



Coventry City Council

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

7 November 2019
11 November 2019
5 December 2019

Name of Cabinet Member:

Cabinet Member for Policy and Leadership – Councillor G 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 2018/19

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 investigates 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 2019, covers complaints to Coventry City Council between April 2018 and March 2019 (2018/19). This year it includes a new statistic on compliance. It records an authority's compliance with the recommendations made to remedy complaints.

This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2018/19. In particular, it focuses on upheld complaints, service areas with a high number of complaints, compliance with the

Ombudsman's recommendations, learning from complaints, and how the Council compares to previous years and to other local authorities.

Recommendations:

The Cabinet Member for Policy and Leadership 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.

The Ethics Committee is recommended 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

List of appendices included:

Appendix I: Local Government and Social Care Ombudsman Annual Review letter 2019

Appendix II: Coventry City Council Complaints Handling Guidance

Appendix III: Local Government and Social Care Ombudsman Investigation Decisions in 2018/19 for Coventry City Council

Background papers:

None

Other useful documents

Local Government and Social Care Ombudsman Annual Review of Local Government Complaints 2018-19 <https://www.lgo.org.uk/assets/attach/5655/LG%20Review%20-%20FINAL.pdf>

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 5 December 2019 and Audit and Procurement Committee on 11 November 2019

Will this report go to Council?

No

Report title:
Complaints to the Local Government and Social Care Ombudsman 2018/19

1. Context (or background)

- 1.1. Coventry City Council is committed to putting local people and their needs at the heart of what it does. The Council works to ensure that people have a positive and trouble-free experience in all transactions and interactions. However, sometimes things go wrong. When things go wrong, the Council encourages people to speak up, so that it can make things right. If a complainant has exhausted the Council's own complaints process, and remains dissatisfied with the Council's decision and/or its handling of the complaint, they have the right to take the complaint to the Local Government and Social Care Ombudsman (referred to as the 'Ombudsman' in this report).
- 1.2. The Ombudsman 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 investigates complaints in a fair and independent way; and provides a means of redress to individuals for injustice caused by unfair treatment or service failure.
- 1.3. 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 handles compliments, comments and complaints. The Council informs individuals of their right to contact the Ombudsman if they are not happy with the Council's decision after they have exhausted the Council's own complaints process.
- 1.4. Every year, the Ombudsman 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 2019, covers complaints to Coventry City Council between April 2018 and March 2019 (2018/19). This year, the letter also sets out the extent to which each local authority complied with the Ombudsman's recommendations. The letter can be found in Appendix I.
- 1.5. This report sets out the number, trends and outcomes of complaints to the Ombudsman relating to Coventry City Council in 2018/19. 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.
- 1.6. The Council has a robust policy for handling complaints, and the functions for People Directorate (social care) and Ombudsman Liaison is located as part of the Council's Insight Team. The Ombudsman Liaison Officer, in particular, provides all complaint co-ordination functions between the local authority and the Ombudsman, such as complaints, enquiries, investigations and remedies. The current complaints handling guidance is set out in Appendix II, or online at <https://smarturl.it/cov-complaints-guide>. In addition to this annual report, the Council also produces formal reports on complaints about adult social care, and

about children’s services and education, to the Cabinet Member for Adult Services and the Cabinet Member Children and Young People respectively.

2. Options considered and recommended proposal

Overall number of complaints

2.1. Across all councils, the Ombudsman received 16,899 complaints and enquiries in 2018/19, down from 17,452 the previous year (down 3.2%). Nationally, the areas receiving the greatest number of complaints and enquiries were education and children’s services (3,196), adult social care (2,555), and planning and development (2,190).

