

<b>29 February 2024</b>		<b>ITEM: 8</b>
<b>Standards and Audit Committee</b>		
<b>Mid-Year (2023/24) Complaints and Information Governance Activity Report</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Lee Henley – Head of Information Management		
<b>Accountable Assistant Director:</b> Not Applicable		
<b>Accountable Director:</b> Jackie Hinchliffe – Director of HR, OD & Transformation		
<b>This report is:</b> Public		

### Executive Summary

- The number of complaints received for the reporting period is 1030. For the same period last year, the figure was 887, therefore the reporting period represents an increase of 143 complaints received (16%).
- For the reporting period, 85% of complaints were responded to within timeframe. For the same period last year 83% were responded to within timeframe.
- During the reporting period, 49% of complaints were upheld. For the same period last year 45% of complaints were upheld.
- Member Enquiries - A total of 2227 member enquiries were received. Of these, 2209 were responded to within the reporting period with 92% responded to within timeframe. For the same period last year, the Council received 2294 enquiries with 94% responded to within timeframe. The average time taken to respond to members enquiries across all Directorates was 5 days.
- Freedom of Information (FOI) activity and performance - For the reporting period, the Council processed 98% of Freedom of Information (FOI) requests within the 20-working day legal timeframe and this is based on 483 requests. The Information Commissioners Office (ICO) expect public authorities to answer at least 90% within timeframe so this is a positive.
- Subject Access Request activity and performance - During the reporting period, the council received 67 Subject Access Requests under the Data Protection Legislation. 87% of these requests were processed within the legal timeframe.

- Details of closed Ombudsman cases and/or Information Commissioners Office cases are detailed in sections 5 and 9 within appendix 1.

## **1. Recommendations**

### **1.1 That Standards and Audit Committee consider and note the report.**

## **2. Introduction and Background**

2.1 This is a mid-year activity report for 2023/24 and the detail is included within appendix 1 covering the following areas:

- Complaints data for the top 10 areas of complaints
- Complaints and Cllr enquiry trends for the top 10 complaint areas
- High level learning and/or outcomes from upheld complaints
- Social Care complaints
- Closed Ombudsman cases/decisions
- Compliments
- Freedom of Information (FOI) activity and performance
- Subject Access Request activity and performance
- Information Commissioners Office (ICO) activity based on closed cases
- Data Protection incidents
- Local Government Transparency Code status
- An update on the review of Information Governance Policies
- Information Governance related risks

2.2 **Complaints/enquiries data for the top 10 areas** – This is detailed in section 1 within appendix 1 and highlights comparisons with quarter 1 data for 2023/24. Overall:

- Complaints volumes have increased compared to the same period last year, with 1030 being received compared with 887 for last year
- Complaints performance has improved compared to the same period last year, with 85% processed within timeframe compared with 83% for last year
- 2209 Member Enquiries were responded to, with 92% responded within timeframe. The average time taken to respond to Members Enquiries across all Directorates was 5 days. For the same period last year, the Council received 2294 enquiries with 94% responded to within timeframe

2.3 **Complaints and Cllr enquiry trends for the top 10 complaint areas** – The trends for each of the top 10 complaint areas are detailed in section 2 within appendix 1.

2.4 **High level learning and/or outcomes from upheld complaints** – The most important aspect of any complaints management framework is the ability to demonstrate that the Council can evidence that it is learning from complaints received.

The Complaints Team works with services to establish the root cause for complaints received, to identify reasons for complaint escalations and to establish the reasons why complaints are upheld. Section 3 within appendix 1 details the top 10 complaint areas and a summary of high-level learning from upheld complaints for each area.

2.5 **Social Care complaints** – Adult Social Care and Children’s Social Care complaints follow separate statutory complaints procedures. Complaint volumes, performance and learning from these complaints is detailed in section 4 within appendix 1.

2.6 **Closed Ombudsman cases/decisions** – Section 5 within appendix 1 details a summary of all enquiries where the Local Government and Social Care Ombudsman and/or the Housing Ombudsman have reached a final decision on cases within the reporting period.

There were 30 Ombudsman decisions within the reporting period with 11 findings of fault. In addition to Ombudsman decisions, £150 was paid out or offered by the Council (or its contractors) as a form of complaint resolution across 5 Stage 2 complaints.

2.7 **Compliments** - The Council received 1170 external compliments within the reporting period compared to 514 for the same period last year. A breakdown of compliments received is detailed in section 6 within appendix 1.

