



Coventry City Council

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

15 December 2022
18 January, 2023
30 January 2023

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 2021/22

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 20 July 2022, covers complaints to Coventry City Council between April 2021 and March 2022 (2021/22).

This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2021/22. 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 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 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.

List of appendices included:

Appendix 1: Local Government and Social Care Ombudsman Annual Review Letter 2022
Appendix 2: Local Government and Social Care Ombudsman Investigation Decisions in 2021/22 for Coventry City Council

Background papers:

None

Other useful documents

Local Government and Social Care Ombudsman Annual Review of Local Government Complaints 2021-22

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 15 December 2022 and Audit and Procurement Committee on 30 January 2023.

Will this report go to Council?

No

Report title:

Complaints to the Local Government and Social Care Ombudsman 2021/22

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 20 July 2022, covers complaints to Coventry City Council between April 2021 and March 2022 (2021/22). 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 2021/22. 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. 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 15,826 complaints and enquiries in 2021/22 up from 11,830 the previous year. The areas receiving the greatest number of detailed investigations was Children's Services (1069), Adult Services (990), and Housing (397).
- 2.2 For Coventry City Council, the LGSCO received 93 complaints and enquiries in 2021/22, up from a total of 54 the previous year.

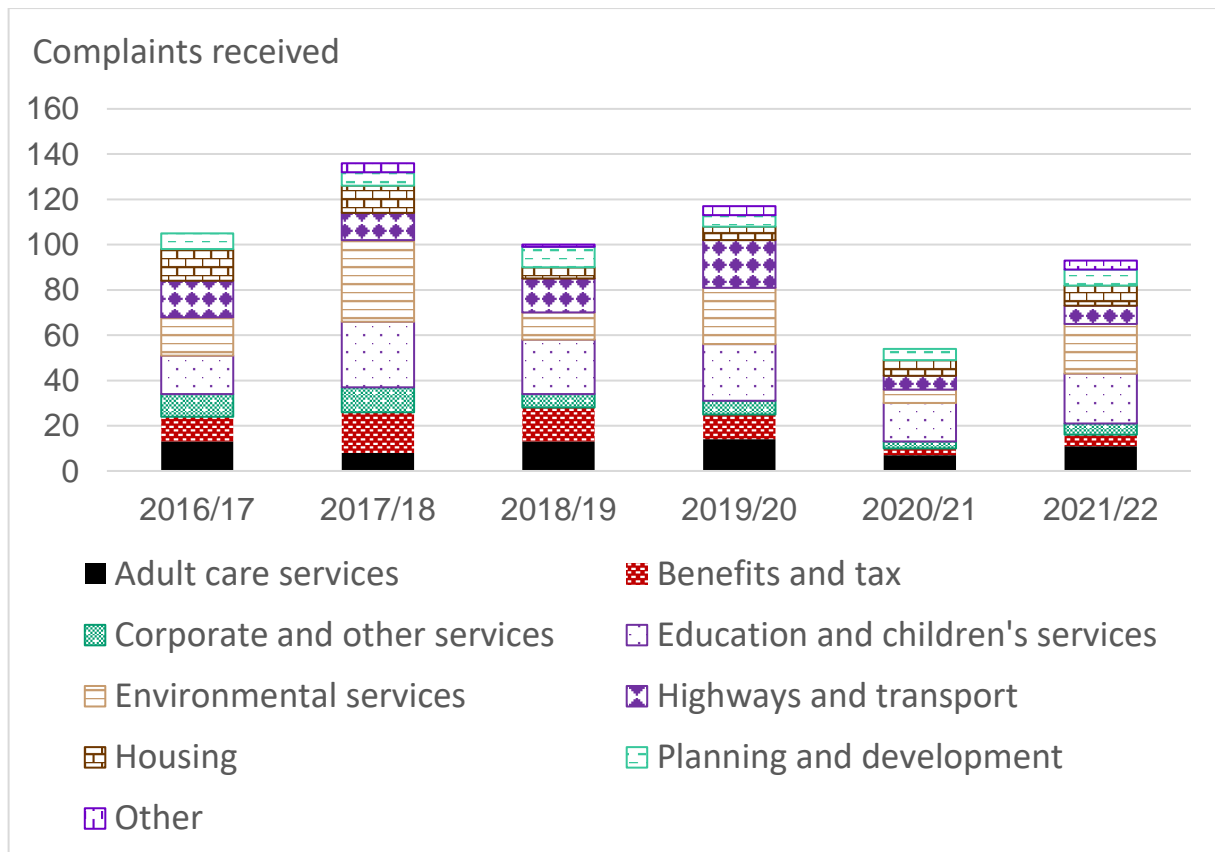
2.3 Figure 1.

