



Report subject	<b>Complaints and 2020/21 LGSCO annual report</b>
Meeting date	29 September 2021
Status	Public Report
Executive summary	<p>The Ombudsman’s national report has highlighted that there is an increased strain upon Council complaints processes nationally with the Ombudsman upholding 67% of the complaints it investigates nationally.</p> <p>BCP Council’s figures reflect the national picture, with the uphold rate slightly above the national average at 69%. The cost of upheld complaints is increasing with Ombudsman financial remedies costing BCP Council £5,877 in the last financial year, 2020/21.</p> <p>The trends highlighted by the Ombudsman have continued so far in 2021/22 for BCP Council. The current uphold rate for investigated complaints up to end of July 2021 is at 73%, with financial remedies so far costing more than £12,750.</p> <p>Work is underway to centralise complaint handling which is expected to ease pressure on frontline services and enhance the quality and speed of complaint resolution.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Cabinet note the Local Government and Social Care Ombudsman’s Annual Report</b></p> <p><b>Cabinet note the plans for future complaint handling</b></p>
Reason for recommendations	<p>Good public administration is more important than ever and managing complaints effectively is not simply a transactional process. The public experience of local services provides unique insight that can be harnessed as a key driver for learning and improvement.</p> <p>Cabinet members should be kept informed regarding the Council’s performance in relation to the Local Government and Social Care Ombudsman and of the steps it is taking to improve the way the council manages complaints.</p>

Portfolio Holder(s):	Councillor Drew Mellor – Leader of the Council
Corporate Director	Graham Farrant
Report Authors	Graeme Smith, Policy 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 processes are currently managed within service units.
4. Local Government & Social Care Ombudsman (LGSCO) enquiries and investigations, complaints policy, process and corporate reporting is managed by the Policy and Research Team.
5. The Head of Policy and Research 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 councils' policy or practices.
10. The Ombudsman provides an annual review in July of each year detailing the numbers of complaints they have received, determined and upheld across the UK. They also provide a breakdown report for each local authority providing the same information at authority level.
11. The last financial year began with the Ombudsman having paused all casework and closed to new complaints. This was a decision the Ombudsman took to ease pressure on Local Authorities at the height of the first Covid-19 lockdown. The Ombudsman resumed activities in late June 2021, representing a complete closure of almost three months. The Ombudsman then took a phased approach to the resumption of activities. Consequently, this year's figures are not entirely comparable to the previous year's.

## Headlines from the Ombudsman's National Report

12. The Ombudsman has highlighted the 'widening cracks' in local government complaint handling. Over the past year, the Ombudsman has upheld a greater proportion of investigations – 67% – than ever before. The previous year this rate was 61%. This continues an upward trend since the Ombudsman started publishing its uphold rate.
13. Despite being closed to new complaints at the height of the first COVID-19 lockdown, and so registering fewer complaints than recent years, the Ombudsman still received 11,830 complaints and enquiries from members of the public. The investigations undertaken over the past year have led to 3,104 recommendations to put things right for individuals.
14. There has been an increase in the frequency of recommendations where the Ombudsman has recommended actions such as changing and revising procedures and training staff. This suggests that the Ombudsman is increasingly finding systemic issues rather than one off mistakes.
15. The Ombudsman is still seeing high levels of compliance with its recommendations, with councils carrying out those recommendations in 99.5% of cases.
16. Michael King, Local Government and Social Care Ombudsman, said:

*"We've been issuing our annual reviews for the past seven years now and, while every year has seen its challenges, this year seems to have been the most difficult for local authorities.*

*While the way local authorities dealt with the pressures of COVID-19 is still being played out in our casework, early indications suggest it is only widening the cracks that were already there and has deepened our concerns about the status of complaints services within councils. These concerns are not new and cannot be wholly attributed to the trials of the pandemic.*

*I am concerned about the general erosion to the visibility, capacity, and status of complaint functions within councils.*

*Listening to public complaints is an essential part of a well-run and properly accountable local authority, committed to public engagement, learning, and improvement. I know the best councils still understand this and put local democracy and good complaints handling at the forefront of their services."*
17. Over the past 12 months, the Ombudsman has found fault in more than three quarters of complaints investigated about Education and Children's Services (77%), the previous year was 72%, across all councils.
18. There was an increase in the uphold rate of all categories of complaint, other than Environmental Services and Protection, which typically include complaints about refuse and recycling, noise, pollution and licensing.

## Ombudsman report for BCP Council 2020/21

19. Much of the Ombudsman's national report is reflected in the report for BCP Council. Despite the three-month closure to new complaints the Ombudsman still received 98 complaints in 2020/21 relating to BCP Council, compared to 105 in 2019/20.

