23 has increased when compared with 2021/22. This appears to be attributable to an increase in upheld complaints for the Housing Management service.

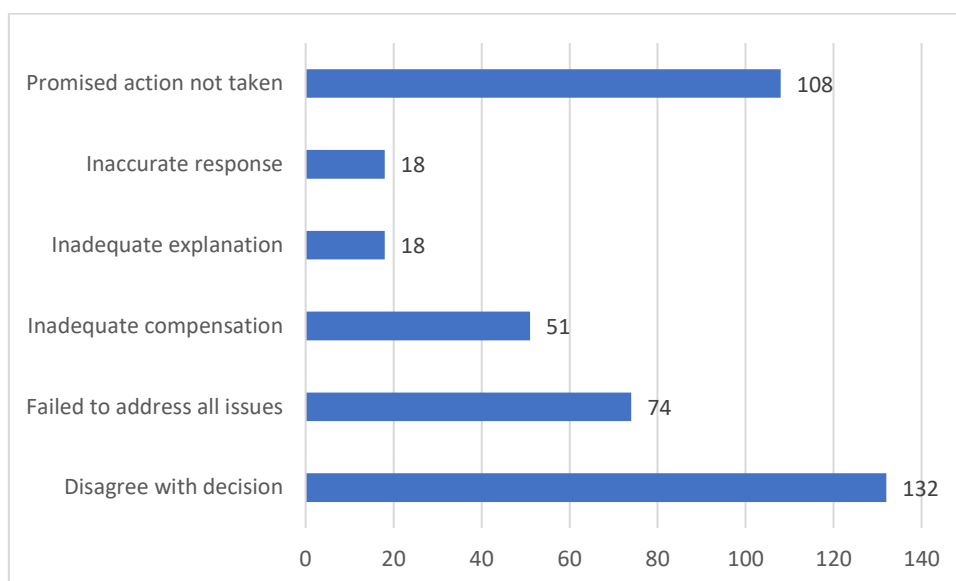
Table 9 - A comparison of % Complaint decision by Directorate and overall % totals for 2021/22 and 2022/23

	2021/22 Upheld decision	2021/22 Not Upheld decision	2021/22 Partially Upheld decision	2022/23 Upheld decision	2022/23 Not Upheld decision	2022/23 Partially Upheld decision
F&R	9%	64%	27%	6%	41%	53%
ECM	3%	67%	30%	4%	70%	26%
GPH	41%	26%	33%	49%	18%	33%
Children's	25%	25%	50%	0%	57%	43%
I&I	N/A	N/A	N/A	0%	33%	67%
Totals	24%	33%	43%	43%	23%	34%

Reasons for complaint escalation

The Council has an open complaints procedure and welcomes complaints even if the complainant does not fully explain their dissatisfaction with the stage 1 response.

Figure 4 – Reasons for complaint escalation to stage 2



The most common causes of complaint escalation is ‘promised action not taken’ and ‘disagree with decision.’ We will be ensuring that going forward all services have tools in place to track recommendations and actions promised at stage 1.

Table 10 – The escalation rate from stage 1 to stage 2 across all directorates for 2022/23

The table indicates that the escalation rate from stage 1 to stage 2 across all directorates, is 18%. This is a good performance given that there are only two stages in the complaint’s procedure, and the volume of stage 1 complaints. This is therefore a reasonable indicator that stage 1 complaint handling is effective, and faults are being identified and rectified at this stage.