Figure 1: Complaints and enquiries received by category

Category (as defined by LGSCO)	Complaints in 2020/21	Complaints in 2021/22
Adult care services	7	11
Benefits and tax	3	5
Corporate & other services	3	5
Education & children's services	17	22
Environmental Services & Public Protection & Regulation	6	22
Highways & transport	6	8
Housing	7	9
Planning & development	5	7
Other	0	4
Total	54	93

2.4 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



- 2.5 In 2021/22 there was a slight increase in complaints and enquiries. There was a significant increase in Environmental services enquiries and complaints. The category with the highest number of complaints and enquiries was education and children's services with 22 (up 17 from 2020/21) and Environmental services also with 22 (up from 6 in 2020/21).
- 2.6 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.
- 2.7 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.
- 2.8 In 2021/22 the LGSCO made **87** decisions up from 66 the previous year:
- **2** incomplete/invalid;
 - **3** advice given;
 - **28** referred back for local resolution.
 - **40** closed after initial enquiries; and
 - **14** complaints investigated, of which **10** were upheld and **4** were not upheld.
- 2.9 The number of complaints investigated (14 complaints) down from previous years (13 in 2020/21, and 22 in 2019/20). The LGSCO upheld a smaller proportion of complaints they investigated than in previous years: 71% of complaints were upheld (10 out of 14) in 2021/22, compared to 77% (10 out of 13) in 2021/20, and 50% (11 out of 22) in 2020/19. This compares to the Chartered Institute of Public Finance and Accountancy (CIPFA) statistical neighbours upheld rate of 62% and West Midlands Combined Authority (WMCA) upheld rate of 73% and a national upheld rate of 66% for 2021/22. 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, 62% of complaints were upheld among Coventry and its 15 statistical neighbours. The authority with the highest percentage of complaints upheld in 2021/22 is Solihull (80%) and lowest is Kirklees (47%). Coventry has the eleven lowest upheld rate (71%).

Local Authority	Not Upheld	Upheld	% Upheld	Total
Kirklees	23	20	47%	43
Salford	10	11	48%	21
Medway	6	7	54%	13
Blackburn and Darwin	1	1	50%	2
Leicester	8	12	60%	20
Wolverhampton	5	8	62%	13
Bolton	8	14	64%	22
Bristol	12	22	65%	34
Bradford	16	30	65%	46
Sandwell	10	20	67%	30
Coventry	4	10	71%	14
Rochdale	5	13	72%	18
Sheffield	5	15	75%	20
Oldham	4	13	76%	17
Derby	1	4	80%	5

