



Coventry City Council

Public report

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

10 November 2021
9 December 2021
31 January 2022

Name of Cabinet Member:

Cabinet Member for Policy and Leadership – Councillor G Duggins

Director approving submission of the report:

Chief Executive

Ward(s) affected:

All

Title:

Complaints to the Local Government and Social Care Ombudsman 2020/21

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 21 July 2021, covers complaints to Coventry City Council between April 2020 and March 2021 (2020/21). 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, after a three month pause.

This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2020/21. 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. Note: When comparing with previous years we must consider that the LGSCO, to allow authorities to respond to the Covid-19 pandemic, did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints they received and decided in the 2020-21 year.

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 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

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 1: Local Government and Social Care Ombudsman Annual Review Letter 2021
Appendix 2: Local Government and Social Care Ombudsman Investigation Decisions in 2020/21 for Coventry City Council

Background papers:

None

Other useful documents

Local Government and Social Care Ombudsman Annual Review of Local Government Complaints 2020-21

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 9 December and Audit and Procurement Committee on 31 January 2022.

Will this report go to Council?

No

Report title:

Complaints to the Local Government and Social Care Ombudsman 2020/21

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 21 July 2021, covers complaints to Coventry City Council between April 2020 and March 2021 (2020/21). 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 2020/21. 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. When comparing with previous years we must consider that the LGSCO, did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints they received and decided in the 2020-21 year.
- 1.5 The Council has a robust policy for handling complaints. 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

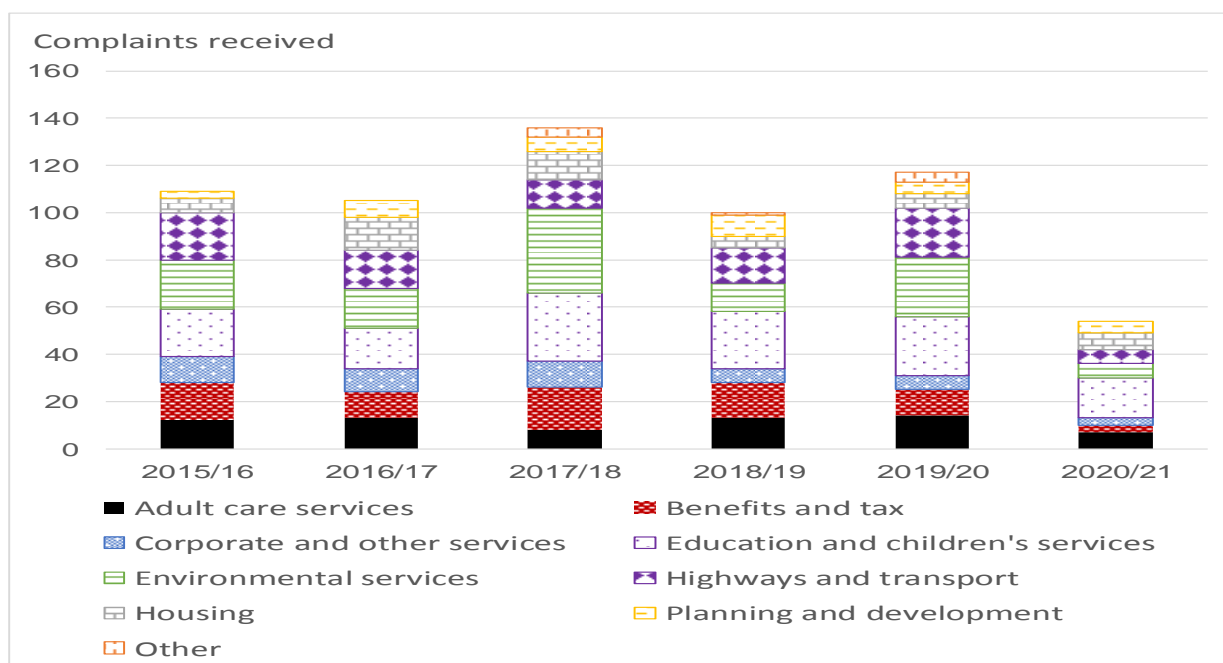
- 2.1 Across all councils, the LGSCO received 11,830 complaints and enquiries in 2020/21 down from 17,019 the previous year, however, note as detailed above the LGSCO was closed to new complaints for nearly three months in 2020/21. The areas receiving the greatest number of detailed investigations was adult social care (801), education and children's services (800), and planning and development (436).
- 2.2 For Coventry City Council, the LGSCO received 54 complaints and enquiries in 2020/21, down from 117 the previous year. A 54% reduction from 2019/20. Figure 1.

