

**Report To:****OVERVIEW****Date:**

9 September 2019

**Executive Member/Reporting Officer:**

Councillor Oliver Ryan, Executive Member (Finance & Economic Growth)

Sandra Stewart - Director - Governance & Pensions

Julie Speakman – Head of Executive Support

**Subject:**

Local Government and Social Care Ombudsman (LGSCO) Annual Report for Complaints monitoring

**Report Summary:**

This report provides a summary of Local Government and Social Care Ombudsman (LGSCO) complaints received by them about Tameside MBC. This information can be valuable in assessing the Council's performance in handling complaints

**Recommendations:**

The Panel is asked to note the content of the update.

The Panel is asked to agree to receive quarterly update reports going forward.

The Panel is asked to note the learning and improvements and to support through future reviews through the scrutiny work programme.

**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. As a leader for the Customer Service Excellence standard it is also important to use this as an improvement tool to inform our custom and practice for service delivery.

**Financial Implications:  
(Authorised by Section 151 Officer)**

There are no direct financial implications as a result of this report.

**Legal Implications:  
(Authorised by the Borough Solicitor)**

The Ombudsman's jurisdiction is covered by the Local Government Act 1974 which defines the main statutory functions for the Ombudsman as:

- 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).

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.

The LGO corporate strategy is based upon twin pillars of remedying injustice and improving local public services.

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. Recently, Councils have been urged to scrutinise data on complaints to improve services.

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 the report writer Julie Speakman Head of Executive Support.

 Telephone: 0161 342 2142

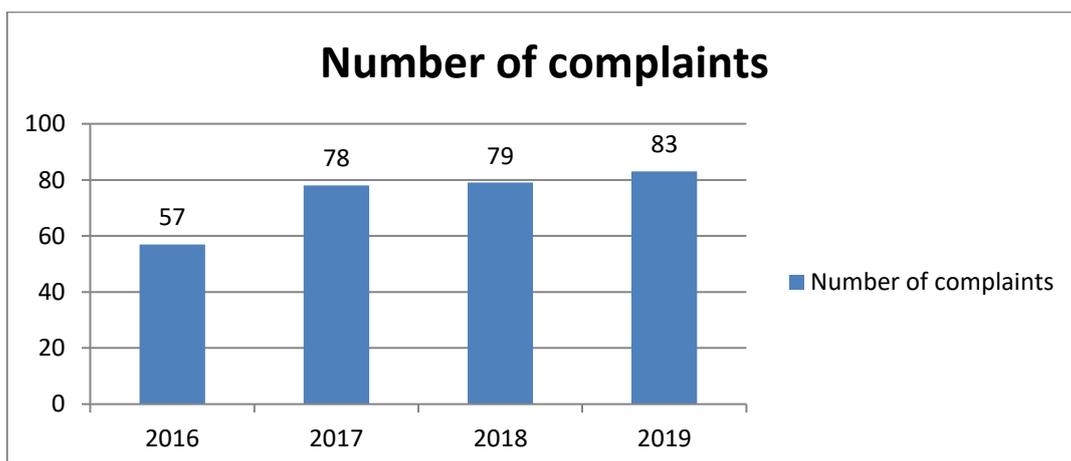
 email: [julie.speakman@tameside.gov.uk](mailto:julie.speakman@tameside.gov.uk)

