



Coventry City Council

Ethics Committee
Cabinet Member for Policy and Leadership
Audit and Procurement Committee

6 November 2018
8 November 2018
12 November 2018

Name of Cabinet Member:

Cabinet Member for Policy and Leadership – Councillor Duggins

Director approving submission of the report:

Deputy Chief Executive (People)

Ward(s) affected:

All

Title:

Complaints to the Local Government and Social Care Ombudsman 2017/18

Is this a key decision?

No

Executive summary:

The Local Government and Social Care Ombudsman (LGSCO) 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.

Coventry City Council's complaints policy sets out how individual members of the public can complain to the Council, as well as how the Council handle compliments, comments and complaints. The Council informs individuals of their rights to contact the LGSCO if they are not happy with the Council's decision after they have exhausted the Council's own complaints process.

Every year, the LGSCO issues an annual letter to the Leader and Chief Executive of every Council, summarising the number and trends of complaints dealt with in each Council that year. The latest letter, issued July 2018, covers complaints to Coventry City Council between April 2017 and March 2018 (2017/18).

This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2017/18. In particular, it focuses on upheld complaints, service areas with a high number of complaints, learning from complaints, and how we compare to previous years and other local authorities.

Recommendations:

The Ethics Committee is recommend to:

1. Comment on the findings.
2. Consider the Council's performance in relation to complaints to the LGSCO, in particular, complaints that were upheld.
3. Note the Council complaints process and guidance.

The Cabinet Member is recommended to:

1. Consider the Council's performance in relation to complaints to the LGSCO.
2. Note the Council complaints process and guidance.
3. 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 LGSCO.
2. Note the Council complaints process and guidance.
3. 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 I: Local Government and Social Care Ombudsman Annual Review letter 2018

Appendix II: Coventry City Council Complaints Handling Guidance

Appendix III: Local Government and Social Care Ombudsman Investigation Decisions in 2017/18 for Coventry City Council

Background papers:

None

Other useful documents

Local Government and Social Care Ombudsman Annual Review of Local Government Complaints 2017-18 <https://www.lgo.org.uk/information-centre/news/2018/jul/a-tool-for-change-ombudsman-issues-annual-review-of-council-complaints>

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 – Ethics Committee on 6 November 2018 and Audit and Procurement Committee on 12 November 2018

Will this report go to Council?

No

**Report title:
Complaints to the Local Government and Social Care Ombudsman 2017/18**

1 Context (or background)

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) 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.
- 1.2 Coventry City Council’s complaints policy published on the Council’s website at www.coventry.gov.uk/complaints/, sets out how individual members of the public can complain to the Council, as well as how the Council handle compliments, comments and complaints. The Council informs individuals of their rights to contact the LGSCO 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 LGSCO issues an annual letter to the Leader and Chief Executive of every Council, summarising the number and trends of complaints dealt with in each Council that year. The latest letter, issued July 2018, covers complaints to Coventry City Council between April 2017 and March 2018 (2017/18). The letter can be found in Appendix I.
- 1.4 This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2017/18. In particular, this report focuses on upheld complaints, service areas with a high number of complaints, learning from complaints, and how we compare to previous years and other local authorities.
- 1.5 The Council has a robust policy for handling complaints. The current guidance is set out in Appendix II. In addition to this annual report, the Council also produces formal reports on complaints about adult social care and children’s social care, to Cabinet Member Adult Services and Cabinet Member Children and Young People respectively.

2 Options considered and recommended proposal

- 2.1 Across all councils, the LGSCO received 17,452 complaints and enquiries in 2017/18, up from 16,863 the previous year (up 3.4%). The areas receiving the greatest number of complaints and enquiries were education and children’s services (3,260), adult social care (2,602), and planning and development (2,268).
- 2.2 For Coventry City Council, the LGSCO received 136 complaints and enquiries in 2017/18, up from 105 the previous year (up 29.5%). This is set out in Figure 1, below.