Figure 1: Complaints and enquiries received by category

Category (as defined by LGSCO)	Complaints in 2019/20	Complaints in 2020/21
Adult care services	14	7
Benefits and tax	11	3
Corporate & other services	6	3
Education & children's services	25	17
Environmental Services & Public Protection & Regulation	25	6
Highways & transport	21	6
Housing	6	7
Planning & development	5	5
Other	4	0
Total	117	54

2.3 Figure 2 sets out how the number of complaints and enquiries received by the LGSCO in last 6 years.

Figure 2: Complaints and enquiries received in last 6 years



2.4 In 2020/21 there was a significant decrease in complaints and enquiries. There was a significant decrease in Adult social care, Benefit and tax, Corporate and other services, Environmental services and Highways and transport enquiries and complaints. The category with the highest number of complaints and enquiries was education and children's services with 17 (down just 8 from 2019/20).

- 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 LGSCO 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 2020/21 the LGSCO made **66** decision down from 116 the previous year:
- **3** incomplete/invalid;
 - **2** advice given;
 - **31** referred back for local resolution;
 - **17** closed after initial enquiries; and
 - **13** complaints investigated, of which **10** were upheld and **3** were not upheld.
- 2.8 The number of complaints investigated (13 complaints) down from previous years (22 in 2019/20, and 18 in 2018/19). The LGSCO upheld a larger proportion of complaints they investigated than in previous years: 77% of complaints were upheld (10 out of 13) in 2020/21, compared to 50% (11 out of 22) in 2019/20, and 56% (10 out of 26) in 2018/19. This compares to the Chartered Institute of Public Finance and Accountancy (CIPFA) statistical neighbours upheld rate of 70% and West Midlands Combined Authority (WMCA) upheld rate of 78% and a national upheld rate of 67% for 2020/21. 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 2020/21

Overall, 70% of complaints were upheld among Coventry and its 15 statistical neighbours. The authority with the highest percentage of complaints upheld in 2020/21 is Rochdale (100%) and lowest is Medway (44%). Coventry has the eleven lowest upheld rate (77%).

Local Authority	Not Upheld	Upheld	% Upheld	Total
Medway	9	7	44%	16
Bolton	6	7	54%	13
Tameside	7	9	56%	16
Peterborough	5	8	62%	13
Kirklees	8	13	62%	21

Local Authority	Not Upheld	Upheld	% Upheld	Total
Luton	4	7	64%	11
Oldham	5	10	67%	15
Sheffield	7	17	71%	24
Leicester	5	13	72%	18
Derby	3	9	75%	12
Coventry	3	10	77%	13
Plymouth	4	14	78%	18
Salford	1	4	80%	5
Bradford	4	19	83%	23
Bristol	4	19	83%	23
Rochdale	0	6	100%	6

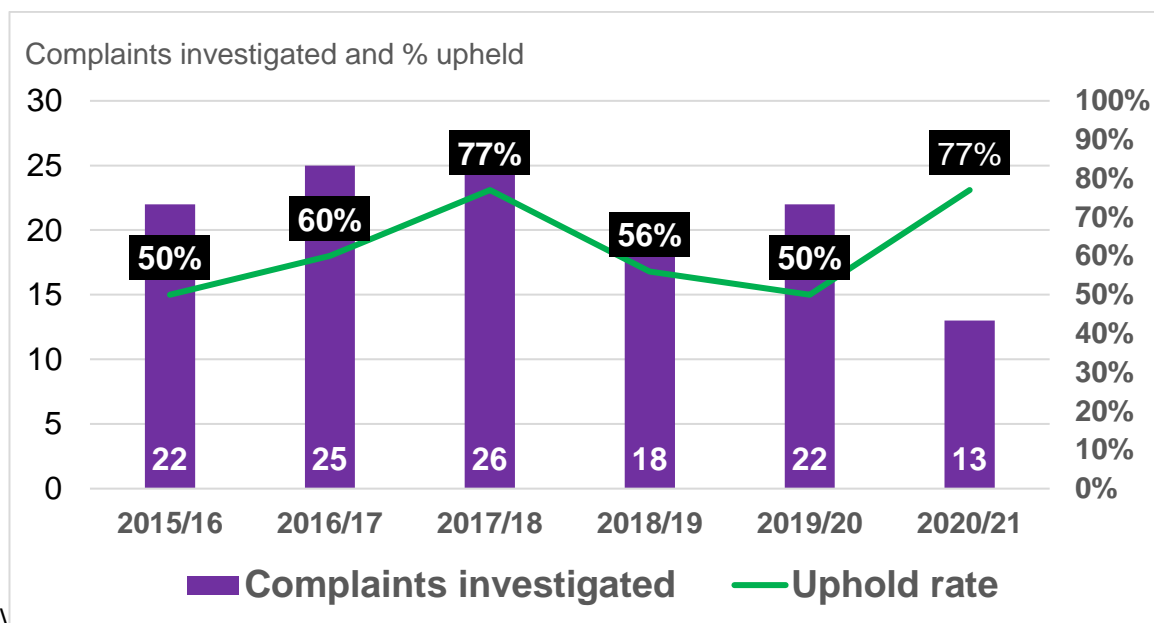
Figure 4: Complaints investigated: comparison with WMCA constituent authorities 2018/19