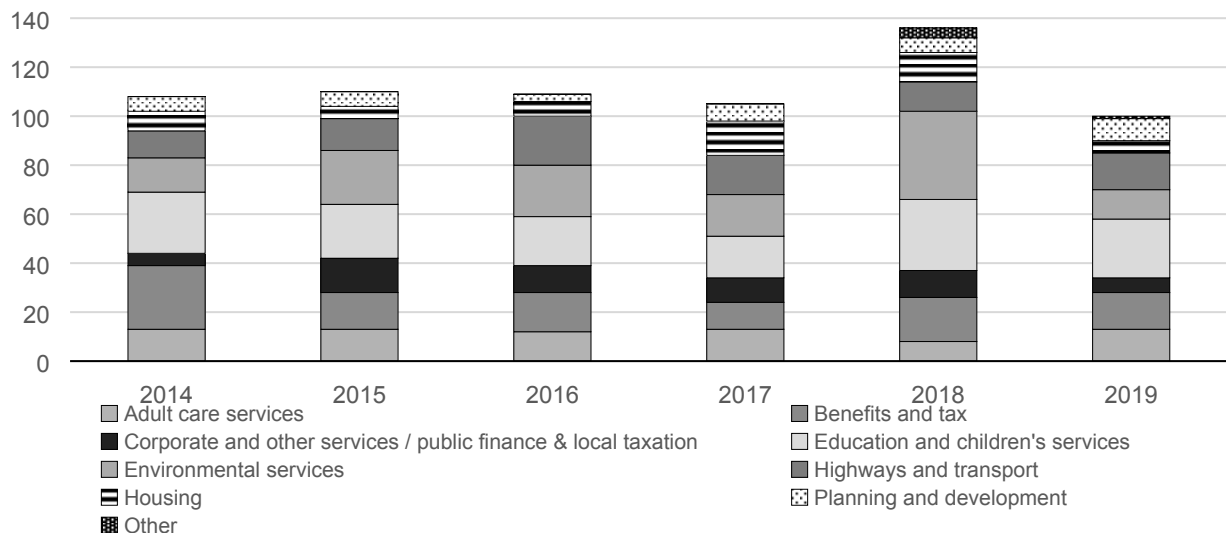
2.2. For Coventry City Council, the Ombudsman received 100 complaints and enquiries in 2018/19, down from 136 the previous year (↓26.5%) (Figure 1).

Figure 1: Complaints and enquiries received by category

Category (as defined by the Ombudsman)	Complaints in 2018/19	Trend
Adult care services	13	↑
Benefits and tax	15	↑
Corporate & other services	6	↓
Education & children’s services	24	↓
Environment services	12	↓
Highways & transport	15	↑
Housing	5	↓
Planning & development	9	↑
Other	1	↓
Total	100	↓

2.3. Figure 2 sets out how the number of complaints and enquiries received by the Ombudsman has changed over time.

Figure 2: Complaints and enquiries received over time



- 2.4. In 2018/19 there was a significant decrease in complaints about environmental services and housing. Complaints and enquiries in the environmental services and the housing category reduced by half from 36 to 12 in environmental services and 12 to 5 in the housing category. Meanwhile, complaints and enquiries about adult social care increased from 8 to 13 and the category with the highest number of complaints and enquiries was education and children's services with 24 (down from 29 in 2017/18).
- 2.5. Although the number of complaints received by the Ombudsman about the Coventry City Council is down, it should be noted that it is not possible to comment on the Council's overall performance based solely upon the number of complaints or enquiries to the Ombudsman. On one hand, a high number of complaints may indicate that a council has been effective at signposting people to the Ombudsman 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 Ombudsman can choose to investigate cases where it sees merit in doing so. Following an investigation, the Ombudsman 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 Ombudsman makes a finding on fault; or
not upheld – where, following investigation, the Ombudsman decides that a council has not acted with fault.
- 2.7. In 2018/19 the Ombudsman made **100** decision down from 129 the previous year:
- **5** incomplete/invalid;
 - **1** advice given;
 - **41** referred back for local resolution;
 - **35** closed after initial enquiries; and
 - **18** complaints investigated, of which **10** were upheld and **8** were not upheld.

Complaint investigations

- 2.8. The number of complaints investigated (18) is down from previous years (26 in 2017/18, and 25 in 2016/17). The Ombudsman upheld a smaller proportion of complaints they investigated than in previous years: 56% of complaints were upheld (10 out of 18) in 2018/19, compared to 77% (20 out of 26) in 2017/18, and 60% (15 out of 25) in 2016/17.
- 2.9. This compares to the Chartered Institute of Public Finance and Accountancy (CIPFA) statistical neighbours average of 61% and West Midland Combined Authority (WMCA) average of 73% and a national average of 58% for 2018/19. The tables below, sets out how Coventry compares to its CIPFA statistical neighbours (Figure 3) and with the West Midlands Combined Authority (WMCA) constituent authorities (Figure 4).

