

Report subject	Complaints and 2019/20 LGSCO annual report
Meeting date	30 September 2020
Status	Public Report
Executive summary	<p>The Local Government and Social Care Ombudsman (LGSCO) provides an independent and impartial service to investigate complaints about Councils, or actions taken by another body on behalf of the Council.</p> <p>The LGSCO provides a report annually which details the number of enquiries, investigations and resolved complaints for each authority in the past financial year. BCP Council's annual report is attached as Appendix A</p> <p>The 2019/20 report shows that the number of enquiries to the LGSCO have risen slightly, as have the investigations, but there has been a fall in the number of investigations upheld by the Ombudsman to 50%. There are no major concerns relating to LGSCO findings.</p> <p>This report includes some details on the number of complaints to BCP Council in 2019/20 (970). However, inconsistencies within identification, recording and monitoring of complaints across the organisation mean that detailed analysis of this data is currently difficult.</p> <p>Adults and Children's Social Care complaints follow a different statutory process and their reports are reviewed at Overview and Scrutiny committee. The Adults Social Care report is attached as Appendix B.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <ul style="list-style-type: none"> - Cabinet note the Local Government and Social Care Ombudsman's Annual Report - Cabinet note the current position with internal complaint reporting
Reason for recommendations	To ensure that Cabinet members are informed of the Council's performance in relation to the Local Government and Social Care Ombudsman.

Portfolio Holder(s):	Leader of the Council – Councillor Vikki Slade
Corporate Director	Julian Osgathorpe, Corporate Director of Resources
Report Authors	Graeme Smith – Policy & Performance Officer
Wards	Council-wide
Classification	For information

Background

1. BCP Council operates a two-stage complaint investigation process for all complaints that sit outside of a statutory complaints process. These are referred to as corporate complaints.
2. There are separate statutory processes for handling complaints relating to Adult Social Care, Children Social Care and for Bournemouth held council housing stock.
3. All stages of the council's complaint investigation process are managed by service units.
4. Policy, process and corporate reporting is managed by the Insight, Policy and Performance Team, for corporate complaints.
5. The Head of Insight, Policy and Performance is the LGSCO Link Officer for BCP Council.
6. If a complainant remains unhappy after corporate and statutory complaints processes have been completed, they are advised to refer their complaint to the LGSCO.
7. The role of the LGSCO is to provide an independent and impartial service to investigate complaints about Councils, or actions taken by another body on behalf of the Council.
8. The remit of LGSCO is limited to complaints of maladministration which have led to injustice, a failure in a service, or failure to provide a service.
9. When aiming to settle complaints, the LGSCO may suggest a financial payment and/or changes in the Council's policy or practices.

10. The LGSCO issues an Annual Review Letter and Report in June/July each year regarding the authorities' performance. The report for 2019/20 is attached as Appendix A to this paper.
11. Their report includes two sets of information:
 - Enquiries and investigations concluded for legacy councils during 2019/20
 - Enquiries received and concluded, and investigations concluded for BCP Council during 2019/20.
12. All reports are sent to Council Leaders, Head of Paid Services and the Chairs of the relevant Overview and Scrutiny panels, to support greater democratic scrutiny of local complaint handling and to ensure effective local accountability of public services.
13. Further information on the Annual Review and summary of statistics can be found on the LGSCO's website www.lgo.org.uk

LGSCO Report Headlines

14. As the Ombudsman notes, the number of complaints taken alone is not a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the upheld rate and alongside statistics that indicate the authority's willingness to accept fault and put things right when it goes wrong.
15. The total number of complaints and enquiries received by the LGSCO for the legacy councils and BCP Council during 2019/20 was 105. This compares to 93 in all legacy councils in 2018/19 and 129 in 2017/18
16. In 2019/20, 28 complaints were subject to a detailed investigation. The LGSCO will only investigate a complaint where there is the possibility that injustice and maladministration has occurred. As a result, most complaints and enquiries received by the LGSCO do not proceed to detailed investigation.
17. Of these, the LGSCO upheld 14. This is an upheld rate of 50% which is below the national average of 61%.
18. Across all authorities, the Ombudsman has highlighted the national upheld rates in Education and Children Services at 72% and in particular relating to Education and Health Care Plans where 91% of all complaints subject to detailed investigation were upheld. For BCP Council, all 3 complaints relating to Children Services that were subject to detailed investigation were upheld, including one relating to Education and Health Care Plans.

