

**Committee and Date**Cabinet
22nd November 2023

Item

Public



Ombudsman Compliant Handling Code

Responsible Officer:	Nigel Newman, Head of Communications and Engagement		
email:	nigel.newman@shropshire.gov.uk	Tel:	01743 253976
Cabinet Member (Portfolio Holder):	Cllr Robert Macey, Culture & Digital		

1. Synopsis

The Local Government and Social Care Ombudsman (LGSCO) is consulting on a Complaint Handling Code which will have an impact on how Shropshire Council deals with complaints. This paper seeks cabinet approval for the council's draft response to the LGSCO's consultation.

2. Executive Summary

2.1 Effective complaints handling is a sign of a healthy well-run organisation, which places value in complaints and which can help identify any shortcomings in service provision. As such, ensuring the Council enables people to register complaints about service shortcomings with a very transparent and open process is key to a Healthy Organisation, as set out in the Shropshire Plan. The Council already clearly publishes and promotes its complaints procedures, and it reports publicly on the volume and trends in complaints within an annual Customer Feedback report which is presented to Cabinet.

2.2 Complaints which cannot be resolved using the Council's complaints procedures can be referred to the LGSCO.

- 2.3 In August 2023, the LGCSO published its proposals for reform of complaints processes for public bodies that are within its scope, including council complaints processes. This seeks to establish a range of minimum standards that councils and housing providers must comply with when dealing with and responding to complaints. The draft proposals are listed in Appendix A.
- 2.4 The proposals made by the LGSCO, if not amended, will impact on Shropshire Council's current corporate complaints procedures and approach. In particular, the proposed changes will require services to devote more speed and resource to complaints response times and place new demands on the team that handles and processes Stage 1 and Stage 2 complaints.
- 2.5 Officers have prepared a draft response to the LGSCO consultation which is attached at Appendix B.
- 2.6 The LGSCO is seeking to apply these changes into a new Code from April 2024. Bodies governed by the Code will then have until April 2025 to comply with the Code and will need to publish an annual self-assessment of compliance with the Code with a requirement to "comply or explain".

3 Recommendations

- a) Cabinet notes the implications of the new code for the Council's complaint handling process and identify a Member specifically responsible for complaints
- b) Cabinet approves (with amendments if appropriate) the draft response to the LGSCO consultation set out at Appendix B.

4 Risk Assessment and Opportunities Appraisal

- 4.1 An effective and efficient complaints process provides the opportunity to manage risks and identify any trends and common issues being raised through customer feedback and make improvements to services.
- 4.2 The complaints process is an important way of capturing residents' opinion of Shropshire Council services, identifying any shortcomings and how these can be rectified. Having an effective and open complaint process is an important part in one of the key objectives of The Shropshire Plan, creating a Healthy Organisation
- 4.3 The changes proposed by the LGCSO, for example around shorter response times for complaints will create significant resource challenges such as responding to new shorter complaint timeframes. Work is shortly taking place to review the Council's complaint processes and this review will take account of these challenges and how they can be mitigated.
- 4.4 If the Council does not comply with changes set out in the new Code, this may lead to the LGSCO highlighting more complaints issues and the impact this may have on the Council's reputation. The changes proposed by the LGSCO, however, can also act as a catalyst to drive further improvements in complaints processes and responses across the Council and this impetus can help prevent issues escalating to the LGCSO.

5 Financial Implications

- 5.1 This report presents information to support decision making and does not itself carry any direct financial implications. However, systems and measures that help prevent complaints escalating, particularly to Stage 2 (which are currently all dealt with by the Council's Corporate Complaints Monitoring Officer) or LGSCO complaints, may help reduce the staff time required to deal with complaints. Accountable officers and senior managers may use the information to inform actions or interventions for improving service performance and the prioritisation and use of resources.

6 Climate Change Appraisal

- 6.1 There are no direct effects on the Council's climate change agenda as a result of this report.

7 Background

- 7.1 The Council's draft response to the LGSCO is at Appendix B. This has been drafted by the Feedback and Insight Team leader together with the Assistant Director Legal and Governance (who is also the Council's Corporate Complaints Monitoring Officer) for response to the consultation.
- 7.2 This highlights some areas of concern regarding the impact that some of the proposed changes could have. As part of the Council's transformation work, a review will shortly begin of the council's complaints processes, and this will take account of how the council can best adapt to the new LGSCO Joint Complaint Handling Code when this comes into effect.
- 7.3 Among the key changes currently proposed by the LGCSO are:
- Reducing response times for Stage 1 from 30 to 10 working days and Stage 2 from 30 to 20 working days. This may have resource implications for the council. The Team and Service Managers who deal with most Stage 1 responses will be placed under increased pressure with this challenging requirement. The Complaints Monitoring Officer will also be under increased pressure given the reduced time to respond to Stage 2 review requests. For context, in 2022/23 the average response time for Stage 1 complaints across the Council was 26 days, underlining the scale of challenge to meet the 10-day response time propose by the LGSCO, considering other service pressures.
 - Councils must make reasonable adjustment for individuals where appropriate under the 2010 Equality Act and record any protected characteristics and vulnerabilities. This will be a challenge given that the Complaints Team do not have a particular expertise in the practical requirements of the Equality Act
 - Appointing a Member responsible for complaints who must receive regular updates, performance, and trends. Complaints are currently covered as part of the Cabinet member for Culture and Digital portfolio.

- Where we ask for feedback on a service, councils must include details of how an individual can complain.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

[Annual Customer Feedback Report 2022/23](#)

Local Member: All

Appendices

Appendix A - LGCSO's Joint Complaint Handling Code 1

Appendix B - Council's draft response to LGSCO consultation