



A separate report is submitted in the private part of the agenda in respect of this item, as it contains details of information required to be kept private in accordance with Schedule 12A of the Local Government Act 1972. The grounds for privacy are that it refers to the identity of an individual.

Cabinet Member for Strategic Finance and Resources
Audit and Procurement Committee

15 December 2016
19 December 2016

Name of Cabinet Member:

Cabinet Member for Strategic Finance and Resources – Councillor John Mutton

Director approving submission of the report:

Director of Public Health

Ward(s) affected:

Nil

Title:

Complaints to the Local Government Ombudsman 2015/16

Is this a key decision?

No

Executive summary:

The Local Government Ombudsman (LGO) is the final stage for complaints about councils and some other organisations providing local public services. It provides an independent means of redress to individuals for injustice caused by unfair treatment or service failure.

In Coventry, the Council's complaints policy sets out how individuals can complain to the Council, as well as how the Council handle compliments, comments and complaints. As part of this, the Council informs individuals of their rights to contact the LGO if they are not happy with the Council's decision.

Every year, the LGO issues an annual letter to every council, summarising the number and trends of complaints dealt with in each local authority. The latest letter, issued July 2016, set out the number of complaints dealt with in Coventry between April 2015 and March 2016 (2015/16). In addition, a report, *Review of Local Authority Complaints* allows local authorities to benchmark their own performance with national trends.

This report sets out the number and trends of complaints to the LGO relating to Coventry City Council in 2015/16, the corresponding outcomes, as well as comparisons to the trends in 2014/15.

Recommendations:

The Cabinet Member is recommended to:

- (1) Consider the Council's performance in relation to complaints to the LGO.
- (2) Request the Audit and Procurement Committee to review and be assured that the Council takes appropriate action in response to complaints investigated and where the Council is found to be at fault.

The Audit and Procurement Committee is recommended to:

- (1) Consider the Council's performance in relation to complaints to the LGO.
- (2) Review and be assured that the Council takes appropriate actions in response to complaints investigated and where the Council is found to be at fault.

List of appendices included:

Appendix A – Complaints guidance

Appendix B – Complaints handling process flowchart

Background papers:

None

Other useful documents

Local Government Ombudsman – review of local government complaints 2015/16

<http://www.lgo.org.uk/information-centre/news/2016/jul/ombudsman-upholding-more-complaints-about-local-government>

Local Government Ombudsman – review of adult social care complaints 2015/16

<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/adult-social-care-reviews>

Report to Cabinet Member Policy Leadership and Governance 8 October: Complaints to the Local Government Ombudsman 2014/15

<http://democraticservices.coventry.gov.uk/ieListDocuments.aspx?CId=562&MId=10849&Ver=4>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes – Audit and Procurement Committee – 19 December 2016

Will this report go to Council?

No

Report title: Complaints to the Local Government Ombudsman 2015/16

1 Context (or background)

- 1.1 The Local Government Ombudsman (LGO) is the final stage for complaints about councils and some other organisations providing local public services. It also investigates adult social care providers such as care homes and home care providers. The LGO provides an independent means of redress to individuals for injustice caused by unfair treatment or service failure. It is a free service that investigates complaints in a fair and independent way without taking sides.
- 1.2 In Coventry, the Council's complaints policy (www.coventry.gov.uk/complaints/) sets out how individuals can complain to the Council, as well as how the Council handles compliments, comments and complaints. As part of the complaints process, the Council informs individuals of their rights to contact the LGO if they are not happy with the Council's decision after they have exhausted the Council's own complaints process.
- 1.3 Every year, the LGO issues an annual letter to every council, summarising the number and trends of complaints dealt with in each local authority. The latest letter, issued July 2016, set out the number of complaints dealt with in Coventry between April 2015 and March 2016 (2015/16). In addition, a report, *Review of Local Authority Complaints* allows local authorities to benchmark their own performance with national trends.
- 1.4 This report provides elected members with information about the number and trends of complaints to the Local Government Ombudsman relating to Coventry City Council in 2015/16. It also provides more detail about complaints that the LGO investigated, including the actions taken by the Council when the LGO upholds a complaint.
- 1.5 In addition to Local Government Ombudsman complaints, the Council also reports on complaints made about adult and children's social care services.

