

Report subject	Local Government and Social Care Ombudsman Annual Report 2021/22 and Complaints Update
Meeting date	26 October 2022
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 previous financial year. BCP Council's annual report for 2021/22 is attached as Appendix A.</p> <p>The report shows that the number of complaints upheld by the LGSCO is comparable to that of like organisations, that compliance with recommendations is at 100% - compared to 99% average in others.</p> <p>It notes that we are below average for providing a satisfactory remedy to complaints before they reached the LGSCO and notes delays in receiving responses from the Council, which we are working to ensure improves in the future.</p> <p>This covering report includes a comparison of this council's performance to its CIPFA neighbours which aligns with the findings of the Ombudsman and that the LGSCO investigated more complaints from this council than its neighbours.</p> <p>It also includes some detail on the number of complaints to BCP Council during 2021/22 however, inconsistencies within identification, recording and monitoring of complaints remains a challenge so detailed analysis is not possible.</p> <p>Adults and Children's Social Care complaints follow a different statutory process and their reports will be reviewed separately at Overview and Scrutiny committees.</p>
Recommendations	<p>It is RECOMMENDED that Cabinet:</p> <ul style="list-style-type: none"> - Receive and note the content of the report
Reason for recommendations	To ensure good oversight of complaint management

Portfolio Holder(s):	Councillor Drew Mellor, Leader of the Council
Corporate Director	Graham Farrant, Chief Executive
Report Author	Graeme Smith – Policy and Performance Officer Bridget West – Head of Insight, Policy & Performance
Wards	Council-wide
Classification	For Decision

Background

1. The Local Government and Social Care Ombudsman (LGSCO) is the final arbitrator of complaints relating to the services provided by BCP Council (excluding housing landlord complaints which are handled by the Housing Ombudsman).
2. The LGSCO publishes an annual report which details the interactions that the Ombudsman has had with complaints about each local authority for the preceding year.
3. Their report, at Appendix 1, relates to enquires or complaints received during 2021/22 and to investigations that were concluded during that year.
4. Please note that the concluded investigations, which the performance tables relate to, are mainly for complaints received prior to April 2021.
5. In 2021/22 the Ombudsman investigated 34 complaints relating to services provided by BCP Council,
6. They upheld 22, giving a 65% uphold rate which is on a par with the national uphold rate for similar authorities of 64%.
7. Where the Ombudsman made recommendations, we complied in 100% of cases and in 1 case where the Ombudsman found fault they considered that we had already provided a satisfactory remedy.
8. The Ombudsman's report for BCP Council highlights delays in receiving responses to their enquiries from the Council. They initially inaccurately reported that we had been summoned to their office to provide information. They have since corrected this and apologised for this error and uploaded a new report to their website.
9. The Ombudsman is openly increasingly focusing on making wide-ranging recommendations to better council services. In the past financial year, the LGSCO has directed more improvements to local councils than ever before.
10. The Ombudsman's own Annual Review states that although their role is to remedy individual people's problems, it is increasingly looking at how it can make sweeping recommendations on the back of those complaints to help councils learn and improve services for everyone.
11. The Ombudsman's expansion of its remit has led to an increase in the remedy awarded in individual cases and this remains a risk to the council.

Internal processes

12. Initial LGSCO enquiries come into the Policy Team, who log them in a central register, collate requested information from the Service Unit complaints contacts and pass this on to the LGSCO. The Policy Team are normally the single point of contact between the LGSCO and the Council.
13. The LGSCO log is the only central complaints log we have and there have been some delays in requesting and some delays retrieving information requested.
14. We are working to improve the LGSCO case management process and working with service units to encourage timely responses to LGSCO enquiries. Going forward, delays in responses from service units will be escalated to the relevant service director sooner, to help ensure that responses are sent in a timely manner.
15. At the time of the report, there were no overdue responses due to the LGSCO.
16. The Ombudsman has not commented nationally on trends regarding delays in responding to their enquiries. However, it is clear that other authorities are struggling to deliver their requirements in a timely manner, with the Ombudsman reporting that 18% of all remedies nationally are delivered late.

Breakdown of Ombudsman Complaint figures for 2021/22

17. In the last financial year, the Ombudsman concluded investigations into 34 complaints relating to BCP Council.
18. Only 10 of these were received in 2021/22. All others were received in 2020/21 and 2019/20.
19. Complaints that take longer to conclude are also more likely to be upheld
 - Of the three that were received in 2019/20 all were upheld
 - Of the 21 received in 2020/21, 14 were upheld – 67%
 - Of the 10 received in 2021/22, 5 were upheld – 50%
20. This is important as it means that positive impacts of any changes to the complaints management process may not be seen in Ombudsman figures until a few years after their implementation
21. During 2021/22, the Ombudsman upheld 22 of the complaints investigated - 65%.
22. There was an increase in the number of complaints the LGSCO investigated last year, compared to previous years.
23. There was one public report last year. This related to actions taken by Children's Services in a legacy authority. The Ombudsman found the Council was not paying friends and family foster carers the correct allowance. It asked the council to look at whether other foster carers were being similarly underpaid. Six additional families received their missed support as a result of this intervention and the Council put in place changes to ensure this would not happen again.