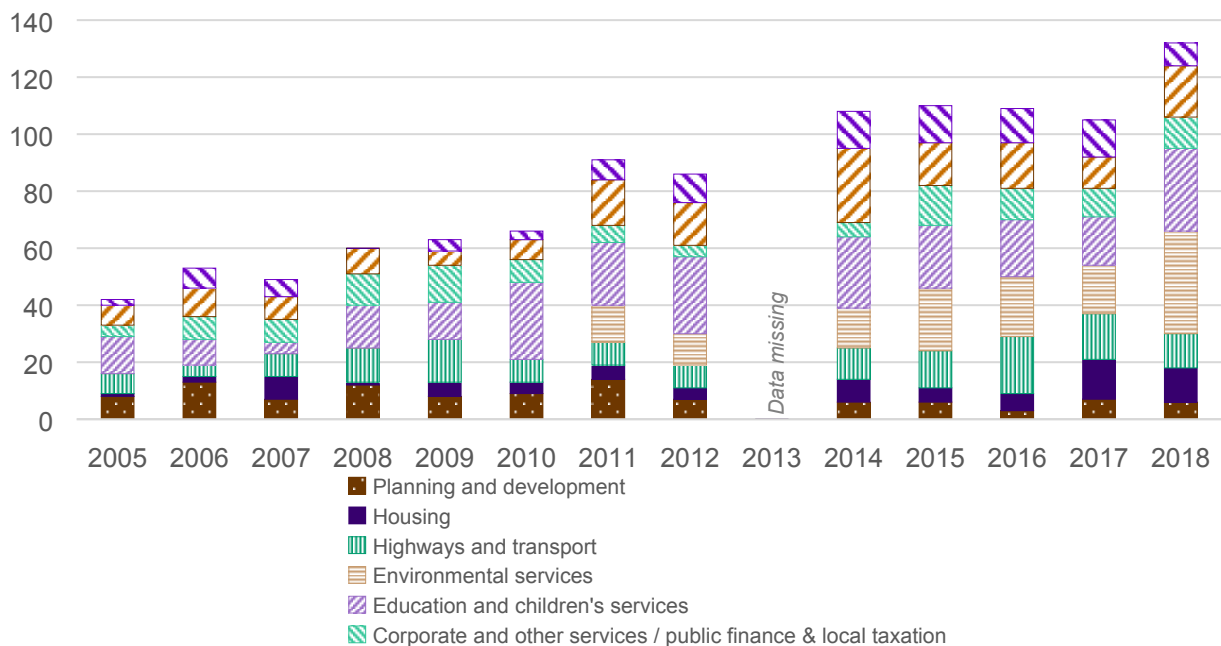
Figure 1: Complaints and enquiries received by category

Category (as defined by the LGSCO)	Complaints in 2017/18	Trend
Adult care services	8	↓
Benefits and tax	18	↑
Corporate & other services	11	↑

Category (as defined by the LGSCO)	Complaints in 2017/18	Trend
Education & children's services	29	↑
Environment services	36	↑
Highways & transport	12	↓
Housing	12	↓
Planning & development	6	↓
Other	4	↑
Total	136	↑

2.3 Figure 2 sets out how the number of complaints and enquiries received by the LGSCO has changed over time. At 136 complaints, the 2017/18 figure represents the highest number of complaints and enquiries received relating to Coventry City Council since the first annual report was published in 2005.

Figure 2: Complaints and enquiries received over time



2.4 The increase seen can be explained by a significant increase in complaints about environmental services and education and children's services. Complaints and enquiries in the environmental services category more than doubled, from 17 to 36. Meanwhile, complaints about education and children's services increased from 17 to 29 complaints.

2.5 However, it is not possible to comment on the Council's overall performance based solely upon the number of complaints or enquiries to the LGSCO. On one hand, a high number of complaints may indicate that a council has been effective at signposting people to the LGSCO 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.

2.6 When dealing with an enquiry, the LGSCO can choose to investigate cases where it sees merit in doing so. Following an investigation, the LGSCO can decide if a

complaint is: **upheld** – where a council has been at fault and this fault may or may not have caused an injustice to the complainant; or where a council has accepted it needs to remedy the complaint before the Council makes a finding on fault; or **not upheld** – where, following investigation, the LGSCO decides that a council has not acted with fault.

2.7 Of the **136** complaints and enquiries about Coventry received by the LGSCO in 2017/18, **129** decisions were made:

- **8** incomplete/invalid;
- **2** advice given;
- **66** referred back for local resolution;
- **27** closed after initial enquiries; and
- **26** complaints investigated, of which **20** were upheld and **6** were not upheld.