Complaints upheld

2.10. On average, 61% of complaints were upheld among Coventry and its 14 statistical neighbours. The authority with the highest percentage of complaints upheld in 2018/19 is Bolton (83%) and lowest is Stockton on Tees (38%). Coventry has the sixth lowest upheld rate (56%).

Figure 3: Complaints investigated: comparison with CIPFA statistical neighbours 2018/19

Local Authority	Not Upheld	Upheld	% Upheld	Total
Bolton	5	24	83%	29
Peterborough	2	9	82%	11
Rochdale	2	9	82%	11
Dudley	4	13	76%	17
Swindon	4	7	64%	11
Sheffield	13	22	63%	35
Bradford	7	10	59%	17
Sandwell	7	10	59%	17
Derby	8	10	56%	18
Coventry	8	10	56%	18
Walsall	5	6	55%	11
Kirklees	11	13	54%	24
Medway	13	13	50%	26
Wolverhampton	10	9	47%	19
Stockton on Tees	8	5	38%	13

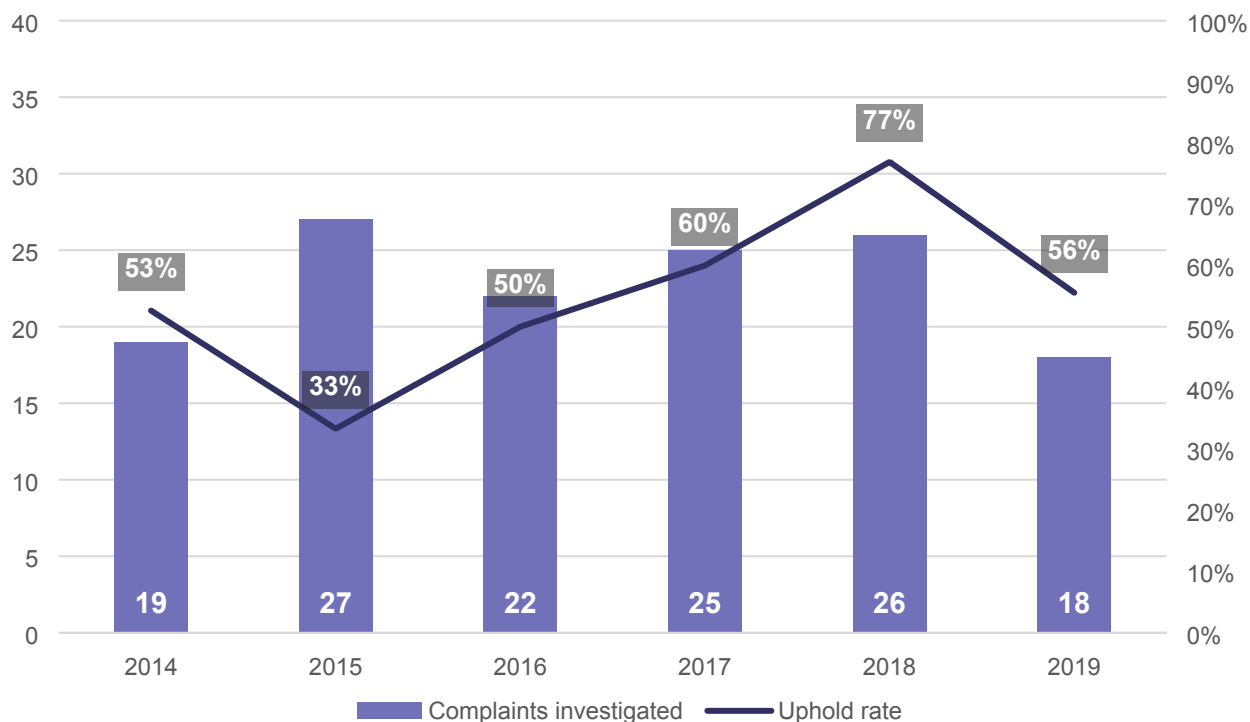
2.11. There were 189 complaints across the WMCA area, of which 130 were upheld and 59 were not upheld. That means, on average, 69% of complaints were upheld among the seven constituent authorities of the WMCA. The authority with the highest percentage of complaints upheld in 2018/19 is Birmingham (77%) and lowest is Wolverhampton (47%).