Directorate/ Division	Stage 1 complaints received for 2022/23	Stage 2 complaints received for 2022/23	% escalated to stage 2
Finance and Resources	306	17	6%
<i>Housing Benefit</i>	82	2	2%
<i>Council Tax</i>	154	9	6%
<i>Business Rates</i>	54	6	11%
<i>Corporate Property</i>	2	0	0%
<i>Corporate Finance</i>	1	0	0%
<i>Coroner Services</i>	6	0	0%
<i>Electoral Services</i>	2	0	0%
<i>Legal Services</i>	5	0	0%
ECM	377	22	6%
<i>Waste</i>	214	4	2%
<i>Public Protection and Licensing</i>	76	10	13%
<i>Parking Services</i>	74	8	11%

Highways and Public Realm	13	0	0%
Growth, Planning and Housing	1575	369	23%
Development Planning	38	2	5%
Housing Solutions Service	196	42	21%
Housing Needs/Commissioning	0	2	N/A
Housing Mgt	1338	322	24%
Regen & Economy	2	0	0%
Westminster Employment Service (WES)	1	1	100%
Innovation and Change	37	4	11%
City Promotions	3	1	33%
Campaigns	3	0	100%
Policy/Projects	2	0	100%
Communities (Parks)	8	1	13%
Communities (Sports & Leisure)	21	2	10%
WAES	3	0	0
Children's Services	68	7	10%
Sub Total for all Corporate Complaints	2366	419	18%

NB: The reason that the escalation rate for Housing Needs is recorded as N/A is because the complaints that escalated to stage 2 were received in the preceding year.

7. Local Government and Social Care Ombudsman (LGSCO)

LGSCO Complaints and Determinations

The figures below are taken from the Local Government and Social Care Ombudsman Annual Letter for 2022/23.

The Annual letter says very little about performance and refers the reader to the statistical information available via a tool on the LGSCO web site. The LGSCO data will not match the data held by the Council as the LGSCO captures all the contacts, enquiries, and complaints made to them about a local authority and most of these complaints are not formally investigated by the LGSCO. Also, the LGSCO only reports on those cases decided in 2022/23, and some of those complaints were received by the Council in 2021/22. The Council tracks what it has received in a financial year and what is decided in that same year.

LGSCO data

There was a total of 111 complaints made to the Ombudsman in 2022/23. Whilst 28 complaints were upheld, the other 83 were either not upheld, closed without further action, invalid, advice given or passed back to the Council to investigate. The upheld rate was 82% compared to 77% for similar organisations.

Table 11 – a comparison of all the LGSCO complaint and enquiry determinations for the last 3 years

	2020/21	2021/22	2022/23
Total number of complaints and enquiries decided	79	108	111

Cases referred back to Council or advice given or cases not completed for valid reasons	38 (48%)	43 (40%)	41 (37%)
Cases closed after initial enquiries made	18 (23%)	38 (35%)	36 (32%)
Cases Upheld	12 (15%)	23 (21%)	28 (25%)
Cases Not Upheld	11 (14%)	4 (4%)	4 (6%)

The LGSCO either finds a complaint is Upheld or Not Upheld. When a complaint is Upheld, the Ombudsman will decide if there was injustice, or no injustice caused by the fault(s) they have found.

If a stage 1 or 2 complaint has been either upheld or partially upheld then the LGSCO decision will also find the complaint to be upheld, even if the matter has already been remedied.

It should also be noted that the LGSCO has reviewed its processes over the last 2 years to ensure they do the most they can with the resources they have. One outcome is that they are more selective about the complaints they look at in detail, prioritising where it is in the public interest to investigate. They are less likely to carry out investigations on 'borderline' issues, so are naturally finding a higher proportion of fault overall.

Public Report

No public reports were issued against Westminster City Council in 2022/23.

Compliance

When a case is closed, and a remedy agreed the LGSCO will track whether the local authority completes the remedy, and if this was done in time. The statistics held on the LGSCO system indicates that we have complied with 100% of their recommendations (24 agreed remedies). The other 4 upheld cases had no agreed remedies as the complaints had already been resolved.

However, in 5 cases the remedies were recorded as late. In 2 cases, one involved creating a new Anti-Social behaviour (ASB) policy and the other making amendments to the existing complaints policy and unfortunately there were delays in the sign off process.

