



Coventry City Council

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

26 November 2020
30 November 2020
3 December 2020

Name of Cabinet Member:

Cabinet Member for Policy and Leadership – Councillor G Duggins

Director approving submission of the report:

Deputy Chief Executive

Ward(s) affected:

All

Title:

Complaints to the Local Government and Social Care Ombudsman 2019/20

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 2020, covers complaints to Coventry City Council between April 2019 and March 2020 (2019/20). Mid-March 2020 saw an abrupt pause to the Ombudsman's casework in response to the exceptional operational challenges local authorities and care providers faced because of the Covid-19 pandemic. The Ombudsman resumed some casework at the end of May and started taking new complaints again at the end of June 2020.

This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2019/20. In particular, it focuses on upheld complaints, service areas with a high number of complaints, compliance with Ombudsman's recommendations, learning from complaints, and how we compare to previous years and 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 1: Local Government and Social Care Ombudsman Annual Review letter 2020

Appendix 2: Coventry City Council Complaints Handling Guidance

Appendix 3: Local Government and Social Care Ombudsman Investigation Decisions in 2019/20 for Coventry City Council

Background papers:

None

Other useful documents

Local Government and Social Care Ombudsman Annual Review of Local Government Complaints 2019-20 <https://www.lgo.org.uk/assets/attach/5858/LG-Review-FINAL.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 3 December 2020 and Audit and Procurement Committee on 30 November 2020

Will this report go to Council?

No

Report title:**Complaints to the Local Government and Social Care Ombudsman 2019/20****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.covntry.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 2020, covers complaints to Coventry City Council between April 2019 and March 2020 (2019/20). 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 2019/20. 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 2. 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

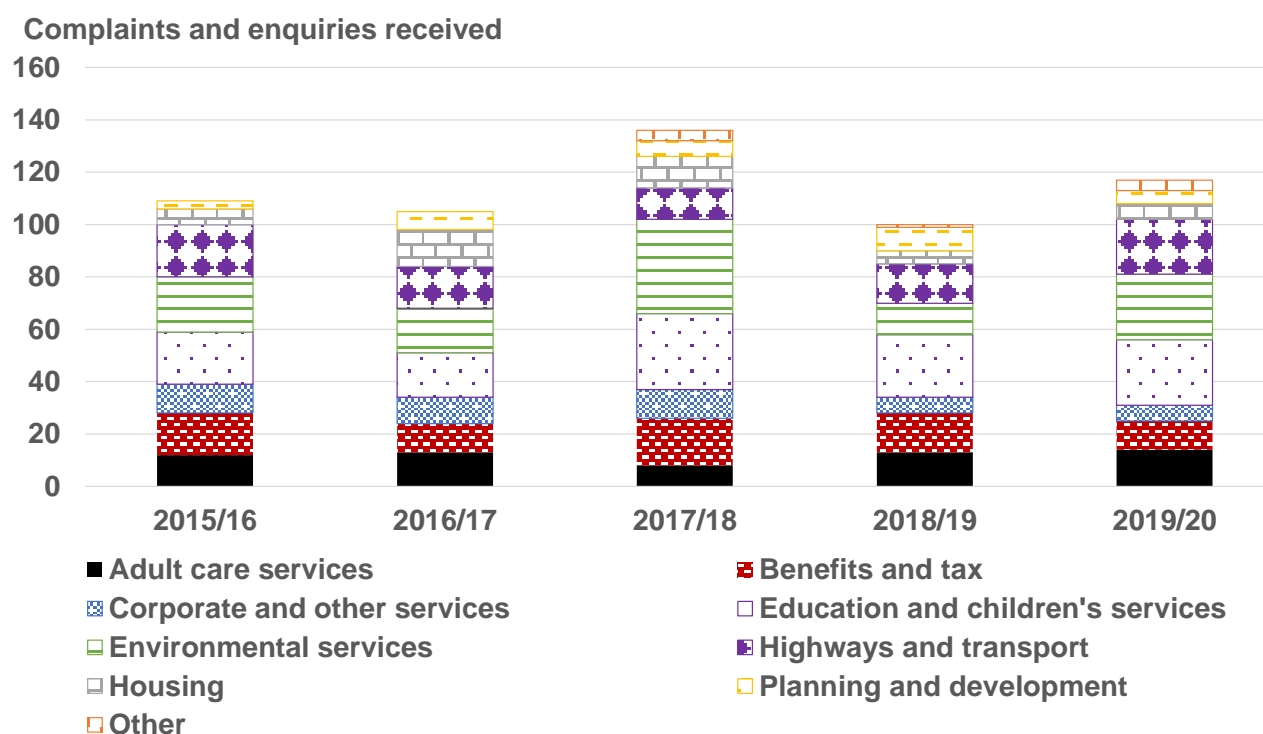
- 2.1 Across all councils, the LGSCO received 17,019 complaints and enquiries in 2019/20, up slightly from 16,899 the previous year (up 0.7%). The areas receiving the greatest number of detailed investigations was adult social care (986), education and children's services (910), and planning and development (735).
- 2.2 For Coventry City Council, the LGSCO received 117 complaints and enquiries in 2019/20, up from 100 the previous year (up 17%). This is set out in Figure 1.

