



CORPORATE GOVERNANCE COMMITTEE – 23 SEPTEMBER 2016

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

OMBUDSMAN ANNUAL REVIEW 2015/16 & COMPLAINT HANDLING UPDATE

Purpose of Report

1. The purpose of this report is to inform Members of the Ombudsman Annual Review letter for the Authority for 2015/16 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 typically contains complaint statistics as well as more general updates from the Ombudsman as to any emerging themes.
6. In July 2016, the Ombudsman issued her annual review of local government complaints for 2015-16. An extract of the report is attached as Appendix B. There are no significant conclusions that can be drawn regarding the County Council's performance.

Ombudsman's Annual Report for Leicestershire County Council

7. A copy of the Annual Review for 2015/16 is attached as Appendix A to this report. A total of 80 Complaints and Enquiries were received by the Ombudsman during the year which marks a 31% increase on last year (61) There are no known reasons for this increase though it should be noted in 2013-14 the figure was 80. In this context 2014-15 may have been an unusual year.
8. The Ombudsman made decisions on 86 complaints during the year and carried out 17 detailed investigations. This equates to 20% of the complaints submitted. The remainder were dealt with at the Assessment stage, which is a lighter touch review of the Council's actions. The above figure includes all complaints *resolved* during the year regardless of when these were received by the Ombudsman.
9. Seven complaints had a finding of some fault and were consequently upheld. This is a reduction from the previous year (10).
10. 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.
11. 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
12. On some occasions, the Council has already taken remedial action which the Ombudsman considers appropriate to resolve the issue. In such cases, the Ombudsman will still record the case as Maladministration but with an additional tag to reflect that the situation had been adequately remedied before LGO involvement.
13. During 2015/16, the Council agreed to the Ombudsman's recommendations in all five cases where recommendations were made. In two cases, the Ombudsman was satisfied with the remedies already implemented so no further recommendations were made
14. The detail for each of the upheld complaints appears below:-
 - Case 1 related to Adult Social Care and specifically the care the Council commissioned. The Ombudsman found fault in the provider's failure to report a deterioration in the health of the service user and delay in resolving the ensuing safeguarding investigation.

The Council agreed to apologise for the shortcomings identified and pay £750 to the family.

- Case 2 related to Environment and Transport and decisions made by an appeal panel around back-dating School Transport provision. The Ombudsman accepted that any fault had already been remedied by the Council who had agreed to back-dated payments
 - Case 3 related to Childrens Social Care and decisions made around financial assistance for a Special Guardianship Order. The Ombudsman found fault because the Council had not made a clear financial offer in writing but accepted that this had been subsequently remedied through the statutory complaints procedure.
 - Case 4 related to Childrens Services and a Delayed Entry Admission panel. The Ombudsman found fault because the panel did not have the full opinion of an Educational Psychologist prior to making its decision. The Council agreed to re-convene a panel and ensure this evidence was properly tabled.
 - Case 5 related to Adult Social Care and a Safeguarding investigation. The Ombudsman found fault with the speed with which this was handled as well as the adequacy of the resultant protection plan and the arrangements for following up measures agreed. The Council agreed to apologise, draw up a comprehensive action plan and to make a payment of £500 to the family.
 - Case 6 related to Childrens Services and concerned the way the Council carried out a Fostering assessment. The Ombudsman found a number of procedural and record-keeping faults and asked the Council to put in place improvements to how data is maintained and dealt with, apologise to the complainant and make a payment of £500
 - Case 7 related to the Registration Service and specifically to delays which affected a couple's wedding service. The Council had already accepted a number of administrative errors and had offered re-imbusement of £970. The Ombudsman concluded this was a fair and reasonable offer.
15. The Ombudsman produced no public reports against the Council during 2015/16.
16. 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.

17. All of the financial settlements outlined above were approved by the Director of Law and Governance, in accordance with powers delegated by this Committee at its meeting on 26 November 2012.

Complaints Handling

18. There have been a number of positive developments with the Council's complaints handling arrangements over the last 12 months. These include:
- Improved quarterly reporting for departments which includes revised service categories to reflect wholesale organisational changes
 - Greater collaboration to ensure common complaint themes are linked to departmental Learning and Development plans
 - Development of a managers toolkit which includes response templates and guidance on getting the language right when responding to complaints.
 - Closer integration with sections who routinely are involved with disputes which may be better managed as complaints, for example, Childrens Rights, Debt Resolution sections.
19. 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.
20. The 2015/16 annual report was presented to the Commission for consideration at its meeting on 15 June 2016 and this highlighted the following main themes:
- The number of complaints (at 325) had increased by 11% compared to the previous year;
 - Of the complaints resolved within the year, 77% 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 set against the context of budget reductions
 - The proportion of complaints that are upheld has reduced significantly by 21% from last year at 30% of the overall total.
21. The Ombudsman's 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 is taken from the Council's records and may not match the official figures published by the Ombudsman and referred to in this report.

Recommendations

22. 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.

Equality and Human Rights Implications

An Equality and Human Rights Impact Assessment was completed in 2014. There have been no significant changes to the complaints handling process since this time

Background Papers

Report to the Scrutiny Commission dated 15 June 2015 'Corporate Complaints and Compliments Annual Report 2015/16'

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 21 July 2016 – Leicestershire County Council – for the year ended 31 March 2016

Appendix B: Review of Local Government Complaints 2015-16 (extract)

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