

**Report for: Governance, Audit,  
Risk Management and  
Standards Committee**

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<b>Date of Meeting:</b>	24 January 2023
<b>Subject:</b>	Governance update - complaints
<b>Responsible Officer:</b>	Hugh Peart Director of Legal and Governance Services
<b>Exempt:</b>	No
<b>Wards affected:</b>	All
<b>Enclosures:</b>	Appendix A – whistleblowing policy (updated February 2022)  Appendix B – annual review letter from Local Government and Social Care Ombudsman for year ending 31/3/22  Appendix C – table showing upheld Local Government and Social Care Ombudsman complaints for London Boroughs per 100,000 population for the year ending 31/3/22

## **Section 1 – Summary and Recommendations**

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This report is the first step in a new Member reporting process for complaints. It is intended to improve the identification of trends and lessons that can be learned in order to improve where necessary the operation the performance of Council functions in the future. The report updates the Committee and summarises data in a number of areas.

### **Recommendations:**

The Committee is requested to note the information in the report.

## **Section 2 – Report**

### **Background**

There is currently no process by which information on complaints is collected and presented to Members. The collation and analysis of information will enable the Council to consider trends and lessons learned from individual cases.

It is expected that the process will develop in the future based on Member feedback.

#### The Code of Conduct for Members and complaints

The Local Government Association issued a revised model code of conduct in December 2020 and further amended in May 2021. There are some differences between the code and the Council's current code, including increased explanation of some provisions in the body of the code.

A report will be brought to the committee during 2023 for Members to consider whether a recommendation should be made to Council to amend the code.

The LGA Model Code of conduct can be found at the link below.

<https://www.local.gov.uk/sites/default/files/documents/Local%20Government%20Association%20Model%20Councillor%20Code%20of%20Conduct%2020%20WEB.pdf>

In relation to complaints, the following complaints against Members have been made from 1 April 2022 to date:

July 2022	complaint made by a resident of Woking against 3 Members alleging they had unlawfully obtained private information and shared it with third parties and used it in
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legal action 'heard in secret under the cover of UK counter-terrorism legislation. They unlawfully acted as covert human intelligence sources in their councillor capacities'. No further action was taken.

- July 2022 complaint made by a resident against a councillor regarding their involvement in a planning matter. No action taken as the Monitoring Officer determined that the Member was acting within their remit.
- July 2022 complaint made by a resident against 2 separate councillors for non-reply (for 4 weeks) to an email. Resolved as in fact one of the councillors had responded to the email.
- September 2022 complaint made by a resident regarding a tweet on an account belonging to a political group of the Council. The complaint was of not treating others with respect and bringing the Council into disrepute. The individual who sent the tweet could not be identified and so no further action was taken.
- November 2022 complaint made by one Member against another regarding remarks made at a public meeting. A number of provisions of the code were alleged to have been breached including not treating others with respect. This has not yet been resolved.

### Whistleblowing

The Committee's terms of reference include having oversight of the Council's whistleblowing policy. The Monitoring Officer is responsible for keeping it up to date. The policy was refreshed in February 2022, principally by updating the list of Prescribed Regulators to which employees can whistleblow in certain circumstances.

Allegations dealt with under the whistleblowing policy so far in the year ending 31 March 2023 are as follows:

- April Complaint about the Management of the Council's Occupational Therapy (OT) service. The complaint was acknowledged and an OT service review report shared with complainant. Internal Audit have undertaken a review of the service review agreed actions and their report is expected shortly.
- June Allegation of fraud in relation to a resident's will. No further action was required as this is not a Council responsibility.

- October Complaint about the procurement of the Council's Special Needs Transport (SNT) contract. There are two ongoing investigations – an internal audit review of the procurement process and a management review.
- October Complaint about legality of Parking Charge Notices (PCNs). The original complaint was made in 2018, investigated by Internal Audit & reviewed by External Auditors. There was no new complaint so no further action required.

### Complaints under the corporate complaints process

In 2021/22 the Council received 4,183 complaints from residents, a reduction of 5,078 (55%) from the previous year. The decrease was predominantly due to a change on the website making it easier to distinguish between a service request and a complaint.

The three departments with the highest number of complaints were Waste and Recycling (51% of complaints received), Concessionary Travel (11%) and Housing (9%). A table showing the full distribution of complaints is below:

<b>Service Area</b>	<b>%</b>
Waste & Recycling	51
Concessionary Travel	11
Housing	9
Parking	6
Streets	4
Environmental Health	4
Traffic	3
Housing Benefit	2
Planning	2
Council Tax & Business Rates	2
Adults	2
Other Services	4

The Corporate Complaints policy will be reviewed in 2023 as part of the "improving the customer experience" action plan. This will include consideration of whether equalities information in respect of complainants should be collected.

### Complaints to the Local Government and Social Care Ombudsman

Every year the Ombudsman writes to the Council with a summary of complaint statistics. The letter for the year ending 31 March 2022 is at Appendix B. It shows that there were 9 investigations in this period and in 7 cases the complaint was upheld. In 100% of cases the Ombudsman was satisfied that the organisation had successfully implemented its recommendations. In 14% (1 out of the 7 complaints), the Council had

provided a satisfactory remedy before the complaint reached the Ombudsman.

The table at Appendix C shows that the Council had the lowest number of upheld complaints per 100,000 population for the year 2021/22.

### **Section 3 - Statutory Officer Clearance**

**Statutory Officer: Stephen Dorrian**

Signed on behalf of the Monitoring Officer

**Date: 12/01/23**

### **Section 4 - Contact Details and Background Papers**

**Contact:** Stephen Dorrian, Principal Lawyer, 07927 548138

**Background Papers:** None