## 1. INTRODUCTION

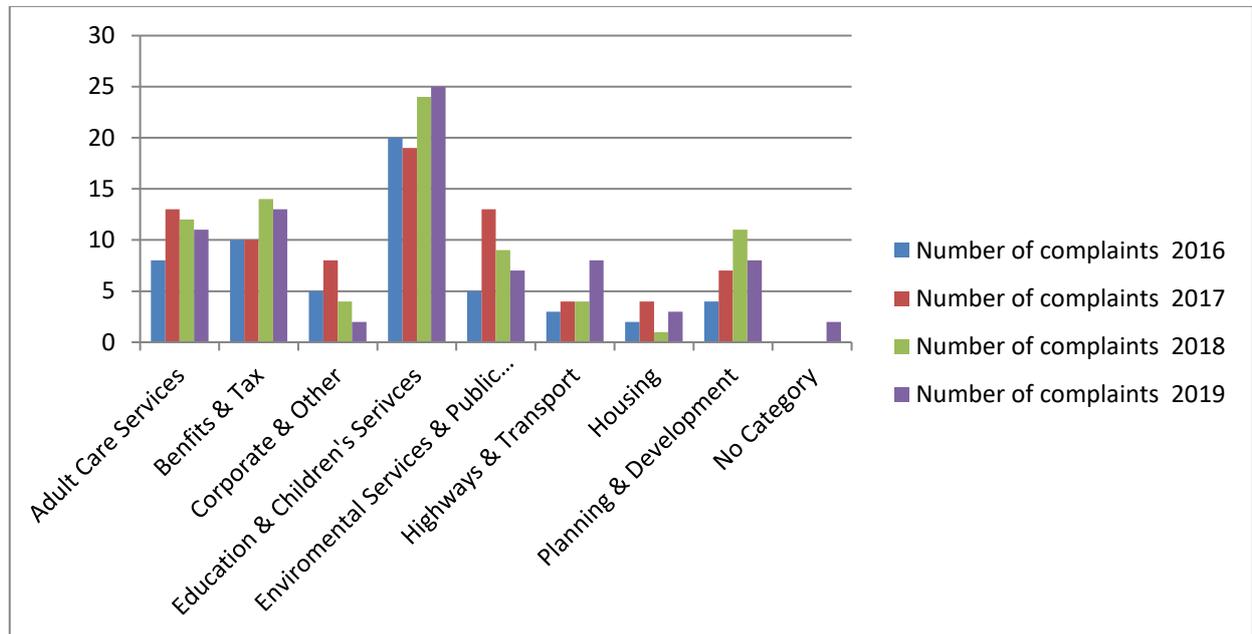
- 1.1 The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils and some other authorities and organisations, including education admissions appeal panels and adult social care providers (such as care homes and home care providers).
- 1.2 Every July the Ombudsman 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. Under a refreshed routine the annual report was reported to Overview, the first time in September 2018, this report provides the most recent report received in July 2019 for the year ending 31 March 2019.
- 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 The annual report is published on the LGSCO website and for the first time this includes data relating to compliance and recommendation made. For further general information, please refer to the Local Government and Social Care Ombudsman website at: <https://www.lgo.org.uk>. A copy of the annual report can be found at Appendix A.

## 2. KEY POINTS

- 2.1 During the period 1 April 2018 to 31 March 2019 the authority received 83 enquiries from the LGSCO which has shown a slight increase on the previous years. The chart below shows the number of complaints received to the ombudsman from 2016 to the reporting period.



2.2 The number of complaints received for the reporting period were made up across a number of service areas and the chart below shows comparison of numbers to previous years:-



2.2 Of the complaints received the table below summaries the LGSCO findings over their 6 reporting categories.

	Closed after initial enquiry	Advice given	Incomplete/invalid	No upheld	Referred back for local resolution	Upheld
Adults Services	2	0	0	0	4	5
Benefits & Tax	5	0	1	0	5	0
Corporate Other	1	0	1	0	0	0
Education & Children's Services	6	0	1	5	10	3
Environmental Services & Public Protection/Regulation	2	0	0	0	6	2
Highways & Transport	2	0	0	1	5	0
Housing	0	0	0	1	3	0
Planning & Development	3	0	0	1	4	1
No Category	0	1	2	0	0	0
<b>Total</b>	<b>21</b>	<b>1</b>	<b>5</b>	<b>8</b>	<b>37</b>	<b>11</b>

### 3. UPHELD DECISIONS

3.1 There were 11 upheld decisions based on a total of 19 detailed investigations during the reporting period which equates to 58% compared to an average of 61% in similar authorities. Please see Appendix B for reference

3.2 In relation to compliance the LGSCO was satisfied the council had successfully implemented the reported recommendations in 100% of cases (8) this compares to an average of 99% in similar authorities. Although it is important to note that for 2 of these

cases albeit complied with and remedies applied, the actions were not completed within the agreed timescales and this was noted at the time for learning for future. Since these cases, the process for review and noting remedies and timescales has been strengthened.

- 3.3 In 18% (2 cases) of the upheld cases the LGSCO found that the council had provided a satisfactory remedy before the complaint reached the ombudsman, this compares to an average of 14% in similar authorities. Please see Appendix C for reference.

