

EAST SURREY AUDIT & GOVERNANCE COMMITTEE

MEETING DATE: 2 November 2026

REPORT OF EXECUTIVE MEMBER: Not applicable – report for information

LEAD OFFICER: Jackie King, Customer & Corporate Services Theme Lead

SUBJECT: 2026/27 Retrospective Complaints Reporting Approach

Purpose of the Report:

The purpose of this report is to advise the Audit & Governance Committee of the 2026/27 retrospective annual complaints reporting approach for legacy councils following Vesting Day.

Annual complaints reports for the 2026/27 reporting year cannot be completed until after the legacy councils and their usual governance routes have ceased.

The Committee is asked to note that three statutory annual complaints reports will be produced for Housing, Adult Social Care and Children's Social Care only. Historic Corporate complaints data will be retained for future reference, analysis and benchmarking.

Recommendations:

It is recommended that the East Surrey Shadow Authority's Audit & Governance Committee resolves to:

1. Note the decision to support a statutory-only approach to 2026/27 retrospective annual complaints reporting for the legacy council period.

Statutory annual complaints reports will be produced for Housing, Adult Social Care and Children's Social Care only. Retrospective Corporate complaints annual reports will not be produced for the legacy councils within East Surrey. 2026/27 corporate complaints (non-housing & non-social care) data will be retained for future reference, analysis and benchmarking as required.

Reason for Recommendations:

2. This approach meets statutory reporting obligations whilst avoiding the disproportionate production of non-statutory annual reports for councils which will no longer exist.
3. It also allows the officer capacity that would otherwise be required to produce those reports to focus on ensuring East Surrey Council has effective complaint handling, oversight and reporting arrangements in place from Vesting Day.

Options, including alternatives (if any)

4. **Produce statutory reports only (preferred option):** this covers Housing (Tandridge District Council), Adult Social Care and Children's Social Care (Surrey County Council), where annual reporting requirements are prescribed through legislation and the Ombudsman Code. This option ensures statutory compliance while keeping LGR activity focused on transition.
5. **Produce both statutory and non-statutory reports (not recommended):** as corporate complaints reporting is not statutory, producing these reports after the legacy councils have ceased would require officer capacity that can be better directed to embedding and developing East Surrey Council's complaint handling, oversight and reporting arrangements following Vesting Day.
6. **Do not produce retrospective reports (not recommended):** this is not recommended as the statutory reporting requirements for Housing, Adults Social Care and Children's Social Care remain in place, even though the relevant annual reports can only be completed after the legacy councils have ceased to exist.

Summary:**2026/27 Retrospective Complaints Reporting Approach**

7. Councils produce annual complaints reports retrospectively, covering complaints received between 1st April and 31st March (this is also the statutory reporting period for Housing and Social Care). 2026/27 reporting year will therefore close on 31st March 2027, immediately before Vesting Day on 1st April 2027. As a result, the full year of complaints data will not be available for analysis and reporting writing until after the legacy councils and their usual governance arrangements have ceased.
8. It typically takes around two to three months to analyse annual complaints data and prepare the report, followed by a further period for approval and publication. In normal circumstances, this means annual complaints reports are often finalised and published several months after the end of the reporting year. For 2026/27, all substantive report preparation and approval activity will therefore take place post-Vesting Day.
9. Statutory annual reporting requirements apply to Housing complaints, Adult Social Care complaints and Children's Social Care complaints. Housing reports must be published and provided to the Housing Ombudsman through the annual submission process. Adult Social Care and Children's Social Care

complaints reporting is governed by statutory complaints procedures and must remain available for appropriate assurance and oversight.

10. Corporate complaints reporting, covering non-housing and non-social care complaints, is not subject to the same annual statutory reporting requirement. The Local Government and Social Care Ombudsman Complaint Handling Code promotes effective oversight, learning and reporting, but does not prescribe a statutory annual submission process equivalent to the Housing Ombudsman Code.
11. East Surrey Officer Board considered the retrospective reporting approach in October 2026 and supported statutory reporting only for Housing, Adult Social Care and Children's Social Care. The approach reflects the Local Government Reorganisation Programme's principle of "transition, not transformation": meeting statutory duties while avoiding unnecessary work to produce non-statutory annual reports for organisations that will no longer exist.
12. For East Surrey Council, the Housing reporting requirement relates to Tandridge District Council (single report), the only legacy council in East Surrey with the relevant social housing landlord responsibilities falling within the Housing Ombudsman Complaint Handling Code.
13. Adult Social Care and Children's Social Care complaints reporting will be managed on a countywide basis. Historic complaints data cannot be reliably split between East Surrey and West Surrey because location information was not historically collected in a way that supports retrospective disaggregation. Producing retrospective East/West figures where the underlying data does not support this would risk inaccurate or misleading reporting. The Adult Social Care and Children's Social Care reports will therefore remain countywide. One report will be produced for Adult Social Care and another report produced for Children's Social Care.
14. The underlying corporate complaints data for legacy councils will be retained for future reference, analysis and benchmarking. In addition, the Local Government and Social Care Ombudsman (LGSCO) will continue to publish its own annual performance and complaint reporting for legacy councils for 2026/27, providing external transparency for Ombudsman-related complaint activity.
15. Appropriate senior officer approval arrangements will be confirmed before the statutory reports are finalised, recognising that the legacy councils' usual approval routes will no longer exist after Vesting Day. These arrangements will

need to provide clear accountability and sufficient subject-matter assurance for each statutory report.