2 Options considered and recommended proposal

- 1.6 Nationally, the LGO received 19,702 complaints and enquiries in 2015/16, similar to 2014/15. Of these, 51% of detailed investigations were upheld (up from 46%). The area most complained about is education & children's services, an area which has seen a 13% increase in complaints in 2015/16 compared to the previous year, the biggest increase of any category.
- 1.7 In 2015/16, the LGO recorded 109 complaints and enquiries relating to Coventry City Council. This is similar to the number recorded in 2014/15 (110 complaints).
- 1.8 The following sets out complaints and enquiries received by the LGO about Coventry City Council in 2015/16 by category (as defined by the LGO):

Complaints by category

Category	Complaints
Adult care services	12
Benefits and tax	16
Corporate & other services	11

Category	Complaints
Education & children's services	20
Environment services & public protection & regulation	21
Highways & transport	20
Housing	6
Planning & development	3
Total	109

1.9 It is not possible to comment on the Council's performance based purely upon the number of enquiries that the LGO receives about the Council. On one hand, a high number of complaints may indicate that an authority has been effective at signposting people to the LGO through their complaints handling process. On the other hand, a high number of complaints may also highlight that a council needs to do more to resolve issues through its own complaints process.

1.10 When dealing with an enquiry, the LGO can choose to investigate cases where it sees merit in doing so. Following an investigation, they can decide if a complaint is:

- Upheld – where the authority has been at fault and this fault may or may not have caused an injustice to the complainant; or where an authority has accepted it needs to remedy the complaint before we make a finding on fault.
- Not upheld – where, following investigation, the LGO decides that a council has not acted with fault.

1.11 Of the 109 complaints about Coventry City Council in 2015/16, 22 complaints were investigated, an 18% reduction from 27 complaints in 2014/15.

1.12 In 2015/16, 11 of the 22 complaints were upheld (50% upheld). This is an increase from nine complaints upheld out of 27 complaints (33%) in 2014/15. The percentage upheld (50%) in Coventry compares to a nearest neighbour average of 54% of complaints upheld and a national average of 51% complaints upheld. The table below sets out how Coventry compares to its CIPFA nearest neighbours, showing a range of 38% upheld (Wolverhampton) to 70% upheld (Medway).

Complaints investigated: comparison with nearest neighbours 2015/16

Local authority	Not upheld	Upheld	% upheld	Total
Wolverhampton	10	6	38	16
Bradford	16	12	43	28
Derby	6	5	45	11
Sheffield	24	21	47	45
Bolton	5	5	50	10
Coventry	11	11	50	22
Rochdale	6	7	54	13
Walsall	6	7	54	13
Peterborough	3	4	57	7
Swindon	3	4	57	7
Dudley	5	7	58	12
Stockton on Tees	8	12	60	20

Local authority	Not upheld	Upheld	% upheld	Total
Kirklees	7	13	65	20
Sandwell	5	11	69	16
Medway	8	19	70	27
Average	8	10	54	18

1.13 Of the 11 upheld complaints, the LGO:

- recommended a remedy for eight complaints;
- found that the fault did not cause an injustice in two complaints; and
- in one complaint, the LGO was satisfied with the Council's remedy.

Six cases resulted in a monetary settlement, totalling £7,862.

1.14 Following a decision, the LGO will typically issue a statement setting out its decision. If the LGO decides there was fault causing an injustice to the complainant, it will typically recommend that the authority take some action to address it. Wherever possible the LGO publishes decision statements on its web pages although this would not happen where the content of the report could identify the individual complainant. In some cases, where the LGO upholds a complaint, the LGO may choose to issue a formal report of maladministration.

1.15 The Ombudsman did not issue formal reports of maladministration for any of the 11 complaints upheld during 2015/16.

1.16 The following table sets out details about the 22 complaints that the LGO investigated in 2015/16 by service area, and how it compares to 2014/15.