Figure 1: Complaints and enquiries received by category

Category (as defined by the LGSCO)	Complaints in 2019/20	Trend
Adult care services	14	↑
Benefits and tax	11	↓
Corporate & other services	6	=
Education & children's services	25	↑
Environment services	25	↑
Highways & transport	21	↑
Housing	6	↑
Planning & development	5	↓
Other	4	↑
Total	117	↑

2.3 Figure 2 sets out how the number of complaints and enquiries received by the LGSCO in last 5 years.

Figure 2: Complaints and enquiries received in last 5 years



2.4 In 2019/20 there was a significant increase in complaints and enquiries about environmental services and highways and transport. There was a reduction in both benefits and tax and planning and development and complaints and enquiries about adult social care increased only slightly from 13 to 14. The categories with the highest number of complaints and enquiries was education and children's services with 25 (up 1 from 2018/198) and environmental services also with 25 (up 13 from 2018/19).

- 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 In 2019/20 the LGSCO made **116** decision up from 100 the previous year:
- **12** incomplete/invalid;
 - **1** advice given;
 - **39** referred back for local resolution;
 - **42** closed after initial enquiries; and
 - **22** complaints investigated, of which **11** were upheld and **11** were not upheld.
- 2.8 The number of complaints investigated (22 complaints) up from previous year (18 in 2018/19, and 26 in 2017/18). The LGSCO upheld a smaller proportion of complaints they investigated than in previous years: 50% of complaints were upheld (11 out of 22) in 2019/20, compared to 56% (10 out of 18) in 2018/19, and 77% (20 out of 26) in 2017/18. This compares to the Chartered Institute of Public Finance and Accountancy (CIPFA) statistical neighbours upheld rate of 59% and West Midland Combined Authority (WMCA) upheld rate of 73% and a national upheld rate of 59% for 2019/20. 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).

Figure 3: Complaints investigated: comparison with CIPFA statistical neighbours 2019/20

Overall, 59% of complaints were upheld among Coventry and its 15 statistical neighbours. The authority with the highest percentage of complaints upheld in 2019/20 is Sheffield (89%) and lowest is Bolton (43%). Coventry has the fifth lowest upheld rate (50%).

Local Authority	Not Upheld	Upheld	% Upheld	Total
Bolton	4	3	43%	7
Peterborough	5	4	44%	9
Rochdale	8	7	47%	15
Tameside	8	7	47%	15
Coventry	11	11	50%	22
Plymouth	11	12	52%	23

Local Authority	Not Upheld	Upheld	% Upheld	Total
Kirklees	11	12	52%	23
Derby	6	7	54%	13
Luton	11	13	54%	24
Oldham	6	7	54%	13
Medway	8	11	58%	19
Bradford	14	21	60%	35
Bristol	13	20	61%	33
Leicester	14	22	61%	36
Salford	5	12	71%	17
Sheffield	4	34	89%	38