2.8 The number of complaints investigated (26 complaints) similar to previous years (25 in 2016/17, and 22 in 2015/16). However, the LGSCO upheld a far greater proportion of complaints they investigated than in previous years: 77% of complaints were upheld (20 out of 26) in 2017/18, compared to 60% (15 out of 25) in 2016/17, and 50% (11 out of 22) in 2015/16. At 77%, this is the highest percentage of complaints upheld for Coventry since 2005; and compares to a statistical neighbour and regional average of 62% and a national average of 57%. The tables below, sets out how Coventry compares to its Chartered Institute of Public Finance and Accountancy (CIPFA) statistical neighbours (Figure 3) and with the West Midlands Combined Authority (WMCA) constituent authorities (Figure 4).

Figure 3: Complaints investigated: comparison with CIPFA statistical neighbours 2017/18

On average, 62% of complaints were upheld among Coventry and its 14 statistical neighbours. The authority with the highest percentage of complaints upheld in 2017/18 is Rochdale (80%) and lowest is Swindon (43%). Coventry has the second highest upheld rate (77%).

Local Authority	Not Upheld	Upheld	% Upheld	Total
Bolton	6	8	57%	14
Bradford	11	19	63%	30
Coventry	6	20	77%	26
Derby	5	6	55%	11
Dudley	4	6	60%	10
Kirklees	12	13	52%	25
Medway	8	11	58%	19
Peterborough	6	8	57%	14
Rochdale	2	8	80%	10
Sandwell	7	11	61%	18
Sheffield	11	22	67%	33
Stockton on Tees	2	5	71%	7
Swindon	4	3	43%	7
Walsall	3	6	67%	9
Wolverhampton	5	4	44%	9

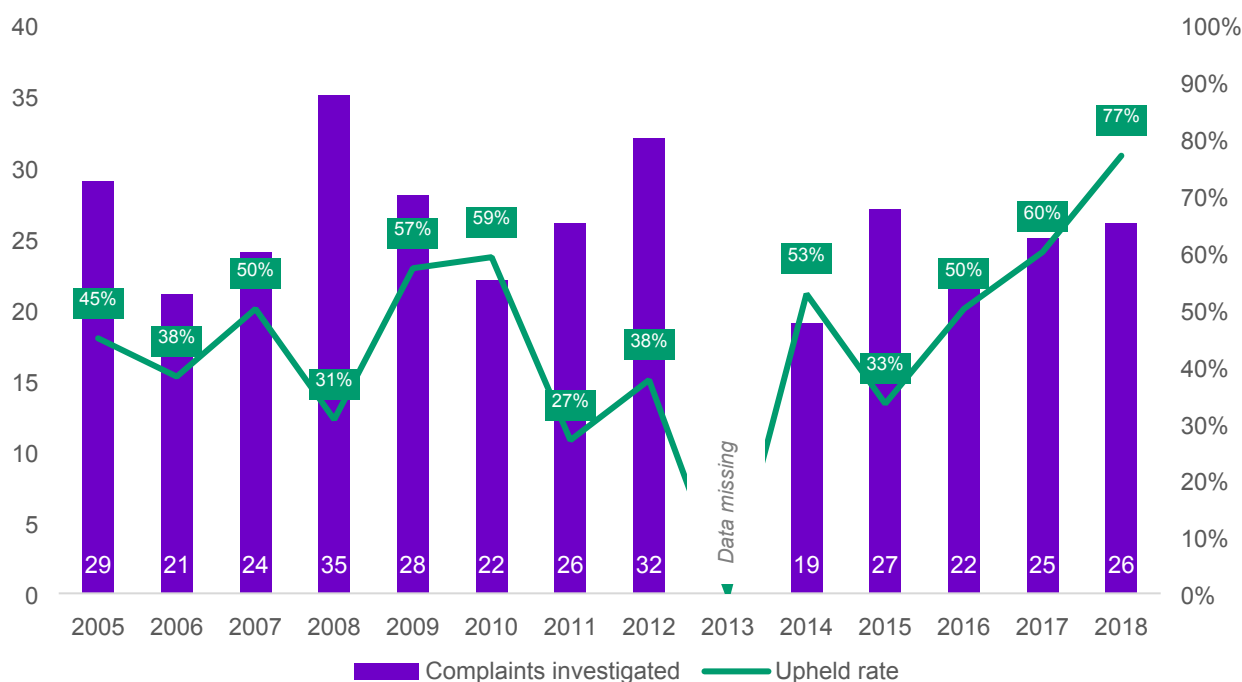
Figure 4: Complaints investigated: comparison with WMCA constituent authorities 2017/18

There were 151 complaints across the WMCA area, of which 93 were upheld and 58 were not upheld. That means, on average, 62% of complaints were upheld among the seven constituent authorities of the WMCA. The authority with the highest percentage of complaints upheld in 2017/18 is Coventry (77%) and lowest is Solihull (43%).