Complaints by service area

Service area	2015/16			2014/15		
	Upheld	Not upheld	Average response time (days)	Upheld	Not upheld	Average response time (days)
Adult social care	2	2	24	1	3	22
Benefits						
Business services					1	n/a
Children's social care	2		22	1		24
Communities and health					1	19
Council tax	2	1	11	2	1	18
Education services	1		20	1	4	12
Environmental (dog fouling)					1	n/a
Highways services	1	3	19		2	22
Housing services		1	27		1	26
Legal		2	19			
Noise		1	18			
Planning		1	n/a		1	16
Taxi licensing					1	20
Waste services	3		20	4	2	17
Total/average	11	11	20	9	18	18

1.17 The highest number of complaints upheld (three complaints) remain in waste services. However, this is a very small number in the context of 200,000 transactions per week. In addition, none of the three cases resulted in a financial settlement, and waste services resolved the complaints through local arrangements. In adult social care, although complaints nationally have increased by 6% from 2014/15 to 2015/16 – and a 21% increase in complaints about care arranged privately with independent providers, this is not the case in Coventry thus far.

1.18 The Council has taken on a range of actions to respond to the faults identified. Most often this has involved issuing guidance and training for staff so that they are clear on processes and to avoid the same problem recurring. The table below summarises the actions recommended by the LGO in relation to the upheld complaints. The Audit and Procurement Committee is asked to review the actions and the learning from the complaints process. The Council has taken a range of actions to respond to the fault/delays identified.

Upheld complaints: actions recommended by the LGO

Area	Summary of recommended actions
Adult social care	Improve and review joint working/partnership arrangements with service providers to make sure information is communicated. Review procedures for recording information.
Children’s social care	Acknowledge faults in a child protection case and delays in an adoption case, and delays in investigating and responding to complaints.
Council tax	Recognise fault in recovery of tax; errors in an enforcement action; and delays in investigating and responding to complaints.
Education	Review software package to check if there is a possibility that an email alert may have been missed and if so, prevent it from happening in future.
Highways	Acknowledge delays in investigating and responding to complaints.
Waste services	Monitor non-collection of bins in problem areas and consider Traffic Regulation Orders to take action against parked cars where bin collections are missed due to parked cars.

1.19 The LGO typically expects Councils to respond to an investigation within 20 working days. In 2015/16, on average, the Council took 20 working days to respond to a complaint, compared to 18 days in 2014/15. However, there were notable exceptions in adult social care (24 days), children’s social care (22 days) and housing services (27 days).

3 Results of consultation undertaken

3.1 None identified or undertaken.

4 Timetable for implementing this decision

4.1 The Council’s Insight Team manages and reports cases and liaises with the Local Government Ombudsman office. These arrangements may be revised in the future in light of any recommendations arising from a wider review of the Council’s complaints management arrangements, which is being led through the customer journey programme. Appendix A and B sets out a flowchart and guidance for handling Ombudsman cases respectively.

- 4.2 Complaints to the LGO will continue to be formally reported to the Cabinet Member for Strategic Finance and Resources and the Audit and Procurement Committee on an annual basis.
- 4.3 Should the Ombudsman issue a formal report about an upheld finding of maladministration, there will also be a separate report to the Cabinet Member at any time in the year.

5 Comments from Executive Director, Resources

5.1 Financial implications

In 2015/16, the Council paid out a total of £7,862 in local settlements. This related to six complaints. This was paid out of directorate service budgets.

5.2 Legal implications

The Local Government Act 1974 defines the main statutory functions for the Local Government Ombudsman: to investigate complaints against councils and some other authorities; to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009); and to provide advice and guidance on good administrative practice.

The main activity under Part III of the 1974 Act is the investigation of complaints, which the Act states is limited to complaints from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure. Under Part III(a) the LGO investigates complaints from people who allege they have suffered injustice as a result of action by adult social care providers.

Whilst there is no statutory requirement to do so, the monitoring and reporting on the outcomes of the LGO complaints represents good practice and promotes good governance and service improvement.

6 Other implications

6.1 How will this contribute to achievement of the Council's key priorities?

Putting local people first and their needs at the heart of the customer journey is a priority for the Council. As part of the customer journey programme there will be wider consideration of the Council's complaints management process to see whether further improvements can be made and this will include complaints to the LGO.