16. The approach has been developed with input from the Customer & Web Workstream, Adult Social Care and Children's Social Care Themes, and Housing colleagues represented through the relevant workstream arrangements. The Adult and Children's Themes, which manage complaints for their respective service areas, have endorsed the statutory-only reporting approach.

Consultation:

17. **LGR Programme:** the approach has been developed jointly across the Customer & Corporate Services, Adult Social Care and Children's Social Care Themes, and Housing colleagues represented through the relevant LGR Programme and Workstream arrangements. All stakeholders who manage complaints for their respective service areas have endorsed the statutory-only reporting approach.

18. **East Surrey Officer Board:** the approach has been approved by the East Surrey Officer Board in October 2026.

19. **LGSCO:** the approach has been discussed with the LGSCO in relation to corporate complaints reporting. The LGSCO advised that it does not generally prescribe the content of councils' complaints reports and regards reporting arrangements as a matter for local determination. Its principal interest is that East Surrey Council has effective complaint handling, oversight and reporting arrangements in place from Vesting Day onwards, so there is no perception that complaints are being deprioritised during transition.

Risk Management and Implications:
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20. **Delay to statutory reporting:** If data owners, named leads, activities and deadlines are not confirmed before Vesting Day, then statutory complaints reports may be delayed after the legacy councils have ceased, including publication or submission to the Ombudsman where required. This will be mitigated by confirming named leads, data owners, preparation tasks, delivery dates, handover arrangements and escalation routes before Vesting Day, documented through the relevant Theme and implementation plans.
21. **Post-Vesting Day accountability:** If appropriate officer sign-off arrangements are not confirmed before the statutory reports are prepared, then accountability for reports relating to former councils may be unclear after Vesting Day. This will be mitigated by confirming proportionate officer sign-off

arrangements through transition planning and recording them in relevant programme and operational documentation.

- 22. Transparency and public assurance:** If non-statutory corporate annual complaints reports are not produced, then this could be perceived as reducing transparency over legacy complaints activity. This will be mitigated by retaining the underlying corporate complaints data for future analysis and benchmarking, and by maintaining effective complaint handling and reporting arrangements from Vesting Day. The LGSCO will also continue to publish annual reporting on legacy councils' Ombudsman-related complaint activity.

Financial and Value for Money Implications:
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23. The proposed approach is expected to be delivered within existing programme and service resources. It represents a proportionate use of officer capacity by focusing post-Vesting Day effort on reports that are required by legislation, statutory guidance or regulatory codes, rather than producing non-statutory retrospective reports for organisations that will no longer exist.
24. There are no direct additional financial commitments arising from this noting report. Any staffing time required to prepare statutory reports, retain data and support appropriate approval routes will be managed through existing transition planning and relevant Theme implementation activity.
25. To be completed by the interim Section 151 Officer for East Surrey. Draft text for review: The report recommends a proportionate approach that focuses available resources on statutory and regulatory reporting requirements. There are no direct additional financial implications arising from the recommendations, and any officer time required will be managed through existing transition and service planning arrangements.

Section 151 Officer Commentary:
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26. East Surrey Council will operate in a very challenging financial environment, with significant budgetary pressures from increasing demand and costs of service delivery, coupled with limited financial resources and reducing government funding. East Surrey will be increasingly reliant on Council Tax as the primary source of income.
27. Decisions made by the sovereign councils in East Surrey and the East Surrey Shadow Authority will need to consider the ongoing financial impact and ensure that expenditure does not exceed the resources available. It is vital that significant importance is placed on effective financial management and medium-term financial sustainability to achieve a balanced budget position and protect service delivery.

28. The recommendations in this report represent a proportionate approach, focusing available resources on statutory and regulatory reporting requirements. There are no direct additional financial implications arising from the recommendations, and any officer time required will be managed through existing transition and service planning arrangements.

Legal Implications (Monitoring Officer Commentary):

29. The proposed approach recognises the different status of statutory and non-statutory complaints reporting. Statutory and regulatory reporting obligations for Housing, Adult Social Care and Children's Social Care will continue to be met after Vesting Day. Corporate complaints reporting is not subject to an equivalent statutory annual report requirement. However, retaining data and ensuring effective complaint handling arrangements from Vesting Day will support transparency, accountability and compliance with relevant Ombudsman expectations.

Workforce Implications (People/Human Resources Commentary)

30. The approach does not create a new operating model or additional permanent workforce requirement. It will require clear allocation of responsibilities for data extraction, analysis, report drafting, assurance and senior-officer approval, which should be reflected in Theme delivery plans and handover arrangements before Vesting Day.

Equality and Diversity:

31. No direct equality impacts have been identified as a result of this approach.
32. Complaint reporting supports transparency, accountability and learning from residents' experiences, including where complaints relate to access, communication, service quality or impacts on people with different protected characteristics.
33. Retaining complaints data and ensuring future complaint handling arrangements are in place from Vesting Day will support continued monitoring and learning.

Climate Change and Sustainability:

34. No direct climate change or sustainability implications have been identified. The approach avoids unnecessary production and governance activity for non-statutory retrospective reports, while ensuring statutory reports are produced where required.

What Happens Next:

- Implementation planning is continuing through the relevant Themes and workstreams to confirm named leads, data owners, delivery dates, handover arrangements and appropriate officer sign-off arrangements before Vesting Day.
- Corporate complaints data will be retained for future reference, analysis and benchmarking.
- Transition planning will continue to ensure complaints can be received, managed, overseen and reported appropriately from Vesting Day.

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Annex:

None

Sources/background papers:

None