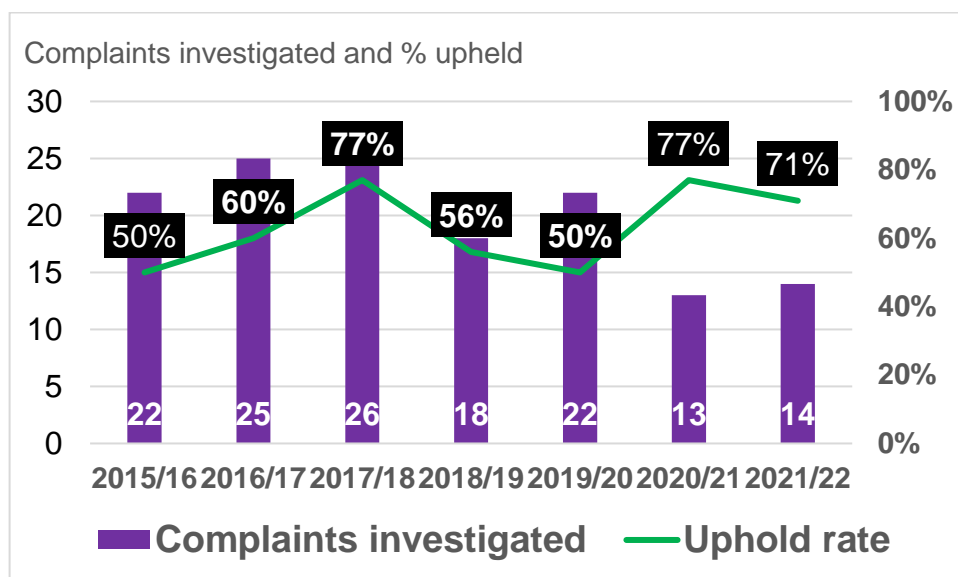
Figure 4: Complaints investigated: comparison with WMCA constituent authorities 2021/21

There were 230 complaints investigated across the WMCA area, of which 170 were upheld and 61 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 2020/21 is Solihull (80%), lowest is Wolverhampton (62%). Coventry is the fourth lowest out of seven on (71%).

Local Authority	Not Upheld	Upheld	% Upheld	Total
Solihull	4	11	80%	15
Birmingham	28	100	78%	128
Coventry	4	10	71%	14
Dudley	7	14	67%	21
Sandwell	10	20	67%	30
Walsall	3	6	67%	9
Wolverhampton	5	8	62%	13

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 7% 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 2021/22 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 the 21 June 2022. The minutes have not yet been approved for this meeting. The Ombudsman found our policy regarding issuing a Community Trigger to be unacceptable. The remedy to satisfy the Ombudsman is due be finalised by September 2022. 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 2021/22 compared to 2020/21

Service area	2021/22				2020/21			
	Upheld	Not upheld	% upheld	Response time (days)	Upheld	Not upheld	% upheld	Response time (days)
Adult social care	3	1	80%	18	4	1	80%	27
Building Control								
Children's services	3		100%	20	1		100%	14
Council tax	1		100%	15				
Greenspace						1	0%	64
Highways		1	0%	15				
Household waste assisted collections	1		100%	0	2		100%	19
Household waste collections					1	1	50%	23
Housing services	1		100%					
Housing Benefit	1		100%	5				
Parking Services		1	100%	15	1		100%	
Planning	1		100%	0				
School Transport					1		100%	
Total	10	4	71%	15	10	3	77%	23

2.14 This year saw a slight increase in the number of details investigations completed 14 compared to 13 in 2020/21. There was an increase in detailed investigations relating to Children's Services & Education, and Household waste collections in 2021/22.

2.15 The LGSCO typically expects councils to respond to investigation enquiries within 20 working days. This target was reached in 2021/22.

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 2021/22 the LGSCO found 10% of upheld cases Coventry had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to 10% in 2020/21 and 18% in 2019/20.

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

169 complaints were upheld in WMCA area and on 12 complaints the Ombudsman considered that the authority provided a satisfactory remedy before the complaint reached them (7%).

Local Authority	Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman		Total Number of complaints upheld
	%	Number	
Solihull	18%	2	11
Coventry	10%	1	10
Sandwell	10%	2	20
Birmingham	7%	7	100
Dudley	0%	0	14
Wolverhampton	0%	0	8
Walsall	0%	0	6

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 2021/22 the Ombudsman was satisfied we successfully implemented all of their recommendations 100%. This was based on 10 compliance outcomes. 3 Adult Services, 3 Education & Children’s services, 2 Benefits & Tax, 1 Planning & Development, 1 Environmental Services & Public Protection & Regulation.

