

CORPORATE GOVERNANCE COMMITTEE – 25 SEPTEMBER 2015

JOINT REPORT OF THE CHIEF EXECUTIVE AND THE DIRECTOR OF CORPORATE RESOURCES

OMBUDSMAN ANNUAL REVIEW 2014/15 & COMPLAINT HANDLING

Purpose of Report

1. The purpose of this report is to inform Members of the Ombudsman Annual Review letter for the Authority for 2014/15 and to provide Members with an update on improvements to the Corporate Complaints procedures and effective complaints handling.

Background

2. The Customer Services Strategy includes a principle that states: “*We will encourage comments and complaints to support a culture of continuous improvement*” and also refers to the need to “*put the customer at the heart of services, designing and planning all services around their needs*”
3. The role of the Corporate Governance Committee includes the promotion and maintenance of high standards within the Authority in relation to the operation of the Council’s Code of Governance. It also has within its terms of reference the making of payments or providing other benefits in cases of maladministration under Section 92 of the Local Government Act 2000.
4. At its meeting on 29 November 2009 this Committee, in line with its role and responsibilities, and those of the then existing Standards Committee, agreed that reports on complaints handling should be submitted on an annual basis for members consideration following receipt of the Ombudsman’s Annual Review.
5. The Local Government Ombudsman produces an annual review letter for each Authority. This has historically contained complaint statistics as well as any specific comments on the Council’s performance.
6. In July 2015, the Ombudsman issued their annual review of local government complaints for 2014-15. An extract of the report is attached as Appendix B whilst copies of the data annexe can be found in member

group rooms. There are no significant conclusions that can be drawn regarding the County Council's performance.

7. The Ombudsman, in partnership with the Local Government Association, has developed a Councillors toolkit. This is designed to help elected members engage effectively with local authority complaints systems. The toolkit is attached as Appendix C.

Ombudsman's Annual Report for Leicestershire County Council

8. A copy of the Annual Review for 2014/15 is attached as Appendix A to this report. A total of 61 Complaints and Enquiries were received during the year which marks a 24% reduction on prior year (80)
9. The Ombudsman made decisions on 62 complaints during the year and of these 17 resulted in a detailed investigation being carried out. This equates to 27% of the complaints submitted.
10. Seven complaints had a finding of some fault and were consequently upheld. This is a reduction on prior year (10).
11. Where a finding of fault with injustice is made, the Ombudsman may suggest a course of action to the Council which if implemented would lead the Ombudsman to dis-continue their investigation. The Council is not obligated to carry out this recommendation but failure to do so may lead to a Public Report being issued.
12. Such settlements may involve an element of compensation for a complainant where there has been a failure to provide a service, together with a payment to recognise the complainant's time and trouble in having to pursue the complaint
13. During 2014/15, the Council agreed to the Ombudsman's recommendations in all of the seven cases. Of these:-
 - Case 1 related to Fostering and a decision to remove a child placed with a foster carer. The Ombudsman did not criticise the decision but found administrative fault in that the Council had not sent a copy of their concerns to the fostering agency. It agreed to do so.
 - Case 2 related to Community Care Finance (Adult Social Care) and the imposition of charges for the daughter of the complainant's residential placement. The Ombudsman found administrative fault in that the Council failed to provide formal notification that a financial contribution was required. The Council agreed to waive three months charges until the point where there was clear evidence the complainant was aware that charges applied.
 - Case 3 related to a Blue Badge mobility assessment. The Ombudsman found procedural faults with how the Council

documented the assessment. The Council agreed to run a fresh assessment and make some amendments to our guidance notes issued to residents applying for this service.

- Case 4 related to Special Educational Needs and concerns that the Council failed to provide adequate support to the complainant's son who has Selective Mutism. The Ombudsman found a number of failings and inconsistent support. The Council accepted these findings and agreed to pay £1000 made up of time and trouble and distress payments.
 - Case 5 concerned the way the Council handled a safeguarding concern together with financial issues relating to a relative. The Ombudsman found a number of administrative faults but none that caused any injustice. The Council agreed to revise guidance around mental capacity assessments and risk assessments.
 - Case 6 concerned mis-leading advice given by the Council around eligibility for a re-ablement package. The Ombudsman felt an apology was the appropriate remedy as no injustice had been caused.
 - Case 7 concerned a complaint around nuisance being caused by a children's home near the complainant's property. The Ombudsman found undue delay in carrying out remedial works agreed in a mediation session. The Council agreed to complete the property improvements and offer £100 as a time and trouble payment.
14. The Ombudsman produced no public reports against the Council during 2014/15.
15. The Council's willingness to agree settlement proposals such as those outlined above help to maintain and enhance the Authority's reputation with the Ombudsman.
16. All financial settlements outlined above were approved by the County Solicitor after consultation with the Chairman of the Committee, in accordance with powers delegated by this Committee at its meeting on 26 November 2012.

Complaints Handling

17. There have been a number of positive developments with the Council's complaints handling arrangements over the last 12 months. These include:
- The implementation of a revised lessons learned process and development of a practical 'root cause analysis' model.

- New toolkit to help managers deal with challenging complainants and ensure they respond fairly and consistently.
 - Further professional training arranged to ensure managers are equipped to respond effectively to complaints.
 - Customer Relations Manager appointed Chair of the Eastern Region complaints managers group.
18. Reports are also produced for the Scrutiny Commission which monitors and scrutinises the Authority's performance in complaint handling through a Corporate Complaints and Compliments Annual Report. This report sets out an analysis of all complaints recorded by type, department and the response times for dealing with these.
19. The 2014/15 annual report was presented to the Commission for consideration at its meeting on 3 June 2015 and this highlighted the following main themes:
- The number of complaints (at 293) had increased by 8% compared to the previous year;
 - Of the complaints resolved within the year, 80% received a response within 10 working days and 96% received a response within 20 working days. This is almost identical performance to the previous year and can be considered a strong performance.
 - Uphold rates have reduced by 1% from prior year at 51% of the overall total.
 - Expectation Management and keeping customers informed continues to be a key theme that requires improvement and would go a long way to reducing both complaints received and upheld.
20. The Ombudsman annual review letter was received after the corporate complaints annual report had been presented to the Scrutiny Commission. Therefore, Ombudsman data presented in the corporate complaints annual report does not match the official figures published by the Ombudsman and referred to in this report.

Recommendations

21. The Committee is recommended to:
- (a) note the contents of this report;
 - (b) provide comment and feedback on the Ombudsman's annual review letter and the complaints handling arrangements and improvements outlined.

- (c) Provide comment on the merits of the Councillor toolkit and any wider distribution requirement.

Equal Opportunities Implications

None

Background Papers

Report to the Scrutiny Commission dated 3 June 2015 'Corporate Complaints and Compliments Annual Report 2014/15'

Circulation under the Local Issues Alert Procedures

None.

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List of Appendices

Appendix A: The Local Government Ombudsman's Annual Review Letter dated 18 June 2015 – Leicestershire County Council – for the year ended 31 March 2015

Appendix B: Review of Local Government Complaints 2014-15 (extract)

Appendix C: Handling Complaints for Service Improvement - Councillor Workbook.