Local Authority	Not Upheld	Upheld	% Upheld	Total
Birmingham	29	43	60%	101
Coventry	6	20	77%	26
Dudley	4	6	60%	10
Sandwell	7	11	61%	18
Solihull	4	3	43%	7
Walsall	3	6	67%	9
Wolverhampton	5	4	44%	9

2.9 Figure 5 sets out how the number of complaints investigated and the percentage of complaints upheld by the LGSCO has changed over time.

Figure 5: Complaints investigated and percentage upheld over time



2.10 Of the 20 upheld complaints for Coventry, eighteen complaints were remedied by the LGSCO and two complaints were satisfactorily remedied by Coventry City Council before LGSCO involvement. Nine complaints resulted in some form of financial redress or reimbursement.

2.11 Following a decision, the LGSCO will typically issue a statement setting out its findings and its decision. If the LGSCO decides there was fault or maladministration causing an injustice to the complainant, it will typically recommend that a council take some action to address it. Wherever possible the LGSCO 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 LGSCO upholds a complaint, the LGSCO may choose to issue a formal report of maladministration.

2.12 The Ombudsman did not issue formal reports of maladministration for any of the complaints upheld during 2017/18.

2.13 The following table, Figure 6, sets out details about the complaints that the LGSCO investigated in by our service area.

Figure 6: Complaints investigated by service area in 2017/18 compared to 2016/17

Service area	2017/18				2016/17			
	Upheld	Not upheld	% upheld	Response time (days)	Upheld	Not upheld	% upheld	Response time (days)
Adult social care	1		100%	19	7	1	88%	21
Bereavement services	1		100%					
Children's services	3		100%	26	3		100%	19
Benefits						1	0%	
Commercial property	1		100%	14				
Council tax	1		100%	5	1		100%	
Education services	1		100%	23				
Environmental services						1	0%	19
Highways services						1	0%	20
Household waste collections	11	2	85%	23				
Housing services	1	2	33%	22		1	0%	
Legal						1	0%	
Noise					1		100%	18
Planning		1	0%			1	0%	21
Planning – flood management		1	0%	42				
Parking					1	3	25%	20
Open spaces					2		100%	31
Total	20	6	77%	19	15	10	60%	21

2.14 This year saw a significant increase in the number of complaints relating to household waste collections: 13 of 26 complaints investigated – half of all complaints investigated – relating to such collections. While 13 complaints is miniscule compared to the number of transactions dealt with by the service, remedying the complaint does require a disproportionate amount of organisational time to resolve and rectify. In addition, 85% of such complaints (11 out of 13) were upheld.

- 2.15 There is also an equality issue here; three of the 11 upheld complaints relates to assisted collections, where the Council offers an assisted service where none of the people in a household are able to move the bins to the collection point (due to poor health, mobility issues or disability).
- 2.16 The LGSCO typically expects councils to respond to investigation enquiries within 20 working days. In 2017/18, on average, the Council took 19 working days to respond to enquiries on investigations; compared to 21 working days in 2016/17.
- 2.17 Following the investigations, the LGSCO recommended some changes to the Council's processes and procedures. A summary of the recommendations is set out in the learning from complaints table (Figure 7). Further details about the outcomes of each of the complaints investigated and the actions taken are set out in Appendix III.

