

CORPORATE GOVERNANCE COMMITTEE
23 SEPTEMBER 2014

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

**OMBUDSMAN ANNUAL REVIEW 2013/14 & CORPORATE
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 2013/14 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 (LGO) 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. During 2013-14, the LGO introduced a new business model. As part of this transformation, complaint categories have been changed and are not therefore directly comparable with previous years.

7. In July 2014, the Ombudsman issued a new report which brings together a summary of data provided to each Council in England. It is intended that this will be a regular annual release moving forwards. The report also includes a data annex which shows the numbers of complaints considered and other indicators such as a percentage upheld for all Councils. Leicestershire County Council with an upheld percentage of 47% is positioned mid-range. The report is attached as Appendix B

Ombudsman's Annual Report for Leicestershire County Council

8. A copy of the Annual Review for 2013/14 is attached as Appendix A to this report. A total of 80 Complaints and Enquiries were received with all having now been resolved. During 2012/13, no comparable figures were available so the nearest comparator is 2011-12 when 86 were received.
9. The Ombudsman figures do not directly correlate to the Council's own recorded figures. The Ombudsman does not provide detailed information which would allow for reconciliation of any differences. For the purposes of this report therefore the Ombudsman data is used.
10. 21 Complaints were subject to detailed investigation during the year. Of these, 10 had a finding of some fault and were upheld. It is worth noting that on 5 occasions this fault had already been recognised and rectified appropriately by the Council.
11. For the remaining 5 cases where fault was identified, in 1 case no injustice was caused. For the remaining 4 cases, the Ombudsman found some injustice caused.
12. 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 close their investigation.
13. 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.
14. During 2013/14, local settlements were reached in all 4 of these cases. Of these:-
 - Case 1 related to Educational Psychology and a lack of support for a child with selective mutism. The Ombudsman found maladministration around delays in implementing appropriate support, as well as inconsistent provision of support. A payment of £1,000 was recommended and accepted by the Council;
 - Case 2 related to Fostering and the removal of a child placed with a foster carer who was registered with a fostering agency. The Ombudsman found administrative fault in that the Council failed to

provide the fostering agency a copy of the foster carer's response to the County Council's concerns around performance. The Ombudsman stressed this had limited impact on the outcome and recommended that the Council forward this response to the relevant fostering agency to stand as a record disputing the Council's concerns;

- Case 3 related to Adult Social Care and specifically charges for a residential placement. The Ombudsman found fault that the Council had not formally notified the complainant in writing that charges would apply for a 3 month period. The Council agreed with the Ombudsman to waive the charges applied for this period;
 - Case 4 related to a Blue Badge mobility assessment. The Ombudsman found procedural faults with how the Council documented the outcome of the assessment. The Council agreed to run a fresh assessment and also to make some amendments to its guidance notes accompanying the application form.
15. 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 no such reports about the County Council during 2013/14.
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. The sole financial settlement was 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

18. There have been a number of positive developments with the Council's complaints handling arrangements over the last 12 months. These include:
- Linking complaint causes to the new customer service standards. This helps position the standards at the heart of the organisation and also helps departments hone in on specific areas of weakness;
 - Increased use of conciliation and mediation meetings to resolve complaints. The Customer Relations Manager provides assistance in either chairing meetings or arranging for an independent mediator to become involved where relationships with the department have become problematic;
 - The Customer Relations Manager hosts an established group of departmental business support representatives. This group have

now agreed to act as an additional audit function within departments to scrutinise and ensure that actions identified within complaints do get followed up.

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 Commendations 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 2013/14 annual report was presented to the Commission for consideration at its meeting on 4th June 2014 and this highlighted the following main themes:
 - The number of complaints (271) had increased by 15% compared to the previous year;
 - Of the complaints resolved within the year, 82% received a response within 10 working days and 97% received a response within 20 working days. This is almost identical performance to the previous year and can be considered a strong performance;
 - Keeping Customers Informed continues to be a key theme that requires improvement.
21. Since the Corporate Complaints Annual Report was presented to the Scrutiny Commission, there have been subsequent additional complaint decisions. These changes have been made to the report, and an amended copy can be found on the County Council's website at

http://www.leics.gov.uk/index/help/contact_us/complain_comment.htm

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 in the report.

Equal Opportunities Implications

None

Background Papers

Reports to the Corporate Governance Committee dated 29th November 2009 - 'Ombudsmen Annual Review 2008/09 and Corporate Complaints Handling'

Report to the Scrutiny Commission dated 4th June 2014 - 'Corporate Complaints and Commendations 2013/14 Annual Report'

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 7 July 2014 – Leicestershire County Council – for the year ended 31 March 2014

Appendix B: Ombudsman Review of Local Government Complaints 2013-14