



CORPORATE GOVERNANCE COMMITTEE – 24 OCTOBER 2018

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

OMBUDSMAN ANNUAL REVIEW 2017/18 & COMPLAINT HANDLING UPDATE

Purpose of the Report

1. The purpose of this report is to inform the Corporate Governance Committee of the Local Government and Social Care Ombudsman (LGO) annual review letter for the Authority for 2017/18, and to provide an update on improvements to the 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 letter. This report also discharges the Monitoring Officer's statutory duty under s.5(2) of the Local Government and Housing Act 1989 to report where maladministration has been identified.
5. The LGO 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. This letter is attached as Appendix A to this report.

6. In recent years, the Ombudsman has also issued an annual review of local government complaints each year. A copy of the 2017-18 report is attached as Appendix B.
7. High level complaints data for each local authority has also been published by the Ombudsman and in keeping with previous years, copies of this data annexe can be found in member group rooms.
8. At the presentation of this report to the Corporate Governance Committee last year, it was requested that benchmarking data as to how the Council compares to similar authorities be presented each year. Data for each of the authorities classified by CIPFA as statistically comparable is included in Appendix C attached.

Ombudsman's Annual Review letter for Leicestershire County Council

9. A total of 69 Complaints and Enquiries were received by the Ombudsman during the year which marks a slight reduction on last year (73).
10. To add context to the above figure, population data has been obtained which shows that Leicestershire receives 10.0 referrals to the Ombudsman per 100,000 residents. As shown in Appendix C, this ranks us as 5th of 16 authorities classed as statistical neighbours.
11. The Ombudsman made decisions on 61 complaints during the year and carried out 10 detailed investigations. This equates to 16% 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. Five complaints had a finding of some fault and were consequently upheld (see below). This is a significant decrease from the previous year (16) and represents a percentage of 50% of the complaints investigated.
13. The average percentage of complaints upheld for all local authorities was 57%. Again Leicestershire compares well with statistical neighbours where the average percentage fault found was 61%.
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 LGO involvement. There was one such instance in 2017-18.
17. During 2017/18, 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 was an adult social care complaint regarding the decision making of our Emergency Duty Team (EDT) following a safeguarding referral. The Council accepted there was fault in how this was recorded and actioned which led to a missed opportunity to take immediate action to safeguard the individual.

The Council in response carried out a comprehensive action plan which included training of all EDT workers and a more rigorous quality assurance process.

- Case 2 was an adult social care complaint regarding charges applied for domiciliary home care. The complainant disputed invoices citing issues with missed care calls. Whilst the Council accepted some evidence of short or missed calls, this would not have affected the amount the complainant had to pay as the costs remained significantly over their assessed charge.

The Council (in recognition of the service failings) offered a 10% reduction on the invoice and the Ombudsman ruled that this was an appropriate remedy offer.

- Case 3 related to a School Admissions appeal panel hearing. The Ombudsman found procedural fault in that the Council had considered the matter on the wrong terms.

The LGO recommended that a fresh appeal hearing be heard which the Council agreed to do.

- Case 4 related to Fostering and the loss of possessions following transition of a looked after child from foster care placement to a Shared Lives placement.

The Ombudsman found fault in that the Council did not have a procedure for checking inventories when children moved from placements. The Council agreed to revisit its procedures and provide appropriate financial redress to the family (£100).

- Case 5 related to Planning and how the Council considered an application for planning permission for a development adjacent to the complainant's home. The Ombudsman found no fault with the decision making, but the service had failed to keep adequate notes of a site visit undertaken.

As there was no injustice arising for the complainant, the Ombudsman only asked the Council to issue reminders to all planning officers of the importance of record keeping.

19. The Ombudsman produced no public reports against the Council during 2017/18.
20. With just one financial settlement of £100 this year, this marks the lowest amount since the complaints service was centralised and compares very favourably against other authorities.
21. The Council's willingness to agree settlement proposals such as those outlined above also helps to maintain and enhance the Authority's reputation with the Ombudsman.
22. The financial settlement outlined above was 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

23. There have been a number of positive developments with the Council's complaints handling arrangements over the last 12 months. These include:
 - Development of a complaints masterclass training package which has been delivered to around 30 Team Managers this year.
 - Procurement of a new complaints management system which when fully implemented will streamline the processing of complaints, generate efficiencies and improve the team's capacity to track and monitor learning and improvements generated.
 - Case studies have been used this year to highlight actions taken by the Council to complaint themes. This has proved an effective way of articulating the power of complaints to inform service change. Some examples of case studies presented this year are included in Appendix D attached to this report.
 - Assistance continues to be routinely provided to managers in drafting comprehensive responses to complaint investigations. This helps ensure a consistency of response and that due process is followed.
24. 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.

25. The 2017/18 annual report was presented to the Commission for consideration at its meeting on 6 June 2018 and this highlighted the following main themes:
- The number of complaints (at 268) had increased by 3% compared to the previous year.
 - Of the complaints resolved within the year, 65% received a response within 10 working days and 90% received a response within 20 working days. This represents broadly similar performance to the previous year and continues to meet our targets of 60% and 90% respectively. Set against the challenging financial climate this continues to demonstrate commitment to complaints handling.
26. 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.

Equality and Human Rights Implications

27. 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.

Recommendations

28. 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.

Background Papers

Report to the Scrutiny Commission dated 6 June 2018 - Corporate Complaints and Compliments Annual Report 2017/18

Circulation under the Local Issues Alert Procedures

None.

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List of Appendices

- Appendix A: The Local Government and Social Care Ombudsman's Annual Review Letter dated 18 July 2018 – Leicestershire County Council – for the year ended 31 March 2018
- Appendix B: The Local Government and Social Care Ombudsman review of local government complaints 2017-18
- Appendix C: Benchmarking data for statistically comparable neighbours as defined by CIPFA
- Appendix D: Case studies of improvements made this year following complaints received.