There were 218 complaints investigated across the WMCA area, of which 170 were upheld and 48 were not upheld. That means, 78% of complaints were upheld among the seven constituent authorities of the WMCA. The authority with the highest percentage of complaints upheld in 2020/21 is Birmingham (82%), lowest is Wolverhampton (55%). Coventry is the fourth lowest out of seven on (77%).

Local Authority	Not Upheld	Upheld	% Upheld	Total
Wolverhampton	5	6	55%	11
Walsall	5	9	64%	14
Dudley	7	17	71%	24
Coventry	3	10	77%	13
Solihull	2	8	80%	10
Sandwell	3	13	81%	16
Birmingham	23	107	82%	130

2.9 Figure 5 sets out how the number of complaints investigated and the percentage of complaints upheld by the LGSCO for the last 6 years.

Figure 5: Complaints investigated and percentage upheld over the last 6 years



2.10 Of the 10 upheld complaints for Coventry, 9 complaints were remedied by the LGSCO and 1 the LGSCO found that Coventry had provided a satisfactory remedy before the complaint reached them.(10%). 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 In 2020/21 the Ombudsman issued Coventry City Council with a formal report, the report was issued - upheld; maladministration and injustice. The report was considered at full [Council on 20 October 2020](#). The Ombudsman found our policy about free school transport did not meet statutory guidelines and we agreed to amend the way we handle appeals at the draft report stage of the investigation. Further details in Appendix 2.

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 2020/21 compared to 2019/20

Service area	2020/21				2019/20			
	Upheld	Not upheld	% upheld	Response time (days)	Upheld	Not upheld	% upheld	Response time (days)
Adult social care	4	1	80%	27	2	3	40%	20
Building Control					1		100%	18
Children's services	1		100%	14		2	0%	20
Council tax						1	0%	23
Greenspace		1	0%	64	1		100%	35
Highways					1	1	50%	19
Household waste assisted collections	2		100%	19				
Household waste collections	1	1	50%	23	3	1	75%	
Housing enforcement						1	0%	17
Housing services					1		100%	26
Parking Services	1		100%					
Planning						1	0%	
School Transport	1		100%		2	1	67%	28
Total	10	3	77%	27	11	11	50%	23

2.14 This year saw a decrease in the number of details investigations completed 13 compared to 22 in 2019/20. There was an increase in detailed investigations relating to Household waste assisted collections and Parking Services in

2020/21. There was a large increase in upheld complaints for Adult Social Care in 2020/21.

- 2.15 The LGSCO typically expects councils to respond to investigation enquiries within 20 working days. The LGSCO temporarily increased the deadline to 30 days following its reopening to all investigations and new complaints on 29 June 2020. The Greenspace complaint with 64-day turnaround included the period where all complaints were suspended.
- 2.16 Satisfactory remedy decisions these are complaints where the Ombudsman has decided, 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. In 2020/21 the LGSCO found 10% of upheld cases Coventry had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to 18% in 2019/20 and 0% in 2018/19.

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

170 complaints were upheld in WMCA area and on 13 complaints the Ombudsman considered that the authority provided a satisfactory remedy before the complaint reached them (8%).

Local Authority	Upheld complaints where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman		Total Number of complaints upheld
	%	Number	
Solihull	25%	2	8
Dudley	12%	2	17
Walsall	11%	1	9
Coventry	10%	1	10
Birmingham	7%	7	107
Wolverhampton	0%	0	6
Sandwell	0%	0	13

- 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 2020/21 the Ombudsman was satisfied we successfully implemented all of their recommendations 100%. This was based on 10 compliance outcomes. 5 adult social care, 2 household waste assisted collection, 1 children service’s, school transport and 1 waste collection.