Figure 7: Learning from complaints

Area	Summary of actions taken
Adult social care	A training session was held on the Coroners Court proceedings. It was attended by managers and legal services colleagues and was led by Counsel who acts as Coroner.
Children's services	Teams have been reminded it is good practice when signposting customers/complainants to possible support organisations to include contact details to the relevant organisations.
Education services	When the service next updates its guidance on school transport, the service will be consulting with parents via the Special Educational Needs and Disabilities Information Advice and Support Service (SENDIASS) and the One Voice Parent Group.
Housing services	<p>The service has reviewed its processes and will make partner organisations, such as housing associations, aware of any complaint received from the LGSCO within three working days. The service will also assign a designated officer to liaise and co-ordinate responses with partners.</p> <p>When the Homefinder policy is next reviewed/revised, the service will ensure that all partners, such as housing associations, abide by the agreed policy.</p>
Waste services	Waste services was redesigned last September, with services moving to alternate weekly collections of domestic and recycling (paper, card, plastics & glass, and combined food and garden waste) services. The roll-out of the service affected approximately 125,000 households, and followed a difficult summer where vacancies were held in advance of the service change to avoid compulsory redundancy, limiting resources. During the transitional period there was an increase in the number of complaints received in relation to waste services, which created

Area	Summary of actions taken
	<p>delays in response times, and in some circumstances the quality of the response given.</p> <p>In response to the increase in complaints received a review was undertaken to look at how complaints were being received, reviewed, investigated and responded to. This included looking at cross working between internal teams, communication around service provisions, monitoring where repeat complaints were being received, complaint allocation, and response quality.</p> <p>The waste team have developed a more proactive route to handling complaints, including the direct allocation of complaints to the appropriate officer responsible for investigating and responding. Previously there was an additional layer of handling which created delays and a lack of ownership. In addition, where a repeat problem occurs, a monitoring processes with appropriate officer level sign off has been established to better understand the nature of the problem and prevent further escalation. This includes the confirmation of collection details (including reason where a collection has been unsuccessful [e.g. bin not presented]), time, and supervisor sign-off.</p> <p>Within the operational team the annual winter training held in January focused on aspects of crew behaviour and duties that featured prominently in complaints received during 2017.</p> <p>Improvements to the way in which complaints are handled has contributed to a reduction in the number of complaints received by the service area. No new LGSCO complaints have been received since early July.</p> <p>In 2017/18, the service has also failed to complete some remedies agreed with the LGSCO. The service is recommended to ensure that they can complete any agreed actions within the timescales detailed in the draft decision before agreeing them, and set up systems and procedures that ensure the agreed actions are recorded as detailed; and evidence confirming that the action has been completed is forwarded to the LGSCO Link Officer by the agreed deadlines.</p>

2.18 As reported last year, there was a case in 2016/17 relating to a case where the amount was subject to a dispute between Coventry City Council and Warwickshire County Council. Following discussions, the matter was referred to the Secretary of State for a determination. Whilst initially supporting Coventry's position, following a request from Warwickshire to review this judgement, the Secretary of State determined that Coventry was responsible for funding support. Coventry had initially complied with the Ombudsman's recommendation to provide funding pending a resolution to the dispute, by settling outstanding care home fees (the amount paid was £25,342.94) and, following the Secretary of State's determination, cancelled action to recover payments from Warwickshire. This matter is therefore concluded.

3 Results of consultation undertaken

3.1 None identified or undertaken.

4 Timetable for implementing this decision

4.1 The LGSCO Link Officer function is located as part of the Council's Insight Team. All communication between the local authority and the LGSCO, such as complaints, enquiries, investigations and remedies, all go via the Link Officer.

4.2 The Council's own guidance and process for dealing with LGSCO complaints is set out in Appendix II. Following the 2017 annual letter, this guidance was updated to ensure that investigations, particularly upheld complaints, are properly communicated to elected members. As a result:

- complaints to the LGSCO will continue to be formally reported to the Cabinet Member for Policy and Leadership and the Audit and Procurement Committee every year (this report) – and in addition, this report is also being considered by the Ethics Committee;
- complaints about adult social care and children's social care, including cases investigated by the LGSCO, will also continue to be reported through an annual report to the Cabinet Member Adult Services and Cabinet Member Children and Young People respectively;
- where an investigation has wider implications for Council policy or exposes a more significant finding of maladministration, the Monitoring Officer will consider whether the implications of that investigation should be individually reported to relevant members; and
- should the Council decide not to comply with the LGSCO's final recommendation following an upheld investigation with a finding of maladministration, or should the LGSCO issue a formal report (instead of a statement), the Monitoring Officer will report this to members under section 5(2) of the Local Government and Housing Act 1989.