Services have been reminded of the importance of completing recommendations within the deadlines set by the LGSCO and this will be a key area for improvement in the next financial year 2023/24.

Compensation

The LGSCO can award financial payments as part of a remedy for the complaint. The term "injustice remedied" is used to describe decisions where the Council remedied or agreed to remedy any injustice to the LGSCO's satisfaction during the investigation so allowing the complaint to be closed. These remedies can include the payment of financial settlements.

A comparative breakdown of LGSCO financial remedies for 2020/21 and 2021/22 can be found below (**Table 12**).

Table 12 – Comparison of LGSCO compensation settlements

Financial Local Settlements	2021/22	Nos of complaints offering compensation	2022/23	Nos of complaints offering compensation
GPH - HSS	£4,800	8	£10,365	11
GPH - Planning	£100	1	£0	0
Adult Services	£250	1	£800	2
Children's Services	£800	1	£700	2
ECM - PPL	£0	0	£1000	2
Communities – Sports & Leisure	£0	0	£250	1
Totals	£5,950	13	£13,115	18

When applicable compensation is usually paid by the relevant contractor/provider and not from the Council's purse.

It is difficult to make performance comparisons between financial years as each complaint is dealt with on its merits, however there was a significant increase in the amount of compensation being ordered by the LGSCO.

In the majority of cases for 2022/23 each single award is for payments of £500 or less. However, there were three payments over £1,000 which are detailed as follows:

- HSS - £1,000 - the Council delayed in deciding if a housing duty was owed to the applicant and also delayed in offering suitable accommodation.
- HSS - £1,985 – the Council were found to be at fault for delays in processing their homeless application (£110), failed to offer suitable accommodation for 4.5 months (£1575) and the applicant also spent time and trouble pursuing the matter (£300).
- HSS - £4,420 – the Council delayed in offering suitable accommodation for 13 months and was ordered to pay £300/month for the period. There was also a delay in starting and ending the relief duty and the Council was ordered to pay £500 for this element.

8. Housing Ombudsman

The figures below are taken from the **DRAFT** Landlord Performance Report for 2022/23. Therefore, it should be noted that these might be subject to change, and we expect to receive the final report in October 2023.

There were 39 determinations and 64 findings (there can be more than 1 finding for each complaint). Of the 64 findings, there were 36 findings of maladministration (61%). This compares to a national average for Councils, ALMOs and TMOs of 62%.

Housing Ombudsman outcomes	%
severe maladministration	2%
maladministration	27%
service failure	28%
reasonable redress	19%
no maladministration	16%
outside jurisdiction	8%
mediation	2%

The council received 1 finding of 'severe maladministration' in November 2022. The Ombudsman found fault because the Council failed to address damp and mould issues in the resident's home for over 2 years and there was a newborn baby in the property. The resident has now been rehoused permanently.

Fortnightly meetings now take place to review and risk-assess open Housing Ombudsman cases to ensure that we are doing all we can to engage with the residents and resolve their outstanding concerns. Pro-active updates on open cases are also being provided to the Housing Ombudsman. The housing service is also now working closely with Children's services to ensure that any households with children are given access to any services that might be beneficial to them. In addition, the service is also reviewing learning from such cases to ensure service improvements are embedded and action taken to prevent these service failures happening again.

Compliance

The council recorded 100% compliance with the 47 remedies ordered by the Ombudsman.

The council must complete regular self-assessments against the Housing Ombudsman Code of Practice, and this was last completed in June 2023 and published on the website [Housing services | Westminster City Council](#).

Our complaints service improvements are designed to strengthen our compliance with the Code of Practice as well as ultimately improving the service we provide to residents.