#### **4. LGSCO RECOMMENDATIONS**

- 4.1 The LGSCO made recommendations for service improvements on 5 complaints during this reportable period. When the LGSCO find fault they carefully look at the root cause and propose recommendations for improvements to systems and processes so that the issues do not reoccur.
- 4.2 The categories of complaints and the recommendations were made in the areas/themes noted below:-
- Adult Care Services – Direct Payments
  - Adult Care Services – Safeguarding
  - Adult Care Services – Charging
  - Education – School Admissions
  - Children’s Care Services – Child Protection

Further information on these recommendations can be found at Appendix D.

#### **5. LGSCO DECISIONS REPORTED**

- 5.1 As an open and accountable ombudsman service the LGSCO are committed to having transparent decision making processes. The LGSCO publish all of their decisions. Real names are not used. In certain cases where it is not in the complainant's interest or anonymity may be compromised, they can decide not to publish a decision. Decisions are published three months after the date of completion.
- 5.2 This year the LGSO published one public report about the Council detailing failings in how a commissioned care provider communicated with a family in the days leading up to their relative’s death. While the investigation found problems around communication, record keeping and local safeguarding practices, the LGSCO reported they were grateful for the particularly constructive and proactive way the Council responded to the findings, and the clear commitment it showed to learn from the complaint.
- 5.2 All decisions and recommendations are published by the LGSCO for the council and these can be found at Appendix E or by visiting <https://www.lgo.org.uk/decisions>.

#### **6. SUPPORT FOR DEALING WITH COMPLAINTS**

- 6.1 The council recognises the importance of dealing with complaints in a timely and effective manner is crucial. To support officers in the organisation to do this, the LGSCO was engaged in 2018 to deliver their Effective Complaint Handling training course. This was delivered over three themes:-
- a) Adult Social Care
  - b) Children’s Social Care
  - c) General complaints

- 6.2 There were over 50 key line managers that attended the training for their specialist areas and the LGSCO returned in June 2019 to deliver another round of this training to further groups of managers/staff. The feedback from the training has been very positive. Elements of this training and learning is also being built into the councils own organisational and development training programme to further enhance staff learning in this area.
- 6.3 A new corporate complaints case management system has recently been procured and plans are being finalised for the implementation the beginning of 2020. This work will be underpinned with new staffing resources that have been secured as part of a review of the functions that the Executive Support service delivers. These key areas of work will help to ensure that dealing with complaints is paramount to improved service delivery and enhanced customer journey experience.

## 7. LEARNING

- 7.1 As part of the annual data that the LGSCO share with local authorities, there is also a plethora of information that is shared through learning workshops with Information Link Officers that are held across the country and more so a library of material held on the ombudsman's website.
- 7.2 A section of the website that is useful to note is that relating focus reports that have been developed by the ombudsman. Focus reports highlight common or systemic issues the ombudsman sees that are brought to life with case studies from complaints. The focus report share learning from complaints to help other councils and care providers make improvements, contribute to public policy debates and give elected members tools to scrutinise local services and help to inform their future programme of work. The reports can be found by visiting <https://www.lgo.org.uk/information-centre/reports/focus-reports>.
- 7.3 The LGSCO website also provides a library of documents to support elected members in asking questions relating to complaints raised by the public which can be a rich source of information. This information can identify issues that are affecting local people and therefore play an essential role in supporting the scrutiny of public services.
- 7.4 An example of a range of questions and approaches that the LGSCO pose to elected members to consider under the theme of "under pressure" are below as taken from the ombudsman's website. These are particularly aimed at leaders and scrutiny committees and may help to inform the future work programme of Scrutiny Panels.
- How is the council planning for the impact on service users of change programmes?
  - How is the council ensuring that changes to eligibility criteria are lawful, based on need, and properly communicated?
  - How is the council properly managing any organisations acting on its behalf and embedding clear lines of accountability for dealing with complaints and concerns?
  - How is the council ensuring service redesigns avoid a loss of corporate memory and retain continuity for vulnerable service users?
  - How is the council using its own complaint information to anticipate problem areas for service users or training needs of its own staff?
  - How is the council demonstrating it learns from Ombudsman investigations?
- Scrutiny Committees could:
- review complaints information in the wake of councils reviewing and changing eligibility policies. Assess whether the revised policies, and their application, are making permanent improvements
  - review the situation after six or twelve months to see whether any change programmes are achieving the desired outcomes without adverse impacts to service users

## **8. RECOMMENDATIONS**

8.1 As set out on the front of the report.