Figure 8: Compliance with Ombudsman recommendations

Local Authority	Complaints where compliance with the recommended remedy recorded	
	Number	% where remedy successfully implemented
Birmingham	7	100%
Coventry	8	100%
Solihull	8	100%
Walsall	8	100%
Wolverhampton	8	100%
Dudley	16	100%
Sandwell	19	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. -Reviewed complaints processes to ensure more robust responses and will be holding training sessions on completing investigations. - Adult Social Care complaints training has been carried out to managers throughout the service area to ensure complaints are being handled correctly and effectively.
Children's Services	<ul style="list-style-type: none"> -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). -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. -To ensure all complaints are acknowledged and dealt with within the Statutory timescales.
Household Waste Collection and Assisted Waste Collection	<ul style="list-style-type: none"> -The Council agreed to review its policies and procedures for assisted refuse collections to ensure refuse workers are properly alerted to new assisted collections; and arrangements remain clear to refuse workers throughout the duration of the assisted collection -The Council agreed to review its policies and procedures for complaints about refuse and recycling to ensure complainants receive considered responses and are told how to escalate their complaint, both within the Council's complaints procedure and to the Ombudsman. Complaints are monitored for repeated issues and promised actions are followed up on.

Regulatory Services-Community Triggers	<p>-The Council are seeking to review the Community Trigger Policy and procedures with its partners, to ensure that it reflects a proactive approach in constructive consultation with partner agencies, looking at what more might be done by any of the partners to tackle the problem.</p> <p>- The Council are to ensure that the relevant officers and Members receive training on how to effectively complete a Community Trigger review so that this fault does not recur.</p>
Planning	<p>-The Council are to review its procedures, so it is clear how to proceed when an application is deferred and then heard afresh.</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 Chief Operating Officer (Section 151 Officer) and the Chief Legal Officer

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 2021/22 there were 4 complaints which resulted in some form of financial remedy or reimbursement. This is detailed in Appendix 2. These were paid out of budgets from the relevant service areas. The amount paid out in 2021/22 was £1400.

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 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.

6.3 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.

6.5 Implications for (or impact on) climate change and 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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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	13/09/2022	13/09/2022
Colin Knight	Director of Transportation & Highways	Transportation & Highways	13/09/2022	26/10/2022
Rachael Sherwood/ Ilius Ahmed	Customer Service Manager- Development and Improvement/ Complaints Officer	Customer & Business Services	13/09/2022	26/10/2022
Jaspal Mann	Policy, Equalities & Diversity Officer	Public Health	13/09/2022	26/10/2022
John Gregg	Director of Children's Services	Children's Services	13/09/2022	26/10/2022
Kirston Nelson	Chief Partnership Officer	Education & Skills	13/09/2022	26/10/2022
Alison Duggal	Director of Public Health and Wellbeing	Public Health	13/09/2022	26/10/2022
Pete Fahy	Director of Adult Services and Housing	Adult Services and Housing	13/09/2022	26/10/2022
Richard Moon	Director of Property Services and Development	Property Services and Development	13/09/2022	26/10/2022
Si Chun Lam	Insight Manager- Intelligence	Public Health	13/09/2022	13/09/2022
Susanna Newing	Chief People Officer	Human Resources	13/09/2022	26/10/2022
Suzanne Bennett	Governance Services Co-ordinator	Law and Governance	29/11/22	29/11/22
Names of approvers for submission: (officers and members)				
Barry Hastie	Chief Operating Office (Section 151 Officer)	Finance	13/09/2022	26/10/2022
Julie Newman	Chief Legal Officer	Law and Governance	13/09/2022	20/09/2022
Martin Reeves	Chief Executive		13/09/2022	26/10/2022
Councillor G Duggins	Cabinet Member for Policy and Leadership		13/09/2022	30/11/2022

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