Figure 8: Compliance with Ombudsman recommendations

Local Authority	Complaints where compliance with the recommended remedy recorded	
	Number	% where remedy successfully implemented
Birmingham	89	100%
Coventry	10	100%
Dudley	15	100%
Sandwell	11	100%
Solihull	4	100%
Walsall	6	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 2.

2.19 Figure 9: Learning from complaints

Service Area	Summary of actions agreed
Adult Social Care	<ul style="list-style-type: none"> - Reviewed its record keeping procedures and language used in its communications to ensure clear explanations are provided in plain English. -Conducted a review of its working practices relating to communication with residents' families and external organisations and provided guidance to staff about these. -Adult Social Care agreed to review the way a safeguarding investigation was conducted to identify why errors occurred and any lessons to be learned. They found <ul style="list-style-type: none"> * Although it is often difficult to obtain written confirmation from Banks and Building Societies going forward, they will work with Banks to incorporate this into the Safeguarding process. *They agreed to ensure that workers clarify details from partner agencies to ensure that there is no misunderstanding and ensure these details are accurately recorded. *Adult Social Care agreed to ensure that workers record people's full names in their recordings to again ensure there are no misunderstandings particularly when family members have the same surnames. -Reviewed complaints processes to ensure more robust responses and will be holding training sessions on completing investigations. - Adult Social Care also have plans in 2021/22 to introduce further training on the complaint handling process.

Service Area	Summary of actions agreed
Children's Service	<p>-Children's Services reviewed its procedures and reminded relevant staff of the need to ensure all parties are fully involved in a section 47 investigation and fully informed of the reasons for proceeding to an initial child protection conference (ICPC).</p> <p>-Children's Services improved its complaints procedure to ensure all qualifying complaints about children's services complete the three-stage procedure in accordance with the guidance.</p>
Household Waste Collection and Assisted Waste Collection	<p>-Staff were reminded to adhere to the complaints policy and to provide a response or update to the complainant within the specified timeframe.</p> <p>-Waste Services are to implement new software to flag up missed collections, to reduce repeat problems and so a re-collection can be arranged.</p> <p>-Waste Services are also implementing a formal process to notify crews about the assisted service.</p> <p>-Waste Services reviewed what additional checks are needed for the assisted service.</p>
School Transport	<p>-Changed its school transport appeal procedure to ensure it meets the requirements of statutory guidance.</p>

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 now located as part of the Council's Customer Service 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 Complaint Handling Guidance. 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 2020/21 there were 5 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 2020/21 was £1300.

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/)

6.2

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.

6.3 How is risk being managed?

It is important that the Council takes action and learns from the outcome of complaints. Appendix 2 sets out the actions 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.

6.4 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.

6.5 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 included an equality dimension, for instance, two related to assisted household waste collections provided to people experiencing poor health, mobility issues or disability and four Adult Social Care

complaints related to care placements. 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.

6.6 Implications for (or impact on) climate change and the environment

None

6.7 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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Andy Williams	Director of Business, Investment and Culture	-	15/09/2021	04/10/2021
Colin Knight	Director of Transportation and Highways	-	15/09/2021	04/10/2021
Gail Quinton	Deputy Chief Executive		15/09/2021	04/10/2021
Rachael Sherwood	Customer Service Manager- Development and Improvement	Customer and Business Services	15/09/2021	04/10/2021
Jaspal Mann	Policy, Equalities and Diversity Officer	Public Health and Wellbeing	15/09/2021	04/10/2021
John Gregg	Director of Children's Services	-	15/09/2021	15/09/2021
Kirston Nelson	Director of Education and Skills	-	15/09/2021	04/10/2021
Liz Gaulton	Director of Public Health and Wellbeing	-	15/09/2021	04/10/2021
Pete Fahy	Director of Adult Services	-	15/09/2021	04/10/2021
Richard Moon	Director of Project Services & Property Services		15/09/2021	04/10/2021
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Suzanne Bennett	Governance Services Co-ordinator	Law and Governance	15/09/2021	20/09/2021
Names of approvers for submission: (officers and members)				
Barry Hastie	Director of Finance	-	13/10/2021	22/10/2021
Julie Newman	Director of Law and Governance	-	13/10/2021	18/10/2021
Martin Reeves	Chief Executive		13/10/2021	25/10/2021
Councillor G Duggins	Cabinet Member for Policy and Leadership		13/10/2021	25/10/2021

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