2.8 **Freedom of Information (FOI) activity and performance** – 98% of FOI requests were processed within the 20-working day legal timeframe. Section 7 within appendix 1 details FOI volumes and performance for the 10 areas who received the highest number of FOI requests.

2.9 **Subject Access Request (SAR) activity and performance** - The Data Protection Act states that personal information must be processed in accordance with the rights of data subjects. This can result in anybody making a request to the Council about any information we hold on them and these are referred to as SAR’s.

During the reporting period, the Council received 67 SAR’s. Of the 67 requests, 87% were processed within the legal timeframe. Section 8 within appendix 1 summarises SAR volumes and performance.

2.10 **Information Commissioners Office (ICO) activity based on closed cases** – Section 9 within appendix 1 provides information on all closed FOI and Data Protection cases that were considered by the ICO for the reporting period.

2.11 **Local Government Transparency Code status** – The Council are required to publish a number of datasets as part of the Local Government Transparency

Code. Section 11 within appendix 1 list the datasets along with the status of each dataset.

**2.12 An update on the review of Information Governance Policies** - The Council have reviewed a number of its existing Information Governance Policies and are also introducing a new Microsoft Teams Usage Policy. Section 12 within appendix 1 details a summary of changes made to policies.

### **3 Issues, Options and Analysis of Options**

3.1 There are no options associated with this paper.

### **4 Reasons for recommendations**

4.1 This report is for noting purposes. There are no recommendations requiring approval.

### **5 Consultation (including Overview and Scrutiny, if applicable)**

5.1 This report was sent to Senior Leadership Team. The Information Governance sections of the report were sent to the council's Information Governance Group.

### **6 Impact on corporate policies, priorities, performance, and community impact**

6.1 Complaints impact on the council's priority of delivering excellence and achieving value for money.

6.2 The complaints process seeks to create a culture of corporate learning from best practice from listening to our customers and by acting on complaints. All complaints received must have learning applied if the complaint outcome is upheld.

6.3 The complaints process aims to improve customers' and users' experience of accessing Council services. This will support our customer services strategy.

6.4 The Council's ability to comply with information governance legislation demonstrates its commitment to openness and accountability. This will allow residents and customers to have confidence in what we do and will help build trusting relationships.

6.5 Access to information can also be closely linked to Customer Services and ICT Strategies.

### **7 Implications**

#### **7.1 Financial**

Implications verified by: **Jonathan Wilson**

## **Assistant Director Finance**

The financial implications are set out in the body of the report. Corporate Learning from complaints will reduce further exposure to financial consequences by improving core processes and services.

It is noted there are significant financial penalties for non-compliance with the Data Protection Act.

### **7.2 Legal**

Implications verified by: **Gina Clarke**  
**Governance Lawyer & Deputy Monitoring Officer**

Given that this is an update report for noting there are no legal implications directly arising from it. The following points should be noted by way of background information:

- Both the Courts and the Local Government Ombudsman expect complainants to show that they have exhausted local complaints / appeal procedures before commencing external action.
- The implementation of our learning from complaints and listening to our residents should lead to a reduction of complaints received and a reduction in those going to the Ombudsman or the Courts.
- Social Care for Adult and Children are required to follow a separate procedure stipulated by the Department of Health (DOH) and Department for Education & Skills (DFES).
- Regular reports on the council's performance in responding to complaints, assists the council to ensure that it complies with its best value duty to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency, and effectiveness.
- Failure to respond to FOI requests within the statutory time limits could lead to complaints to the Information Commissioner Officer (ICO). In addition, it could result in regulatory intervention, as the ICO are now starting to target poor performing councils for the length of time taken to respond to FOI requests, which could lead to reputational damage.
- There are various avenues available to the ICO to address an organisation's shortcomings in relation to the collection, use and storage of personal information. These avenues can include criminal prosecution, non-criminal enforcement, and audit. The ICO also has the power to serve a monetary penalty notice on a data controller.

### **7.3 Diversity and Equality**

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project  
Monitoring Officer**

There are no direct equality and diversity implications arising from this report. Individual complaints that include an equality related expression of dissatisfaction are considered by the service alongside all complaints.

The successful implementation of FOI and Data Protection ensures that diversity issues are fully considered, allowing our customers, stakeholders, partners, and the public to access and receive information.

### **7.4 Other implications (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder or Impact on Looked After Children**

None

## **8 Background papers used in preparing the report**

Information has been obtained from the Council's complaints system and Systems/databases used to manage FOI and Data Protection.

## **9. Appendices to the report**

Appendix 1 – Mid-Year Complaints and Information Governance Activity

### **Report Author:**

Lee Henley – Head of Information Management