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**To: Scrutiny Co-ordination Committee**

**Date: 30<sup>th</sup> January 2025**

**Subject: Review of Statutory Complaints Reports 2023-24**

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## **1 Purpose of the Note**

- 1.1 To ensure Scrutiny Co-ordination Committee have oversight of published complaint reports and outcomes for 2023-24.
- 1.2 To brief the Committee on the additional reporting and oversight requirements arising from the new Local Government and Social Care Ombudsman (LGSCO) Complaint Handling Code (the Code).
- 1.3 To enable Scrutiny Co-ordination Committee to have oversight of the complaints system and recommendations arising from complaints that have been investigated, have been progressed. The Committee are not required to consider individual complaints.

## **2 Recommendations**

- 2.1 Scrutiny Co-ordination Committee are recommended to:
  - 1) Review and consider the contents of the Children's Services, Adult Social Care and LGSCO Complaints reports for 2023-24.
  - 2) Note that Scrutiny Co-ordination Committee are assigned lead responsibility for complaints within Council governance arrangements (as the "Member Responsible for Complaints") to support a positive complaint handling culture, in accordance with the new LGSCO Code.
  - 3) Identify any further recommendations for the appropriate Cabinet Member.

## **3 Background and Information**

- 3.1 The Council is expected to address complaints in accordance with the relevant statutory complaints processes (The Children Act 1989 Representations Procedure (England) Regulations 2006 or Local Authority Social Services and National Health Service Complaints (England) Regulations 2009) and / or the advice and guidance issued by the LGSCO under their powers under section 23(12A) of the 1974 Local Government Act.
- 3.2 Statute requires preparation of an annual report on the operation of the complaints process and the lessons learnt or service improvements arising from them for both Children's Services and Adult Social Care complaints. These are required to be

publicly available, and are published on the Comments, Compliments and Complaints area of the Council's website.

- 3.3 The LGCSO issues an Annual Review letter each July in respect of those complaints (both statutory and non-statutory) which have exhausted the Council's complaints process and been escalated to, investigated and decided by the Ombudsman. The letter is addressed to the Council's Chief Executive, Leader, and the Chair of Scrutiny Co-ordination Committee "to encourage effective ownership and oversight of complaint outcomes", and a report similar to those noted above is prepared following receipt of the LGCSO's letter.
- 3.4 These reports are each considered in detail at the relevant Cabinet Member meetings and at Ethics Committee, ahead of being brought to Scrutiny Co-ordination Committee for overview and review. They are then published on the Council's website.
- 3.5 In February 2024 the LGCSO issued their new 'Complaint Handling Code' ('the Code') setting out their expectations for complaint handling by local Councils, together with new overview and scrutiny guidance.
- 3.6 The Code does not replace any of existing statutory complaint processes referenced above but is intended to operate alongside / in conjunction with these. Councils are encouraged to adopt the Code as soon as practicable, with the LGCSO considering adherence to the Code as part of their complaint investigations from April 2026 onwards.
- 3.7 Under the Code it is expected that all Councils will now produce an overall annual complaints performance and service improvement report for scrutiny and challenge. This is to be reported through the appropriate governance arrangements and published on the complaints section of the Council website, alongside the response to the report from the relevant governance arrangement.
- 3.8 In addition to this the Code stipulates that Council's should assign lead responsibility for complaints in governance arrangements in order to "support a positive complaint handling culture". The Code refers to this role as the "Member Responsible for Complaints", and that it is for each Council to decide whether the role is carried out by an individual or committee depending on the governance arrangements in place.
- 3.9 Given that Scrutiny Co-ordination Committee already review the existing annual complaints reports it would appear appropriate that they are designated to review and respond to the Council's overall annual complaints performance and service improvement report moving forward.

#### **4 Health Inequalities Impact**

- 4.1 There are no Health Inequalities impacts directly related to this report.

Appendix A: Children's Services Complaints and Representations Annual Report 2023-24

Appendix B: Adult Social Services Complaints and Representations Annual Report 2023-24

Appendix C: Complaints to the LGCSO Annual Report 2023-24

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