20. The Ombudsman determined 82 complaints compared to 112 the previous year. The Ombudsman will not determine the same number of complaints as they received in any one year as the time taken to review complaints means they will not determine all of them by end of year. Of the 98 complaints received last year 30 remained undetermined at end of year.
21. The number of cases determined by the Ombudsman are limited by Ombudsman capacity so it is likely that this number will remain fairly consistent over time. A number of our current open complaints are awaiting allocation to investigator, suggesting that capacity is an issue for the Ombudsman. Therefore, the number of complaints determined may not be a strong indicator of complaint performance. Indeed, it may be arguable that a fall in the number of complaints determined without a fall in complaints received would be indicative of more investigations and therefore greater concern about the quality of investigations. This is because the Ombudsman is selective about those complaints that it investigates in detail and will only investigate complaints where they believe there is the possibility that they may find fault.
22. The table below shows the number of complaints the Ombudsman received, determined and investigated for BCP Council last year:

	<b>Received</b>	<b>Determined</b>	<b>Investigated</b>	<b>Upheld</b>	<b>Uphold Rate</b>
<b>Adult Care Services</b>	14	16	5	4	80%
<b>Benefits &amp; Tax</b>	3	2	-	-	-
<b>Corporate &amp; Other</b>	9	6	1	1	100%
<b>Education &amp; Childrens Services</b>	18	12	3	2	66%
<b>Environmental Services &amp; Public Protection &amp; Regulation</b>	16	14	1	1	100%
<b>Highways &amp; Transport</b>	9	6	-	-	-
<b>Planning &amp; Development</b>	18	17	3	1	33%
<b>Housing</b>	10	8	-	-	-
<b>Other</b>	1	1	-	-	-
<b>Total 2020/21</b>	<b>98</b>	<b>82</b>	<b>13</b>	<b>9</b>	<b>69%</b>
<b>Total 2019/20</b>	<b>105</b>	<b>112</b>	<b>28</b>	<b>14</b>	<b>50%</b>

23. Because there is a low number of investigated complaints in each category the uphold rate is fairly meaningless at a category level. However, as a total, it is clear that the uphold rate is on the rise and we are now above the national average for complaints upheld (67%).
24. Of the 9 complaints upheld this year the Ombudsman recommended a financial remedy in 5 cases for a total value of £5,877. This represents an increase in value of awards over the previous year where a financial remedy was recommended in 7 cases for a total value of £3,250.

#### **Ombudsman Cases Determined Between 1 April 2021 and 30 July 2021**

25. The trends that the Ombudsman report has identified have continued for the first four months of this year. To date we have been made aware of the Ombudsman determining 23 complaints, of which 11 were investigations. Eight of these have been upheld giving an uphold rate of 73%. Financial remedies have been proposed for five of these, totalling more than £12,750.

#### **Internal Monitoring of Complaints**

26. Data collection and quality of reporting is inconsistent across the council as we don't have a single system or IT solution for collecting and monitoring progress with complaint investigation.
27. Legacy practice and processes for identifying as well as recording and managing corporate complaints have yet to be harmonised. This has meant that there is often a different interpretation of what constitutes a complaint across the authority and within service units.
28. Because of the inconsistency in approach to complaint identification and recording, we are unable to provide a meaningful indication of the service level performance.
29. Anecdotally we are aware that some services are struggling to cope with the demands of complaints, leading to delays in responses. This would suggest that there is a capacity issue in some units, driven by an increase in complaints or a reduction in resource, or a combination of the two.

#### **Planned Complaint Management Actions**

30. Corporate Management Board have agreed to proceed work to develop a centralised unit which will handle all complaints. This was shared with and endorsed by the Directors Strategy Group at its July meeting.
31. This should ease pressure on services, enhance the quality and speed of complaint resolution and reduce the Ombudsman upheld rate.
32. It is worth noting that Dorset Council has a central complaint unit and in the financial year 2020/21 had higher numbers of complaints investigated (30) and upheld (17) but a lower uphold rate (57%). Additionally, in 18% of the complaints upheld by the Ombudsman Dorset Council had already provided a satisfactory remedy in contrast to BCP where no upheld complaints already had a satisfactory remedy. Nationally the average is 10%.
33. The centralisation of complaints will provide independent complaint review, reduce the number of times complaints are handled as the corporate two stage process can be reduced to one, and provide a much clearer picture of complaints received and responded to by the authority, enabling the identification of cross-service trends and the dissemination of learning across the organisation.

34. As the LGSCO are finding more fault with policy, process and procedure rather than individual mistakes, it is timely and appropriate to learn from these through the Transformation programme.
35. The development of a central service will closely link to the Customer Services work package of the wider Transformation programme. One of the desired outputs would be integrating complaints handling into a single customer relationship management system.

#### **Summary of financial implications**

36. In 2020/21 the Ombudsman recommended five instances of financial remedies costing BCP Council £5,877. Whilst the financial remedies from last year have been met, this amount has already been exceeded in 2021/22 and there may be further in year financial risks to the council.

#### **Summary of legal implications**

37. There are no legal implications from this report.

#### **Summary of human resources implications**

38. There are no human resources implications from this report.

#### **Summary of sustainability impact**

39. There are no sustainability impacts of this report.

#### **Summary of public health implications**

40. There are no public health implications of this report.

#### **Summary of equality implications**

41. None of the upheld complaints indicated any equalities-based implications.

#### **Summary of risk assessment**

42. The absence of a single complaints management system makes it difficult to understand the full impact of complaint investigation on service units operational activity. We are seeing increasing delays in responses to complainants and to enquiries from the LGSCO.

#### **Background papers**

[Complaint process](#)

[Complaint handling guidance](#)

#### **Appendices**

- 1 LGSCO 2020/21 Annual Report