

Report To:	OVERVIEW (AUDIT) PANEL
Date:	10 September 2018
Reporting Officer:	Sandra Stewart, Director - Governance and Pensions Sarah Dobson, Assistant Director - Policy, Performance and Communications
Subject:	THE EFFECTIVENESS OF LOCAL AUTHORITY COMPLAINT HANDLING
Report Summary:	This report provides a summary of a report published by the Local Government and Social Care Ombudsman (LGSCO) on complaints received by them about local authorities and other social care organisations. This information can be valuable in assessing the Council's performance in handling complaints.
Recommendations:	The Panel are asked to note the content of the report and the intention to report on complaints to this Panel quarterly.
Links to Corporate Plan:	Putting people at the forefront of services is a key element of the Council's Corporate Plan. An effective and robust complaints handling procedure is a necessary step to achieving this.
Policy Implications:	An effective complaint function means that residents who do not receive the best quality service can notify the Council for the purposes of redress and the improvement of services in the future. It is important for the Council to take notice of findings and guidance on complaint handling to aid best practice.
Financial Implications: (Authorised by the Section 151 Officer)	There are no direct financial implications as a result of this report.
Legal Implications: (Authorised by the Borough Solicitor)	<p>The Ombudsman's jurisdiction is covered by the Local Government Act 1974 which defines the main statutory functions for the Ombudsman as:</p> <ul style="list-style-type: none"> • to investigate complaints against councils and some other authorities • to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009). <p>The Ombudsmen's jurisdiction under Part III of the Act covers all local authorities (excluding town and parish councils); police and crime bodies; and school admission appeal panels.</p> <p>The LGO corporate strategy is based upon twin pillars of remedying injustice and improving local public services.</p> <p>The Ombudsman is confident that the continued publication of decisions, focus reports on key themes and the data in the annual review letter is helping the sector to learn from its mistakes and support better services for citizens.</p> <p>Recently, Councils have been urged to scrutinise data on</p>

complaints to improve services. Certainly, the number of complaints about Councils generally that have been investigated and upheld by the Local Government and Social Care Ombudsman (LGO) has increased this year. The LGO has said that “the best Councils use our data to scrutinise the services they provide.” The LGO upholds around 60% of the complaints investigated (an increase of 3% this year)

This reflects a Parliamentary review in 2014 into complaints handling in public services, which found:

- Good organisations welcome complaints as a way of “engaging” with citizens
- Failing to value complaints limits the impact they can have in improving services
- The right culture is critical in helping organisations learn about their services

Members will be acutely aware of the continuing financial constraints being faced by the Council and the tough decisions around service provision that are being taken. The expectation of customers does not reduce in line with the challenges the Council faces. Indeed customers feel more empowered to hold the Council to account; and therefore it is envisaged that more customers will escalate their dissatisfaction beyond the Council’s own complaint procedure, to the Ombudsman. Even as the Council becomes more of an enabling authority and commissioning many services, it remains entirely accountable for those services

It should also be acknowledged that complaints to the Ombudsman do not always involve the Council or its appeals processes or any wrongdoing; but that they come from people who would have liked something more, or better, or a different outcome. It is unlikely that public expectations of services will diminish in the short term and therefore there is no reason to suppose that complaints will fall significantly. Despite these challenges, employees are making every effort to ensure that capacity to respond to the Ombudsman is maintained.

It remains the case that the Council does not receive significant criticism from the Ombudsman and therefore we should continue to deliver services within our own policy and procedure guidelines, as well as within statutory requirements.

It is important that the Council takes even greater measures to ensure that it is able to evidence that it learns from complaints and uses this learning to improve and maintain the quality of the services it commissions and provides.

Risk Management:

Failure to understand complaints received by the Council and analyse volumes and themes overall will lead to a risk of poor service delivery.

Access to Information:

The background papers relating to this report can be inspected by contacting Colm Delaney, Policy Support Officer, on:



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1. INTRODUCTION

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils and some other authorities and organisations, including education admissions appeal panels and adult social care providers (such as care homes and home care providers).
- 1.2 Every July the Ombudsman publishes information on the complaints and enquiries received about individual local authorities and the decisions made during that financial year. This information can be valuable in helping local authorities assess their performance in handling complaints.
- 1.3 The volume of complaints received does not necessarily, in itself, indicate the quality of a council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes, rather than always being an indicator that all is well, can be a worrying indicator that the authority is not alert to user feedback and that service users do not believe that complaining will have an effect.
- 1.4 For further information, please refer to the Local Government and Social Care Ombudsman website at: <https://www.lgo.org.uk/>.

2. KEY POINTS

- 2.1 The number of complaints received by the LGSCO about Tameside Council has remained consistent over the past two years (78 in 2016-17 and 79 in 2017-2018). However, this is an increase of over a third from the 57 complaints received in the period 2015-2016.