19. The complaints that were upheld related to:

Service Area	Number of investigations	Number upheld
Adult Social Care	11	7
Children's Services	3	3
Housing and Community Safety	3	1
Growth and Infrastructure	7	2
Law and Governance	4	1

20. There is no theme to the issues found by the LGSCO, indicating that they are not resulting from systematic issues. Two of the complaints were upheld due to minor errors and no injustice was found to have occurred. Consequently, no remedy was recommended for these.

21. Of the remaining 12, a financial remedy was recommended in 7 and one service improvement was recommended. This related to Adult Care Services in Bournemouth Borough Council and it recommend that the council:

- Remind staff about the timescales involved in complaint handling and, to as far as possible, provide full responses at the earliest opportunity;
- Review processes so the revenues and charging departments are working in partnership to avoid duplication cheques and confusion;
- Review invoicing procedures to look at how invoices are written, and payments reflected to avoid confusion.

22. 100% of all recommended remedies have been actioned to the LGSCO's satisfaction

23. The Council had no reports issued. The LGSCO issued 63 public reports last year. These reports are issued when cases raise serious issues or are of public interest.

End of Year Internal Complaint Monitoring

24. Data collection and quality of reporting is currently inconsistent across the council as we rely on a variety of IT solutions for collecting and monitoring progress with complaint investigation. This does not mean that complaints are not handled responsibly, indeed there are areas of very good practice, but it means that a central view of all complaints is difficult to achieve at the present time.

25. In order to overcome the challenges of legacy approaches and systems a more consistent interpretation and practice in relation to complaint handling will be developed within the next 12 months.
26. Whilst a degree of inconsistency in approach to complaint identification and recording currently exists, the figures below still represent a useful temperature check of the organisation during 2019/20. As all authorities collate and report complaints differently these figures are not able to be reliably compared with other authorities. The LGSCO figures remain the most reliable way to compare local authority complaint performance.
27. Service units reported that 970 complaints were received during 2019/20.

Complaint Categories	Number received
Corporate complaints	646
Adults Social Care complaints	178
Children's Social Care complaints	136
Housing Statutory complaints	10

This covers all stage 1 corporate complaints, statutory social care complaints and housing complaints.

28. Adult and Children Social Care complaints are reported separately to the Health and Adult Social Care and the Children's Services Overview and Scrutiny Committees respectively. The Adult Social Care complaints report is attached at Appendix B. The Children's Social Care complaints report is not currently available as it has not been to Children's Services Overview and Scrutiny Committee yet.
29. It is expected that complaints and learning from them is fed into service planning, development and design processes, as set out in the Performance Management framework, adopted by Cabinet on 9th Sept 2020
30. Often, outcomes to complaints are specific to the case, and there are few general learning points that would influence wider policy or procedure. The LGSCO report that in 2019/20 the outcome for 78% of the cases they investigated was a remedy for injustice for the individual, i.e. an apology, financial redress or provision of service, with the remaining 22% recommending organisational learning and improvement at organisational level, e.g. staff training or procedural change.

31. The introduction of a single customer management system, as part of the transformation programme, will improve the quality and consistency of complaint management data and opportunities to gather learning points going forward

Summary

32. The LGSCO annual report provides the most reliable picture of performance at this stage and this indicates that BCP Council is performing well compared to the national picture.
33. There will be opportunities to improve the efficiency of complaint management, recording and reporting processes through the development of a single customer case management system, due to be delivered as part of the council's transformation plans in due course.

Summary of financial implications

34. In 2019/20 the Ombudsman recommended seven instances of financial redress costing BCP Council £3,250.

Summary of legal implications

35. There are not legal implications in this report.

Summary of human resources implications

36. There are no human resources implications in this report.

Summary of environmental impact

37. There are no environment impacts in this report.

Summary of public health implications

38. There are no public health implications in this report.

Summary of equality implications

39. None of the upheld complaints indicated any equalities related implications.

Summary of risk assessment

40. There are no risks identified in this report.

Background papers

BCP Council Complaints Handling Guidance
BCP Council Performance Management Framework

Appendices

Appendix A – LGSCO 2019/20 report

Appendix B – Adult Social Care 2019/20 Complaints Report