Coventry City Council Local Government and Social Care Ombudsman Complaints Handling Guidance

Introduction

The Local Government and Social Care Ombudsman (LGO) is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It is a free service that investigate complaints in a fair and independent way; and provides a means of redress to individuals for injustice caused by unfair treatment or service failure. This document sets out Coventry City Council's own guidance and process for dealing with LGO complaints. All complaints, enquiries and investigations go via Coventry City Council's **LGO Link Officer**. The LGO Link Officer can be contacted by email at Ombudsman@coventry.gov.uk.

Questions?

Contact the **LGO Link Officer**Ombudsman@coventry.gov.uk

Guidance

Enquiry

from the LGO Assessment
Team

Premature

complaint received from the LGO Assessment Team

Full investigation

received from an LGO Investigator

Please remember that the law says that investigations must be conducted in private. The complaint and information about it must not be disclosed to third parties. Correspondence containing personal or confidential data should be sent in a password protected zip archive with the password provided separately.

Draft decision

received from an LGO investigator

Final decision letter and statement received

action is required.

The final decision letter and statement should be circulated, as appropriate, to everyone who was involved in the investigation and everyone who needs to know of the investigation outcomes. All agreed actions should now be completed – and confirmation and evidence that all actions have been completed must be sent to the LGO Link Officer, usually within **5-10 working days**. In cases where the LGO makes a finding of **maladministration**, the final decision letter and statement is also forwarded by the LGO Link Officer to the Monitoring Officer. The Monitoring Officer will decide if any further

The request will have a short deadline of between **1 to 3 working days**. At this stage, the LGO will typically ask the Council for a copy of the Council's formal complaint responses; and confirmation if the complaint has fully completed the Council's own complaints process. The request will not include any new actions and should be returned to the LGO Link Officer by the date specified.

If a complaint has not completed the Council's own complaints process, the LGO will return the complaint to us as a "premature" complaint and 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 LGO. If we do not resolve the complaint, a premature request will also request that we send the LGO a copy of our final response. Following completion of the complaints procedure (whether it is resolved or not), please send the LGO Link Officer a copy of the final response.

The LGO Link Officer will send a covering email requesting a written response to the LGO's questions. This needs to be returned by a set deadline, usually within **18 working days**, so that the deadline (within 20 working days) can be met.

The response must be provided as a **statement**, providing general comments as well as responses to each of the questions. It must also include the name and position of the author, and be **signed off by the Director** or a nominated person. Any supporting evidence must be provided as electronic attachments and referenced in the statement. Any information that cannot be shared with the complainant should be clearly marked and packaged separately.

It may be necessary to seek legal advice and/or liaise with commissioned services and partner organisations as appropriate. The LGO Link Officer needs confirmation that this has been done (in the form of an email trail).

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.

Following the investigation, the LGO will typically issue a draft decision **statement**. This will state whether the complaint was **upheld** or not, and detail the investigator's findings and explains the decision made. At this stage, the Council is asked whether it agrees with the decision and remedy. This is an opportunity to comment on the decision, and suggest any changes or corrections. At this stage, action must **not** be taken yet – remedies should only be completed after the final decision. We are usually requested to respond within **5-10 working days**. *Note: the investigator may choose to issue a decision as a report (under Section 30(1) of the Local Government Act 1974) in which case the Council's Monitoring Officer is notified.*

Process Flowchart

Email from Local Government and Social Care Ombudsman (LGO) arrives in Coventry City Council LGO Link Officer (LLO) mailbox (Ombudsman@coventry.gov.uk).

Is this a full investigation?

Yes – this is a full investigation

For a full investigation, the LLO...

- 1. checks CRM system for case number (if any);
- forwards complaint to relevant customer service manager (CSM) informing them of the information requested and deadline (usually within 18 working days);
- 3. sets up case file in the Ombudsman folder; and
- 4. records complainant name, case number, summary and deadline in the progress information (PI) sheet.

The CSM works with a manager in the relevant service area to...

- collect the information/documents requested in an electronic format – seeking legal advice and/or liaising with commissioned services and partner organisations as appropriate;
- puts together a statement providing general comments as well as response to each of the LGO's questions and referencing the information/documents in the statement; and ensures that documents that CANNOT be shared with the complaint is clearly marked;
- 3. gets the statement signed off by a Director or someone with delegated authority on behalf of the Director; and
- 4. send statement and requested documents back to LLO; and liaise with LLO if an extension is required.

The LLO then works with the CSM to ensure that the response is complete, that documents are clearly marked, and the statement clearly states the name/job title of the person who signed off the complaint. Once satisfied, the LLO sends a response to the LGO with a covering email; and files a copy of all correspondence in the case file, and updates the PI sheet.

No – this is an enquiry or premature complaint

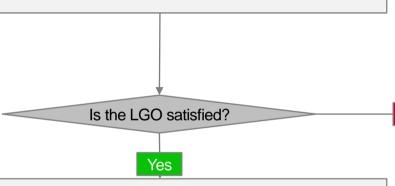
For an enquiry or premature complaint, the LLO...

- 1. checks CRM system for case number (if any);
- forwards complaint to relevant customer service manager (CSM) informing them of the information requested and deadline (usually within two working days);
- 3. sets up case file in enquiry or premature folder in the Ombudsman folder as appropriate; and
- records complainant name, case number, summary and deadline in the progress information (PI) sheet.

The CSM works with a manager in the relevant service area to...

- collect the information/documents requested in an electronic format:
- 2. send documents requested back to LLO; and liaise with LLO if an extension is required.

The LLO then works with the CSM to ensure that the response is complete. Once satisfied, the LLO sends a response to the LGO; and files a copy of all correspondence in the case file, and updates the PI sheet.



LLO informs CSM, updates PI and saves correspondence on case file.

End

Can the LGO make a decision?

LLO works with CSM to provide the additional information requested.

LGO issues draft decision statement* setting out proposed remedies. LLO forwards draft decision to CSM for comment (usually 5-10 working days) and returns comments to LGO. Please note: no actions on remedies at this stage. In addition, the complainant is also given an opportunity to comment on the draft decision.

After taking on board the comments from both the complainant and the Council, the LGO issues a final decision statement*. The LLO forwards this to the relevant CSM, who liaises with the service to ensure that any remedies/actions agreed in the statement are completed within the agreed deadlines; and request confirmation that the remedies/actions have been completed. LLO then files correspondence on the case file; updates the PI sheet including the decision tables; and reports back to the LGO once actions are completed. Where the complaint is upheld with a finding of maladministration, the final decision is also sent to the Monitoring Officer.

Learning from complaints

Learning from complaints help ensure that Council services meet the needs of local residents and communities. That is why it is important for services to treat complaints as an opportunity to learn lessons from previous experiences, to drive forward improvements, for example, improvements to training or to inform changes to procedures.

The Council also regularly publishes reports on complaints, including lessons learned, to ensure that complaints are properly communicated to elected members. This includes an annual report on complaints to the LGO, an annual report on adult social care complaints, and an annual report on children's social care complaints.

* Note: in cases of serious maladministration, the LGO may issue a decision with a **report** instead of a statement. In such a case, the Council's Monitoring Officer is also immediately notified, as well as the Chief Executive and the relevant Deputy Chief Executive, for immediate action and referral to elected members as required.

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The latest version of this document can be found at: https://smarturl.it/cov-lgo-guidance



www.coventry.gov.uk/complaints/