6.2 How is risk being managed?

It is important that the Council takes action and learns from the outcome of complaints. Actions that the Council has taken, for example, include providing training, instruction and guidance to staff and improving communications between services to help to manage risk of the likelihood of the same fault happening again.

6.3 What is the impact on the organisation?

The co-ordination and management of complaints to the LGO often involves considerable time of officers including, where appropriate, legal advice. The effective co-ordination and management of the Council's own complaints process is important in helping to manage this resource and this will be reviewed as part of the customer journey programme.

6.4 Equalities / EIA

All members of the public are able to refer complaints to the LGO if they are dissatisfied with Council services. The Council's complaint policy and individual response letters detailing the findings of the Council's own complaints investigations makes it clear how members of the public can do so.

6.5 Implications for (or impact on) the environment?

None

6.6 Implications for partner organisations?

Although Ombudsman complaints primarily relate services provided by Coventry City Council, they may from time to time also involve partners and third party contractors. In these cases, the Council liaises with these partners and contractors to comment or provide information as part of an investigation.

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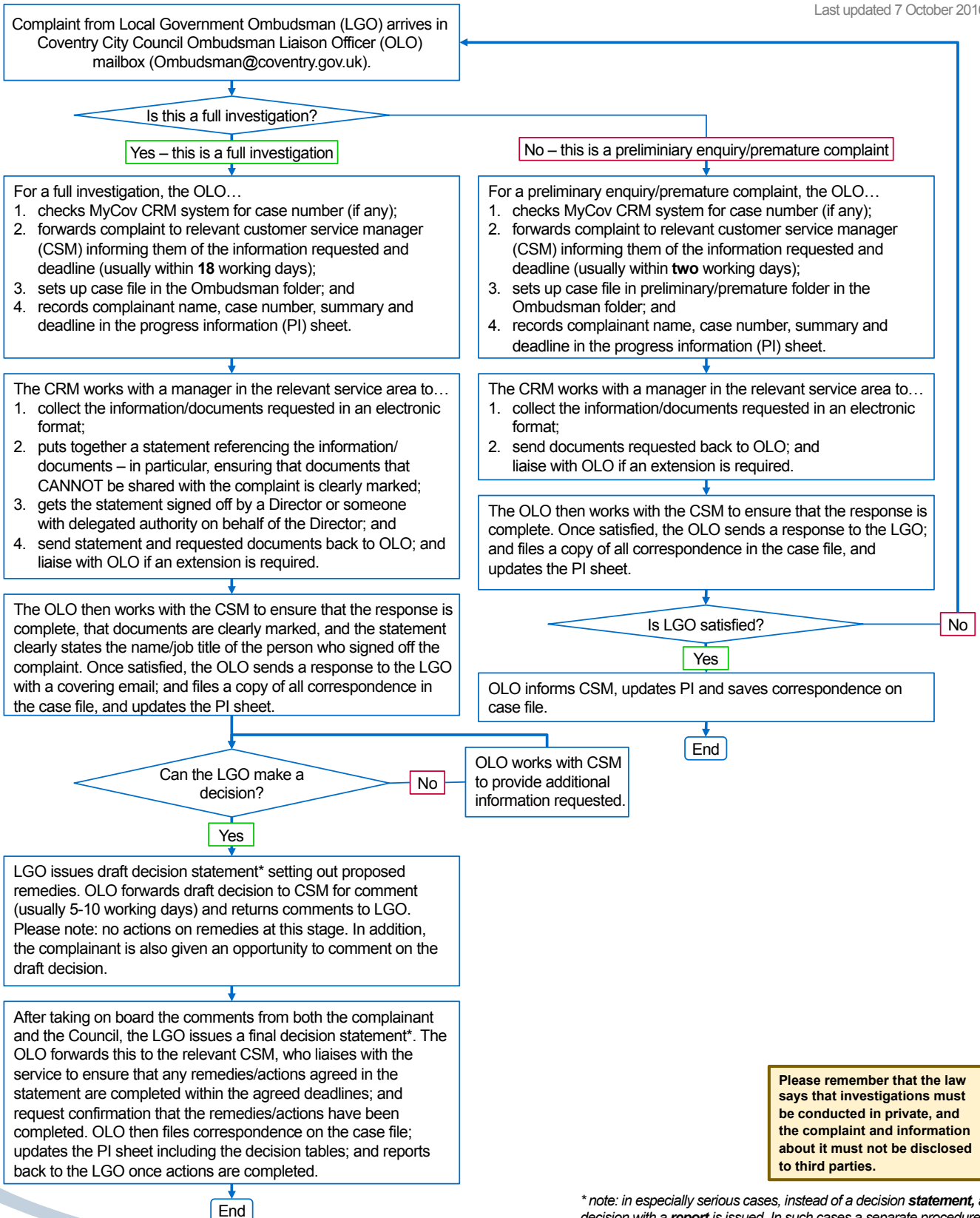
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This report is published on the Council's website: www.coventry.gov.uk/councilmeetings/