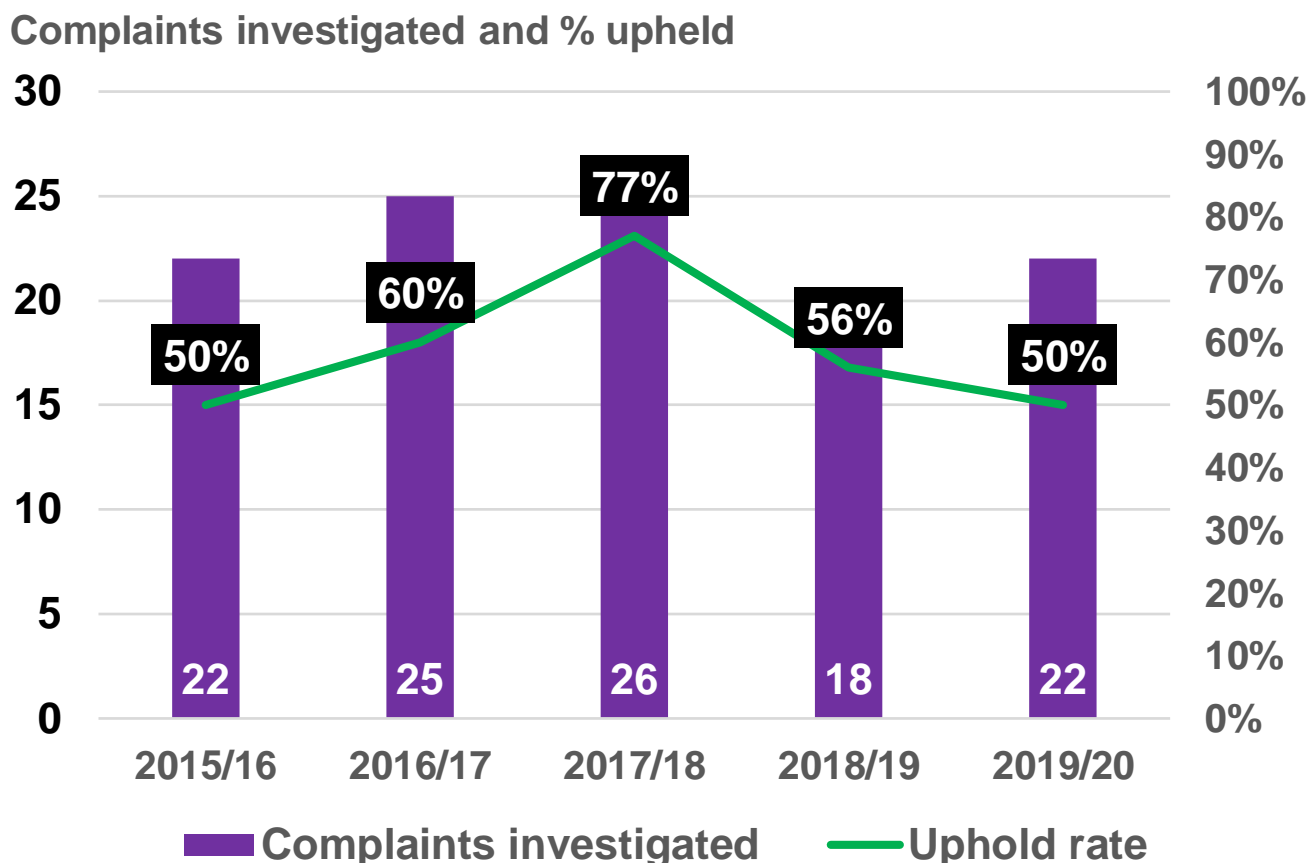
Figure 4: Complaints investigated: comparison with WMCA constituent authorities 2018/19

There were 248 complaints across the WMCA area, of which 180 were upheld and 68 were not upheld. That means, 73% of complaints were upheld among the seven constituent authorities of the WMCA. The authority with the highest percentage of complaints upheld in 2019/20 is Sandwell (86%) and lowest is Coventry (50%).

Local Authority	Not Upheld	Upheld	% Upheld	Total
Coventry	11	11	50%	22
Solihull	4	5	56%	9
Wolverhampton	5	7	58%	12
Dudley	6	11	65%	17
Walsall	6	12	67%	18
Birmingham	34	119	78%	153
Sandwell	2	15	86%	17

2.9 Figure 5 sets out how the number of complaints investigated and the percentage of complaints upheld by the LGSCO for the last 5 years.

