



CORPORATE GOVERNANCE COMMITTEE – 2 SEPTEMBER 2013

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

OMBUDSMAN ANNUAL REVIEW 2012/13 & 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 2012/13 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. In recognition of the above, departmental complaints functions were centralised in order to improve complaint handling.
4. From April 2011 responsibility for routine contact with the Ombudsman passed from the County Solicitor to the Customer Relations Manager. The Customer Relations Manager liaises with Investigating Officers in each department in order to provide a timely response to the Ombudsman.
5. A strength of the centralised function is that there is a dotted line to the County Solicitor for advice and guidance and direction when it is suggested a payment be made by way of a local settlement
6. The Local Government Ombudsmen produces an annual report for each Authority. This contains complaint statistics as well as both general comments and specific recommendations about complaint handling within the Authority.
7. 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.

8. 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.

Ombudsman's Annual Report for Leicestershire County Council

9. A copy of the Annual Review Letter for 2012/13 is attached as an Appendix to this report. During the year 2012/13, the Ombudsman has undergone a review of its processes, including a review of how it classifies complaints. As a result of this, the Annual Review letter this year lacks many of the usual details around complaints.
10. Whilst acknowledging this creates some issues regarding comparability with previous years, the Annual Review Letter indicates that Leicestershire County Council had significantly fewer complaint investigations than the average County Council (54).
11. During 2012/13, 37 complaints were received by the Ombudsman which marks a 25% decrease on the previous year.
12. During the same 12 month period, 40 complaints were finalised and the table below breaks down the decisions reached by the Ombudsman in each of these cases:

Decision Category	Number of Complaints
Outside of Jurisdiction	1
No evidence of maladministration	25
Local Settlements	5
Public Report – Maladministration with Injustice	7
Public Report – No Injustice	2

13. A Local Settlement may arise where there are outstanding issues when the complaint is investigated by the Ombudsman. This might be a failure to put something right, a failure to take action in a timely manner, or something as simple as a failure to apologise for not having done something in a proper manner. The Ombudsman will propose a remedy which is termed a Local Settlement.
14. Local 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

15. During 2012/13, 5 local settlements were reached all of which included an element of financial remedy. Of these:-
 - Case 1 related to Adult Social Care and provision of a care package. The Ombudsman found maladministration around the length of time it took to get support in place and recommended a payment of £350;
 - Case 2 related to Adult Social Care and the failure of a care home to administer antibiotics following a change of catheter. Whilst the Ombudsman accepted that there was no direct fault by the Council, responsibility remained with them and recommended a compensation payment of £6,000 which the Council accepted;
 - Case 3 related to Children's Social Care and delays and some inaccuracies in handling a referral. The Council had already upheld the complaint following an internal investigation, but the Ombudsman recommended a payment of £300 be made by way of compensation;
 - Case 4 related to School Transport and is linked to a public report, details of which appear below. A time and trouble payment of £100 was agreed;
 - Case 5 related to Highways services and centred on incorrect information given out regarding potential signage. The Ombudsman accepted the Council had reached the correct decision, but had misled the complainant and recommended a time and trouble payment of £50.
16. On rare occasions where resolution is not agreed, or there is an issue of public interest, the Ombudsman will issue a Public Report. The Ombudsman raised 2 such reports during 2012/13. Both reports related to Public Interest.
17. The first was a case brought by seven parents in relation to free home-to-school transport. The Council agreed to the recommendations to review its policy, reassess the routes, apologise to the complainants and make a remedy payment (£100 each).
18. In the second report, a case brought by 2 members of the public about an anaerobic digestion plant in Harborough, the Ombudsman found maladministration, but no significant injustice. The report was published to clarify matters in light of the concerns raised by local residents, but no payment to the complainants was required.
19. The Council's willingness to agree Local Settlements and recommendations of reports such as these help to maintain and enhance the Authority's reputation with the Ombudsman.

20. All of the above financial settlements were approved by the County Solicitor and, where appropriate, 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

21. There have been a number of positive developments with the Council's complaints handling arrangements over the last 12 months. These include:
- The procurement of a replacement Complaints Management System. This has enabled better recording, analysis and reporting of complaints. This system has been in use since 1st April 2013 and offers greater flexibility in capturing learning from complaints, which is a key corporate objective;
 - The Customer Relations Manager's role is to embed and oversee a corporate approach to complaints handling, providing clear guidance to investigating officers, whilst also promoting greater visibility and recording of commendations. Increasingly, the Customer Relations Manager is taking a more proactive role acting in a "champion of the customer" capacity. This includes challenging departments and early intervention where issues are not being progressed in a timely manner;
 - The Customer Relations Manager provides complaints training to officers in service departments, as well as regularly attending management meetings to discuss complaints handling. On occasion, the Customer Relations Manager will get involved to undertake an independent review as to how a department has handled a complaint, as well as provide advice and guidance in managing unreasonable complainants;
 - Reports are produced and shared with Departmental Management Teams to enable the Authority to use the findings from complaints to provide better services and improve the way the Authority works.
22. Reports are also produced for the Scrutiny Commission which monitors and scrutinises the Authority's performance in complaint handling through a Corporate Complaints and Commendations Annual Report. This report sets out an analysis of all complaints recorded by type, department and the response times for dealing with these.
23. The 2012/13 annual report was presented to the Commission for consideration at its meeting on 5th July 2013 and this highlighted the following main themes:

- The number of complaints (at 234) had increased by 15% compared to the previous year;
 - Of the complaints resolved within the year, 83% received a response within 10 working days and 98% received a response within 20 working days. This is an improved position compared to the previous year and can be considered a strong performance.
 - There has been a significant increase in commendations recorded (up from 66 to 101).
24. To ensure continued effective use of resources, the Customer Relations Manager pro-actively consults the Ombudsman for advice and guidance, regarding approaches for handling difficult complaints. This includes, where appropriate, referral of complaints to the Ombudsman to avoid lengthy correspondence with complainants who are simply unhappy with the response they have received from the Authority. This approach not only saves officer time but helps to maintain and enhance the County Council's reputation with the Ombudsman.

Recommendations

25. 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.

Equal Opportunities Implications

Following completion of a Human Rights Impact Assessment, a recommendation has been made to incorporate reference to the Human Rights Act within the document and signpost managers to a supporting e-learning module

Background Papers

Report to the Corporate Governance Committee and Standards Committee dated 23 November 2009 'Ombudsmen Annual Review 2008/09 and Corporate Complaints Handling'

Report to the Scrutiny Commission dated 5th July 2013 'Corporate Complaints and Commendations 2012/13 Annual Report'

Circulation under the Local Issues Alert Procedures

None.

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List of Appendices

Appendix: The Local Government Ombudsman's Annual Review Letter dated
16 July 2013 – Leicestershire County Council – for the year ended
31 March 2013