Figure 4: Complaints investigated: comparison with WMCA constituent authorities 2018/19

Local Authority	Not Upheld	Upheld	% Upheld	Total
Birmingham	23	77	77%	100
Dudley	4	13	76%	17
Solihull	2	5	71%	7
Sandwell	7	10	59%	17
Coventry	8	10	56%	18
Walsall	5	6	55%	11
Wolverhampton	10	9	47%	19

2.12. Figure 5 sets out how the number of complaints investigated, and the percentage of complaints upheld by the Ombudsman has changed over time for Coventry.

Figure 5: Complaints investigated, and percentage upheld over time



Complaint outcomes

2.13. Of the 10 upheld complaints for Coventry, all were remedied by the Ombudsman, none were satisfactorily remedied by Coventry City Council before Ombudsman involvement. Six complaints resulted in some form of financial redress or reimbursement.

2.14. Following a decision, the Ombudsman will typically issue a statement setting out its findings and its decision. If the Ombudsman 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 Ombudsman 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 Ombudsman upholds a complaint, the Ombudsman may choose to issue a formal report of maladministration.

2.15. The Ombudsman did not issue formal reports of maladministration for any of the complaints upheld during 2018/19.

Complaints by service areas

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

Figure 6: Complaints investigated by service area in 2018/19 compared to 2017/18

Service area	2018/19				2017/18			
	Upheld	Not upheld	% upheld	Response time (days)	Upheld	Not upheld	% upheld	Response time (days)
Abandoned vehicles	1		100%	5				
Adult social care	1	1	50%	18	1		100%	19
Bereavement services					1		100%	
Children's services	1		100%	19	3		100%	26
Commercial property					1		100%	14
Council tax		1	0%	13	1		100%	5
Education services	1	3	25%	19	1		100%	23
Household waste collections	4		100%	21	11	2	85%	23
Housing services	1		100%	21	1	2	33%	22
Legal		1	0%					
Library services		1	0%	19				
Planning	1	1	50%	19		1	0%	
Planning – flood management						1	0%	42
Total	10	8	56%	18	20	6	77%	23

2.17. This year saw a decrease in the number of detailed investigations completed, 18 compared to 26 in 2017/18. There was a significant decrease in complaints relating to household waste collections, in 2018/19 there was only four decisions compared to 13 in 2017/18. There was an increase in Education services complaints investigated, the complaint that was upheld was regarding School Transport. The not upheld complaints were one related to Early Years funding and two to School Admissions.

2.18. Three of the four upheld household waste complaints were related to assisted collections, where the Council offers an assisted service where none of the people in a household can move the bins to the collection point (due to poor health, mobility issues or disability). It should be noted that the Council collects over 70,000 assisted bin collections each year from the city's 1,426 properties on the assisted collections list.

Timescales

2.19. The Ombudsman typically expects councils to respond to investigation enquiries within 20 working days. In 2018/19, on average, the Council took 18 working days to respond to enquiries on investigations; compared to 23 working days in 2017/18.

Compliance and remedies

2.20. The Ombudsman deems a complaint to be ‘satisfactorily remedied’ when an authority offers a satisfactory way to resolve it before Ombudsman intervention. In 2018/19, none of Coventry’s upheld cases was in this category. This compares to 10% in 2017/18 and an average of 14% in similar authorities in 2018/19.

2.21. 130 complaints were upheld in the WMCA area and on 17 complaints the Ombudsman considered that the authority provided a satisfactory remedy before the complaint reached them (13%).

Figure 7: Satisfactory remedy provided before the complaint reached the Ombudsman, a comparison with other WMCA constituent authorities

Local Authority	Upheld cases where the local authority provided a satisfactory remedy before Ombudsman intervention		Total Number of cases upheld
	Cases	% of cases upheld	
Birmingham	10	13%	77
Coventry	0	0%	10
Dudley	3	23%	13
Sandwell	1	10%	10
Solihull	0	0%	5
Walsall	2	33%	6
Wolverhampton	1	11%	9
	17	13%	130

2.22. The Ombudsman’s Annual Review Letter this year includes a new statistic: compliance with Ombudsman’s recommendations. A new interactive data map of council performance was also introduced. This map shows performance data for all councils in England. This is available at: <https://www.lgo.org.uk/your-councils-performance>.

2.23. The Ombudsman recorded that Coventry accepted and implemented all 18 recommendations. The Council implemented 17 of these on-time, and one was late. The one late completion was a remedy from 2017/18 decisions regarding Waste Services as there was a delay in setting up the revised complaint handling system. The number of waste complaints overall has since decreased significantly following the introduction of the new system – and no new waste services complaints have reached the Ombudsman since the new system was introduced.