Figure 5: Complaints investigated and percentage upheld over the last 5 years



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2.10 Of the 11 upheld complaints for Coventry, 9 complaints were remedied by the LGSCO and 2 were satisfactorily remedied by Coventry City Council before LGSCO involvement. (18%). This compares to an average of 11% in similar authorities. 5 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 2019/20.

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 2019/20 compared to 2018/19

Service area	2019/20				2018/19			
	Upheld	Not upheld	% upheld	Response time (days)	Upheld	Not upheld	% upheld	Response time (days)
Abandoned vehicles					1		100%	5
Adult social care	2	3	40%	20	1	1	50%	18
Building Control	1		100%	18				
Children's services		2	0%	20	1		100%	19
Council tax		1	0%	23		1	0%	13
Education services	2	1	67%	28	1	3	25%	19
Greenspace	1		100%	35				
Highways	1	1	50%	19				
Household waste collections	3	1	75%		4		100%	21
Housing enforcement		1	0%	17				
Housing services	1		100%	26	1		100%	21
Legal						1	0%	
Library services						1	0%	19
Planning		1	0%		1	1	50%	19
Total	11	11	50%	23	10	8	56%	18

2.14 This year saw an increase in the number of details investigations completed 22 compared to 18 in 2018/19. There was an increase in complaints relating to Adult social care, in 2019/20 there was 5 decisions compared to 2 in 2018/19. In 2019/20 all 3 Education Services complaints were regarding School Transport compared to just one detailed complaint upheld on School Transport within the Education Service complaints for 2018/19. There were, again, four detailed investigations on Household Waste Collections and none were regarding assisted collections.

2.15 The LGSCO typically expects councils to respond to investigation enquiries within 20 working days. In 2018/19, on average, the Council took 23 working days to respond to enquiries on investigations; compared to 18 working days in 2018/19. We did requested extensions on most of detailed investigations where we could not achieve the deadline. The LGSCO has now temporary increased the deadline to 30 days following it's opening again to all investigations and new complaints on 29 June 2020.

2.16 Satisfactory remedy provided by an authority these are complaints where the Ombudsman has decided that, while the authority did get things wrong, the authority had offered a satisfactory way to resolve it before the complaint was referred to the Ombudsman. Coventry had 18% of upheld cases where the Ombudsman found the Council had provided a satisfactory remedy before the complaint reached them (2 satisfactory remedy decisions). This compares to 0% in 2018/19 and an average of 11% in similar authorities in 2019/20.

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

180 complaints were upheld in WMCA area and on 9 complaints the Ombudsman considered that the authority provided a satisfactory remedy before the complaint reached them (5%).

Local Authority	Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman		Total Number of complaints upheld
	%	Number	
Coventry	18%	2	11
Wolverhampton	14%	1	7
Dudley	9%	1	11
Birmingham	4%	5	119
Sandwell	0%	0	15
Solihull	0%	0	5
Walsall	0%	0	12

2.17 The LGSCO Annual Review Letter includes a statistic- compliance with Ombudsman's recommendations. The [interactive data map of council performance](#) shows performance data for all councils in England. In 2019/20 the Ombudsman was satisfied we successfully implemented all of their recommendations 100%. This was based on 5 compliance outcomes. 2 school transport, 1 adult social care, 1 building control and 1 greenspace complaint. We were late in completing the 1 school transport remedy.

Figure 8: Compliance with Ombudsman recommendations

Local Authority	Complaints where compliance with the recommended remedy recorded	
	Number	% where remedy successfully implemented
Birmingham	114	100%
Coventry	5	100%
Dudley	7	100%
Sandwell	19	100%
Solihull	5	100%
Walsall	8	100%
Wolverhampton	5	100%

2.18 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 9). Further details about the outcomes of each of the complaints investigated this year and the actions taken are set out in Appendix 3.