Appendix A – Complaints handling process flowchart

Local Government Ombudsman Complaints Handling Process Flowchart

Last updated 7 October 2016



Please remember that the law says that investigations must be conducted in private, and the complaint and information about it must not be disclosed to third parties.

* note: in especially serious cases, instead of a decision statement, a decision with a report is issued. In such cases a separate procedure follows and the case is referred to senior management.



Appendix B – Complaints guidance

Last updated: 7 October 2016

Ombudsman Complaints Guidance

Under the Local Government Act 1974, the Local Government Ombudsman is the final stage for complaints about Councils. In Coventry, Bev McLean and Si Chun Lam in the Insight Team co-ordinates all responses to/from the Ombudsman and Directorate representatives. This guide sets out how we deal with **enquiries**, **premature complaints** and **full investigations**. Need help? Email Bev/Si ombudsman@coventry.gov.uk.

Enquiry received from Ombudsman Assessment Team

- The request will have a short deadline – **1-3 working days**.
- The request will usually be for a copy of our Stage 1, and if appropriate, Stage 2 response; and confirmation if the complaint has completed our complaints process.
- The request will not include any new actions and should be returned to Bev/Si by the date specified.

Premature Ombudsman complaint received from Ombudsman Assessment Team

- Often received following an enquiry from the Assessment Team if the complaint has not completed our complaints procedure.
- The request will ask us to consider the complaint under our complaints procedure and remind the complainant in our final response of their right to complain again to the Ombudsman.
- If we do not resolve the complaint, a premature request will also request that we send the Ombudsman a copy of our final response. Following completion of the complaints procedure (whether it is resolved or not), please send Bev/Si a copy of the final response which they will forward to the Ombudsman.

Full investigation complaint received from an Investigator

Please remember that the law says that investigations must be conducted in private, and the complaint and information about it must not be disclosed to third parties.

- Bev/Si will send a covering email requesting a written response to the Ombudsman's enquiries. This needs to be returned by a set deadline, usually **18 working days**.
- The response must be provided as a statement, and include the name and position of the person who compiled the statement. Any supporting evidence must be provided as electronic attachments and referenced in the statement. The complete statement should be signed off by the Director or a nominated person e.g. Head of Service.
- Any information that cannot be shared with the complaint should be clearly marked and packaged separately, as it will be returned to investigator in a separate email.
- If the investigator has asked us to consider whether we are prepared to remedy any injustice that may have been caused – we should comment on this as this is an opportunity for us to resolve the issue.
- The Directorate/Divisional contact should return the response within the set deadline to Bev/Si.

Draft decision received from an investigator

- If the decision is issued as a **statement**, Bev/Si will request that the relevant representative confirms whether we agree with the decision and remedy. This is an opportunity to suggest any changes or corrections.
- At this stage we must **not** take any actions. We should only complete any remedies when we receive the final decision.
- We are usually requested to respond within **5-10 working days**.
- If the Investigator issues the decision as a **report** (under Section 30(1) of the Local Government Act 1974) a separate procedure applies.

Final decision letter and statement received from an investigator

- The decision should be circulated as appropriate.
- All agreed actions should now be completed.
- Confirmation and evidence that all actions have been completed should be sent to Bev/Si, usually within **5-10 working days**.

