



CORPORATE GOVERNANCE COMMITTEE – 22 SEPTEMBER 2017

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

OMBUDSMAN ANNUAL REVIEW 2016/17 & 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 2016/17 and to provide Members with an update on improvements to the Local Authority's 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. This report also discharges the Monitoring Officer's statutory duty under section 5(2) of the Local Government and Housing Act 1989 to report where maladministration has been identified.
5. During the 2016-17 reporting year, there has been a change of Ombudsman with Dr Jane Martin finishing her 7 year term and being replaced by Michael King.

6. Also during 2017, the Local Government Ombudsman has changed her name to the Local Government and Social Care Ombudsman. This is to better reflect her role across the wider social care sector.
7. The Local Government and Social Care 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.
8. In recent years, the Ombudsman has also issued an annual review of local government complaints in July. There has not been a report issued for 2016-17.
9. High level complaints data for each local authority has been published by the Ombudsman. There are no significant conclusions to be drawn from this data.

Ombudsman's Annual Report for Leicestershire County Council

10. A copy of the Annual Review for 2016/17 is attached as Appendix A to this report. A total of 73 Complaints and Enquiries were received by the Ombudsman during the year which marks a 9% decrease on last year (80).
11. The Ombudsman made decisions on 75 complaints during the year and carried out 22 detailed investigations. This equates to 29% 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.
12. Sixteen complaints had a finding of some fault and were consequently upheld. This is an increase from the previous year (7) and represents a percentage of 73%.
13. The average percentage of complaints upheld for all local authorities was 54%.
14. 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.
15. 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.

16. On some occasions, the Council may have 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 involvement by the Local Government Ombudsman. There were no such instances in 2016-17
17. During 2016/17, the Council agreed to the Ombudsman's recommendations in all cases where recommendations were made.
18. The detail for each of the upheld complaints appears below:-
 - Case 1 related to Fostering and specifically how the Council handled an application to become a foster carer. The Ombudsman found fault in how the Council responded to panel enquiries. The Council agreed to apologise for the shortcomings identified and carry out an appreciative enquiry.
 - Case 2 related to Childrens Social Care and how an allegation made to the Local Authority Designated Officer (LADO) was handled. The Ombudsman found administrative fault and asked that the Council afford the opportunity for the complainant's comments to be added to files, apologise and make a remedy payment of £200.
 - Case 3 related to Adult Social Care and that the Council failed to properly advise of charges that the complainant was required to contribute. There were also issues with how the authority handled a safeguarding referral. The Council agreed to apologise and make a payment of £150 in recognition of distress caused.
 - Case 4 related to Adult Social Care and the Council's failure to properly investigate allegations of poor quality of home care. The Council accepted that it had not responded to the concerns raised and agreed to do so retrospectively. The Council offered a remedy payment of £200 to recognise the time and trouble pursuing the complaint which was accepted by the Ombudsman.
 - Case 5 related to Child Protection. This complaint had exhausted the 3 stages of the statutory procedure and some fault had already been accepted. The Ombudsman found additional administrative fault in that a promised review of supervision arrangements had not been carried out. The Council agreed to carry this out immediately and apologise for the oversight.
 - Case 6 related to Adult Social Care and a support assessment carried out. The Ombudsman found fault with how a review of eligibility for fuel allowance had been carried out. The Council agreed to carry out a fresh review and make a payment of £100 in recognition of the time and trouble pursuing the complaint.

- Case 7 related to Health and Safety and the Council's inspections of a local sports stadium. The Ombudsman found fault in the recording of match day inspections and asked that the Council undertake a fresh inspection.
- Case 8 related to School Admissions and delay in identifying an out of school education package. The Ombudsman found fault that there was undue delay and asked the Council to urgently ensure an appropriate educational provision and make a remedy payment of £500 in recognition of a number of weeks of lost provision.
- Cases 9 & 10 relate to School Admissions and specifically Delayed Entry appeals. The Ombudsman found fault with how the Council had applied their policy and asked that in both cases fresh appeals were arranged and payments of £300 made to each parent in recognition of their time and trouble.
- Case 11 related to our emergency out of hours first response children's duty team. The Ombudsman found no fault in the decision making on a safeguarding referral but that there was delay in record being uploaded in a timely fashion. An apology was considered sufficient redress
- Case 12 related to Highways and charges requested for a dropped kerb. The Ombudsman found fault that the Council did not do enough to make her aware of scheduled future work which would have led to a lower fee being asked. The Council accepted this and agreed to refund the difference in fees.
- Case 13 related to Adult Social Care and a reduction in personal budget. The Ombudsman found fault with the application of our Transport policy and that we had failed to consider exceptional circumstances. The Council agreed to apologise, undertake a fresh review and carry out training across the department on applying the Transport Policy
- Case 14 related to Adult Social Care and mental health support services. The Ombudsman found fault that the Council did not do enough to ensure the complainant had access to PA support for a couple of months. The Council agreed a remedy payment of £300 in recognition of any distress caused.
- Case 15 related to Adult Social Care and handling of a safeguarding investigation. The Ombudsman identified minor administrative faults but which did not lead to any injustice being caused.
- Case 16 related to Adult Social Care and charges applied to a service user. The Ombudsman was critical that the Council did not do enough to ensure the service user was able to make informed decisions (given that service user was suffering with dementia). The

Council apologised and agreed to waive the outstanding balance of £335.01.

19. The Ombudsman produced no public reports against the Council during 2016/17.
20. 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.
21. 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

22. There have been a number of positive developments with the Council's complaints handling arrangements over the last 12 months. These include:
 - Successful pilot within Adults and Communities to improve how we articulate the learning from complaints and how this drives service improvement;
 - A number of bespoke training workshops carried out with departments on topics such as Root Cause Analysis, Writing high quality responses and determining when to refer to complaints;
 - Continued development of the positive links with sections who routinely are involved with disputes which may be better managed as complaints, for example, Childrens Rights, Chief Officer PA teams, Customer Services.
23. 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.
24. The 2016/17 annual report was presented to the Commission for consideration at its meeting on 19 July 2017 and this highlighted the following main themes:
 - The number of complaints (at 260) had decreased by 20% compared to the previous year;
 - Of the complaints resolved within the year, 69% received a response within 10 working days and 90% received a response within 20 working days. This represents a slight downturn on 2015-16 but still meets our

targets of 60% and 90% respectively. Set against the challenging financial climate this continues to demonstrate commitment to complaints handling.

25. The Ombudsman's annual review letter was received after the Corporate Complaints and Compliments Annual Report had been presented to the Scrutiny Commission. Therefore, Ombudsman data presented in the Corporate Complaints and Compliments 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

26. 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 19 July 2017 'Corporate Complaints and Compliments Annual Report 2016/17'

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 20 July 2017 – Leicestershire County Council – for the year ended 31 March 2017

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