Average	2018	2017	2016
Tameside	79	78	57
Greater Manchester	77	74	74
National	87	84	89

- 2.2 There is no one clear driver to explain the increase in complaints from 2016. However, complaints in relation to Environmental Services increased significantly in 2017 before falling again in 2018 and complaints in relation to Planning and Development have gradually increased over the 3 year time period.

Area of Complaint	2018	2017	2016
Adult Social Care	12	13	8
Benefits and Tax	14	10	10
Corporate and Other Services	4	8	5
Education and Children's Services	24	19	20
Environmental Services, Public Protection and Regulation	9	13	5
Highways and Transport	4	4	3
Housing	1	4	2
Planning and Development	11	7	4
Other	0	0	0
Total	79	78	57

- 2.3 The number of complaints received about Tameside Council in the period 2017-2018 is broadly in line with the Greater Manchester average (raw numbers, not scaled). Tameside has a higher proportion of complaints about Education and Children's Services and Planning and Development and a lower proportion of complaints about Highways and Transport and Housing compared to Greater Manchester.

- 2.4 The percentage of complaints about Tameside upheld by the Ombudsman is lower than the Greater Manchester average and slightly lower than the national average.
- 2.5 Please refer to the **Appendix** for further information. In some cases, the number of complaints received and the number of complaints resolved by the LGSCO may not match. This is usually because some cases are received and resolved in different business years.

3. NATIONAL TRENDS

- 3.1 The LGSCO's annual report "Review of local government complaints 2017-18" outlines the key complaint themes nationally for the previous financial year.
- A. **Mental Capacity and Deprivation of Liberty:** Proper checks are not happening or safeguards put in place when councils and care providers make decisions on behalf of people who lack mental capacity to choose how they are cared for. Case studies showed that people were left in situations without the right consent in place and in one case forced to live somewhere against their will for a number of years.
 - B. **Bin Complaints:** Outsourcing of services is a common factor in the complaints upheld about waste and recycling services. While many thousands of bins are collected successfully every day, 81% of the complaints on environmental services investigated the previous year were upheld. The LGSCO calls on councils to ensure proper oversight of their contractors, remembering that they remain responsible and accountable even if they outsource a service, and to appreciate the impact on citizens of the increasingly commercialised nature of waste services.
 - C. **Education, Health and Care Plans:** The LGSCO notes that families of children with special educational needs (SEN) are sometimes facing a disproportionate burden to ensure they get the support they need. After reflecting on investigations about the replacement system for Statements of SEN, they found that families were sometimes suffering excessive delays in getting the right support, with children ultimately failing to reach their potential. Fault was found in nearly 80% of investigations.
 - D. **Bed and Breakfast Accommodation:** It is becoming clear that homelessness is increasingly affecting families outside of the capital, and from professions who previously may never expected to face problems finding somewhere to live. Worryingly, many of the problems highlighted in the LGSCO report on this topic in 2013 still persist today. They also note that there are signs the problems are becoming more acute, with an increase in the length of time families have to stay in unsuitable temporary accommodation.

4. CONSIDERATIONS FOR TAMESIDE

- 4.1 Summarised below are some notes on the Tameside position linked to the national themes identified by the LGSCO.
- A. 43% of care homes are rated 'requires improvement' or 'inadequate' in Tameside, with none rated 'outstanding'. Tameside and Glossop Strategic Commission have established a Quality Improvement Team to support providers in driving up standards across care settings with an ambition to have all care homes rated good or outstanding by 2020. Improvement work will be supported by an Integrated Care and Wellbeing Scrutiny Panel review.

- B.** While Tameside’s waste service is not outsourced in the way described by the LGSCO oversight of service performance is ongoing to ensure. The spike in complaints to the LGSCO could be attributed to the implementation of bin swap. Data from the service show recycling rates increasing year-on-year and the number complaints to the council about the service falling. If the current level of waste complaints in 2018 continues until the end of the year, this will amount to a significant reduction from 2017.

Year	Recycling Rate
2015/16	49.56%
2016/17	53.85%
2017/18	53.10%
2018/Date	57.75%

Year	Waste Service Complaints
2017	390
2018 (until end of July)	74

- C.** An inspection by Ofsted of SEND provision in Tameside is imminent. Detailed preparatory work is currently underway including the development of a self-evaluation, strategic needs assessments and new performance scorecard. These pieces of work and the outcomes from the Ofsted will all drive improvement in this area.
- D.** Homelessness is increasing in Tameside, as in all areas across the country. Unsurprisingly this has led to a corresponding increase in use of Breakfast and Bed accommodation to meet that increasing need. These issues and local plans to address them – including a new Preventing Homelessness Strategy 2018-21 – were discussed by Executive Cabinet at their meeting on 20 June 2018. Further information and a copy of the report can be found in the Executive Cabinet papers on our website [here](#) (Item 14).

5. RECOMMENDATIONS

- 5.1 As set out on the front of the report.