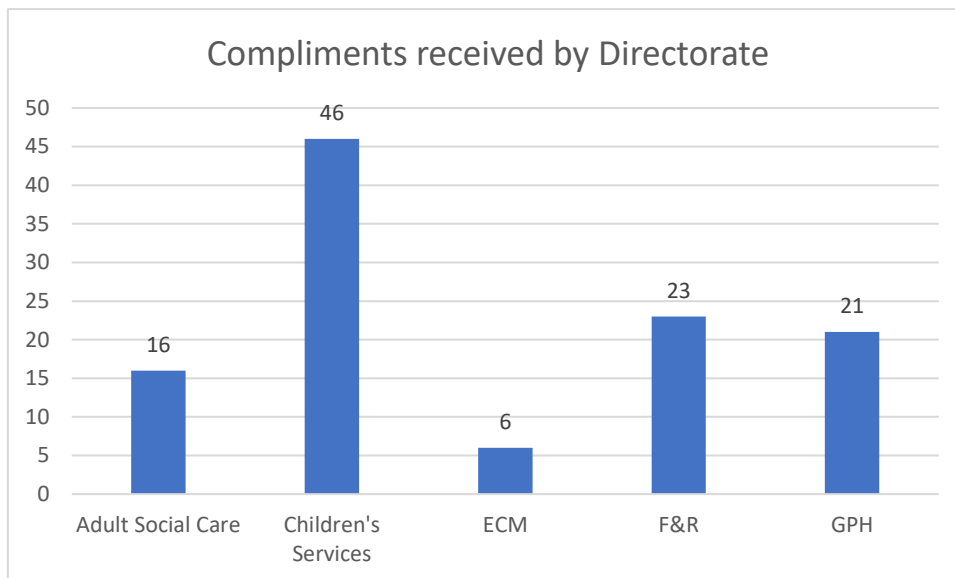
Compensation

In 2022/23 a total of £15,495 compensation was offered on Housing Ombudsman complaints.

9. Compliments

The Council has recorded 112 compliments in 2022/23. This is the first year that figures have been reported so there are no comparison figures. Staff will continue to be reminded of the importance of recording compliments to celebrate good practice and ensure that we continue to deliver services that our communities deserve.

The breakdown of compliments by Directorate can be seen in the chart below.



10. Priorities for 2023/24

- The Housing Improvement Programme will continue to drive forward service improvements. The programme aims at improving service quality for residents which over time should lead to better complaint management and a reduction in complaints.
- We will consult on a new compensation policy for housing and launch it this year.
- We will strengthen our response to vulnerable housing residents through a new policy and training for staff.
- We will continue the work in reviewing and risk assessing open Housing Ombudsman and LGSCO complaints to see if any further action can be taken and update the relevant Ombudsman accordingly.
- Improve the response times for stage 1 complaints.
- We will ensure that tools are in place for tracking recommendations made at stage 1, stage 2 and Ombudsman stage.
- We will continue to train staff in complaint handling and letter writing.
- Go live with the CRM complaint management module for housing management complaints.
- We will work with the Communities team to identify possible patterns and trends that could feed into our community insights.

11. Financial Implications

None

12. Legal Implications

There is a statutory requirement for the Council to have a complaints process in relation to certain established services, for example, Children's Services under the Children Act 1989 and Adult Social Care services under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

The Local Government and Social Care Ombudsman, set up under the Local Government Act 1974; and the Housing Ombudsman, under the Housing Act 1996,

are independent and responsible for dealing with complaints about local authorities that there has been maladministration causing injustice or a service failure.

The Housing Ombudsman, as set up under the Housing Act 1996, are responsible for dealing with social housing complaints and can make various determinations which include maladministration, severe maladministration and service failure and will provide a decision which will include recommendations the council will be required to implement.

Section 5A of the Local Government and Housing Act 1989 requires the Monitoring Officer to report annually on any relevant Ombudsman complaint decisions against the Council. The October 2020 Local Government and Social Care Ombudsman guide says the Ombudsman will support a flexible approach to how the council will discharge this duty as long as the intent is fulfilled in some meaningful way, and a council's performance in relation to Ombudsman investigations is properly communicated to elected members.

Zoe Evans
Complaints and Customer Manager