4.3 In 2017/18, the LGSCO is now monitoring the Council's compliance with its complaint remedies.

5 Comments from Director of Finance and Corporate Services

5.1 Financial implications

There are no direct financial implications associated with this report. Financial remedies resulting from any complaints are typically paid out of service budgets. In 2017/18 there were nine complaints which resulted in some form of financial remedy or reimbursement. This is detailed in Appendix III. These were paid out of budgets from the relevant service areas. The amount paid out in 2017/18 is £6,992.73, of which £3,625.00 were financial remedies and £3,367.73 were reimbursements.

5.2 Legal implications

The statutory functions of the LGSCO are defined in the Local Government Act 1974. These are: to investigate complaints against councils and some other authorities; to investigate complaints about adult social care providers from people who arrange or fund their own adult social care; 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 it states is limited to complaints

from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure.

The LGSCO's jurisdiction under Part III covers all local councils, police and crime bodies; school admission appeal panels and a range of other bodies providing local services; and under Part IIIA, the LGSCO also investigate complaints from people who allege they have suffered injustice as a result of action by adult social care providers.

There is a duty under section 5(2) of the Local Government and Housing Act 1989 for the Council's Monitoring Officer to prepare a formal report to the Council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGSCO has conducted an investigation in relation to the matter.

6 Other implications

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

The Council Plan (www.coventry.gov.uk/councilplan/) sets out the Council's vision and priorities for the city. The Council aspires for Coventry to be globally connected, by promoting the growth of a sustainable Coventry economy, and locally committed, by improving the quality of life for Coventry people; and doing so in a way that delivers priorities with fewer resources. Effective management and resolution of complaints, as well as learning from complaints, help ensure that Council services meet the needs of local residents and communities, and helps build a foundation of trust in order for the Council to have new conversations with residents, communities and partners to enable people to do more for themselves as active and empowered citizens.

6.2 How is risk being managed?

It is important that the Council takes action and learns from the outcome of complaints. Appendix III sets out the Council has taken; for example 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 LGSCO often involves considerable time of officers of all levels of seniority. It involves collecting a significant amount of data, preparing and writing formal responses, and chasing to meet timescales set out; and where appropriate, external input from partner organisations and commissioned services.

Therefore, it is ideal for complaints to the Council to be resolved informally at first point of contact, or resolved through the Council's own internal complaints procedures, adult social care complaints procedures, or children's social care complaints procedures, as appropriate. This would improve satisfaction for local residents and communities, as well as save Council time and resources. The Council also publishes guidance on complaints handling.

6.4 Equalities and equality and consultation analyses (ECA)

Members of the public are encouraged to speak up and tell the Council if they have

anything to say about Council services; if the Council does not get it right for them; or if they think the Council has done something well. This is set out in the Council's complaint policy (www.coventry.gov.uk/complaints/).

To ensure that everyone is able to provide feedback, the Council accepts comments, compliments and complaints via face-to-face contact, telephone calls, letters, emails, or via an online form on the Council's website; and proportionate equalities monitoring data is also collected. Members of the public are informed that they can ask somebody else to act on their behalf, for instance, a friend or relative or Citizens Advice.

Where necessary and appropriate, translation and interpretation services, correspondence in large print, audiotape, or braille, or the services of an advocate (for instance, Barnardo's) is also available. Should a complainant remain dissatisfied following the conclusion of the Council's complaints process, they are able to refer their complaint to the LGSCO. 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.

This year, a number of upheld complaints include an equality dimension, for instance, three related to assisted household waste collections provided to people experiencing poor health, mobility issues or disability. In this context, meeting the public sector equality duty would mean having due regard to the need to advance equality of opportunity between people who share a protected characteristic and those who do not; in practical terms this would require the Council to remove or minimise disadvantages suffered by people due to their protected characteristics and taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people. Therefore, ensuring improvements are made to delivery of services for customers with protected characteristics is essential to ensure that the Council meets its statutory obligations in relation to equalities.

6.5 Implications for (or impact on) the environment?

None

6.6 Implications for partner organisations?

Investigations by the LGSCO may involve not only services directly provided by Coventry City Council, but also commissioned or outsourced services. In such cases, the Council liaises with partner organisations and third-party contractors to comment or provide information as part of an investigation.

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30/10/2018 14:01:54

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Legal: Carol Bradford	Legal Services Manager / Monitoring Officer	Place	23/08/2018	28/08/2018
Liz Gaulton	Director of Public Health and Wellbeing	People	23/08/2018	23/08/2018
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