2.19 Figure 9: Learning from complaints

Service Area	Summary of actions taken
Adult Social Care	<p>The team ensured:</p> <ul style="list-style-type: none"> -A care home issued guidance to its staff about the importance of completing 'MUST' assessments and seeking appropriate and timely medical intervention for service users at risk of malnutrition. -All agreed actions allocated at a Multi-agency Safeguarding Meeting need to have completion time scales applied to them. -Referrals to professional bodies need to be confirmed in writing with the appropriate reference number logged as part of the safeguarding process.
Children's Services	<p>Held recording workshops to raise awareness of the importance of recording, including the how, why, who, when and what.</p> <p>They were a reminder around expectations of recording and record keeping. They are also holding monthly Practice Improvement Forums (PIFs), one for managers and one for practitioners.</p>
Customer Services	Revised procedure where an officer is named in a complaint.
Greenspace	<p>Team members were reminded to</p> <ul style="list-style-type: none"> -ensure contacts are responded to promptly and where this is not possible, or the level of contact becomes too much that they set realistic levels of contact. -ensure actions it agrees to take are taken and, if there is any delay likely, it will warn and explain this to the individual, and give considered time estimates for completion of the action.
Housing and Homelessness	The area now has visiting officers in place who regularly go out and inspect properties and check on those who are in temporary accommodation.

Service Area	Summary of actions taken
School Transport	<ul style="list-style-type: none"> -Reviewed its post-19 Policy Statement to ensure the content is in line with the requirements of the statutory government guidance. -Implemented a fair and transparent appeals process for post-19 transport assistance applications as recommended in statutory guidance.

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 2. 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.

5 Comments from the Director of Finance and the Director of Law and Governance

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 2019/20 there were five complaints which resulted in some form of financial remedy or reimbursement. This is detailed in Appendix 3. These were paid out of budgets from the relevant service areas. The amount paid out in 2019/20 was £3,649.18.

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 the Council Plan (www.coventry.gov.uk/councilplan/)?

The Council Plan 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 3 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/EIA

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 again, a number of upheld complaints include an equality dimension, for instance, two Adult Social Care complaints relating to Care Homes and two school transport complaints involving the Post 19 Transport policy. 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

There was one complaint upheld where the Ombudsman found fault by the Council as it failed to ensure land it allowed a contractor to use during road improvements was not promptly returned to its previous condition through landscaping on completion.

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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Contributor/ approver name	Title	Service	Date doc sent out	Date response received or approved
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Andy Williams	Director of Business, Investment & Culture	Business, Investment & Culture	24/09/2020	12/10/2020
Colin Knight	Director of Transportation & Highways	Transportation & Highways	24/09/2020	12/10/2020
David Ashmore	Director of Housing & Transformation	Housing & Transformation	24/09/2020	12/10/2020
Gail Quinton	Deputy Chief Executive		24/09/2020	12/10/2020
Ilius Ahmed	Complaints Officer	Public Health	24/09/2020	12/10/2020
Jaspal Mann	Policy, Equalities & Diversity Officer	Public Health	24/09/2020	30/09/2020
John Gregg	Director of Children's Services	Children's Services	24/09/2020	12/10/2020
Kirston Nelson	Director of Education & Skills	Education & Skills	24/09/2020	12/10/2020
Liz Gaulton	Director of Public Health	Public Health	24/09/2020	12/10/2020
Pete Fahy	Director of Adult Services	Adult Services	24/09/2020	12/10/2020
Richard Moon	Director of Project Services & Property Services	Project Services & Property Services	24/09/2020	12/10/2020
Si Chun Lam	Insight Development Manager	Public Health	17/09/2020	18/09/2020
Sue Newing	Director of Human Resources	Human Resources	24/09/2020	24/09/2020
Wendy Ohandjanian	Policy, Equalities & Diversity Officer	Public Health	24/09/2020	24/09/2020
Suzanne Bennett	Governance Services Co-ordinator	Governance Services	15/10/2020	15/10/2020
Names of approvers for submission: (officers and members)				
Barry Hastie	Director of Finance & Corporate Services	Finance & Corporate Services	15/10/2020	22/10/2020
Julie Newman	Director of Legal & Governance Services	Legal & Governance Services	15/10/2020	19/10/2020
Martin Reeves	Chief Executive		15/10/2020	19/10/2020
Councillor G Duggins	Cabinet Member for Policy and Leadership		15/10/2020	

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