Figure 8: Compliance with Ombudsman recommendations

Local Authority	Complaints where the authority has...			
	...complied with the recommended remedy ¹	...complied with the Ombudsman's recommendation on time	...complied with the recommendation late	...complied with the Ombudsman's recommendation (compliance rate) ²
Birmingham	48	46	2	100%
Coventry	18	17	1	100%
Dudley	11	11	0	100%
Sandwell	3	2	1	100%
Solihull	7	7	0	100%
Walsall	5	5	0	100%
Wolverhampton	7	7	0	100%

¹ This is the number of complaints where the Ombudsman recorded a response (or failure to respond) to their recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year.

² The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with the recommendations to remedy a fault. This includes instances where an authority has accepted and implemented the recommendation but provided late evidence of that.





Learning from complaints

- 2.24. It is important for services to treat complaints as an opportunity to learn lessons from previous experiences. By learning from complaints, services can become more responsive to the needs of local residents and communities.
- 2.25. As part of the Council's democratic accountability, formal complaint investigations, particularly upheld complaints, are properly communicated to elected members:
- complaints to the Ombudsman are formally reported to the Cabinet Member for Policy and Leadership, the Audit and Procurement Committee and Ethics Committee (this report);
 - complaints about adult social care and children's services, including cases investigated by the Ombudsman, are 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 Council's 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 Ombudsman's final recommendation following an upheld investigation with a finding of maladministration or should the Ombudsman 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.
- 2.26. Following the Ombudsman's complaint investigations in 2018/19, they 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 9). Further details about the outcomes of each of the complaints investigated this year and the actions taken are set out in Appendix III.

- 2.27. It is of note that all the complaints upheld in 2018/19 involved **delays in responses/service**.

Figure 9: Learning from complaints

Area	Summary of actions taken
 Abandoned vehicles	The Council's website pages regarding abandoned vehicles were reviewed to ensure they accurately reflect the content and application of the Council's policy and process.
 Adult social care	Officers were reminded of the need to keep a record of progress meetings regarding disabled facilities grants including those held with any Housing Association or landlord that is carrying out works as part of a grant.
 Children's services	Officers noted if they receive a complaint where some of the matters being complained about relate to court matters, they should investigate excluding any court matters. For those matters that have not been before a court the Council should consider them via the statutory children's complaints procedure.
 Waste services	Following the large increase in complaints in 2017/18, the service reviewed the complaints handling procedure. The three complaints regarding Assisted Waste Collections were all received in April 2018 and we have not received any from the Ombudsman since the new procedures were introduced. In 2018/19, the Council received four other waste services complaints from the Ombudsman, including two premature complaints.

3. Results of consultation undertaken

- 3.1. None identified or undertaken.

4. Timetable for implementing this decision

- 4.1. There are no changes or decisions to be made as a result of this report.

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 2018/19 there were six 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 2018/19 was £1,200.

5.2. Legal implications

The statutory functions of the Local Government and Social Care Ombudsman 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 is limited to complaints from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure.

The Ombudsman'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 Ombudsman also investigates 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 Ombudsman has conducted an investigation in relation to the matter.

6. Other implications

6.1. How will this contribute to the One Coventry Plan

(www.coventry.gov.uk/councilplan/)?

The One Coventry Plan 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 Ombudsman 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. 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 children (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 Ombudsman. The Council's complaints 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 again, 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) climate change and the environment?

None

6.6. Implications for partner organisations?

Investigations by the Ombudsman 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.

Report author(s):

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24/10/2019 10:33:40

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John Gregg	Director of Children	People	16/09/2019	17/09/2019
Nigel Hart	Head of Communications	People	16/09/2019	17/09/2019
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Jaspal Mann	Equality and Diversity Officer	People	16/09/2019	18/09/2019
Kirston Nelson	Director of Education	People	16/09/2019	23/09/2019
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Legal: Carol Bradford	Corporate Governance Lawyer	Place	16/09/2019	20/09/2019
Liz Gaulton	Director of Public Health and Wellbeing	People	16/09/2019	23/09/2019
Gail Quinton	Deputy Chief Executive (People)	People	16/09/2019	23/09/2019
Members: Councillor Duggins	Cabinet Member for Policy and Leadership		25/09/2019	24/10/19

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