Comparison to other authorities

CIPFA Neighbour	Complaints Investigated	Complaints Upheld	Uphold rate	Compliance	Satisfactory remedies put in place before investigation
Southend-on-Sea	8	7	88%	100%	0%
York	22	19	86%	100%	11%
Warrington	11	9	82%	80%	0%
Bedford	10	8	80%	100%	13%
Swindon	10	8	80%	100%	13%
Cheshire West & Chester	23	17	74%	100%	6%
Plymouth	15	11	73%	100%	27%
South Gloucestershire	11	8	73%	100%	0%
Torbay	28	19	68%	100%	11%
BCP Council	34	22	65%	100%	5%
Cheshire East	29	18	62%	100%	11%
East Riding of Yorkshire	25	15	60%	100%	7%
North Somerset	9	5	56%	100%	0%
Northumberland	29	15	52%	100%	27%
Bath and North East Somerset	7	3	43%	100%	33%
Shropshire	19	8	42%	100%	0%
LGSCO National Average			64%	99%	12%

24. This table shows the council had more complaints investigated and upheld by the LGSCO than it's CIPFA neighbours but, an average uphold rate.

The council has already reached out to some of the CIPFA neighbours and other Local Authorities to identify best practice.

25. The Ombudsman only investigates complaints where they believe they may be able to find fault. As BCPs final uphold rate is average, this indicates that we need to improve our complaint investigation process and final complaint investigation

reports. If we more clearly articulate why we are at fault, when we determine we are, we may be able to reduce the numbers of complaints investigated.

26. In line with agreed procedures, complaint investigation and review is managed in service units, with the exception of Planning complaints, which are currently investigated independently by the Policy Team.
27. This has led to an improvement in resolution times and a reduction in the number of planning complaints upheld by the LGSCO. None of those escalated to the LGSCO have been upheld since they have been independently reviewed. Most planning complaints are closed after initial enquiries because the Ombudsman is unlikely to find fault.
28. The Policy Team will continue to work with services and designated complaints officers to help improve the way we engage with complainants.
29. The team will update the templates for final investigation reports with prompts to set out more clearly what has been reviewed and the findings.
30. Whilst this is unlikely to reduce the number of complaints received by the Ombudsman, it may reduce the number they investigate and increase the number that have satisfactory remedies put in place before investigation.

Financial Remedies

31. Generally, the LGSCO are awarding higher financial remedies. It seems that for cases where the Ombudsman is awarding remedies for the time and trouble caused in making a complaint, the going rate has increased from £100 to £200 for each complaint.
32. BCP Council has seen an increase in the number and value of financial remedies awarded against it.
33. The financial remedies are by necessity dependent on the nature of the complaint, the error and the financial loss suffered and as a result and the public report referred to earlier in the report, one remedy had a disproportionate impact on the council last year.

Learning

34. Each complaint is reviewed on its own merits and sometimes the causes of fault are unique to the case.
35. However, recently upheld cases have shown there are areas for potential learning and improvement that can be applied to all services and complaint responses:
 - Access needs – there is currently no process in place to identify residents with different needs to access services or to make a complaint. This has led to an inconsistency of treatment for some individuals.
 - Keeping in touch – a number of complaint decisions have identified that whilst the council's process has not been at fault the authority has been at fault where it has not communicated properly or in a timely with the complainant.
 - Following own processes – a number of complaints have been upheld where the authority has not followed its own process for providing a service or responding to an issue. This should be identifiable early in the complaints process if this is the case.

36. Reports with detailed learning from the statutory complaints services, Adult Social Care and Children's Services, will be presented later this year to the Health and Adult Social Care or Children's Services Overview and Scrutiny Committees respectively but some their learning headlines are:

Children's Services

- A locality model is in place and there is now a more seamless transition between social work teams and Early Help teams.
- The council has a robust strategy in place to ensure there is only one case management system operating across Children's Social Care and the remedial work is underway. In the meantime, staff who are required to access Care Director are offered training by a dedicated team of officers who have extensive experience and knowledge in this database.
- For children in care, all young people's post 18 accommodation needs are now considered at 17 years and 6 months, this is embedded in team's practice.
- A new coproduction charter has been adopted, which was itself coproduced with representatives from parent carer organisations, to ensure a culture of respectful coproduction with families going forward. In addition, the SEN Casework Team are currently working to a communication protocol which states that families will receive a response to any queries as soon as possible and will wait no longer than five working days for any response.
- The Council has recruited to the SEN Team to add additional capacity to perform EHCNA. Capacity is also being increased within the business support team to ensure efficient and timely processing of correspondence. The way that EHCNA's are processed has been changed, reducing the number of participants in each area in efforts to streamline the process which allows the case officers greater control over efficiency.

Adult Social Care

- Strengthen the process for letting a client know that they may need to contribute to their care costs.
- Review procedures for monitoring commissioned care providers, where concerns have been identified in their service, to ensure the required improvements have been made and are being maintained.
- Use of restricted contact measures and a care act assessment - a reassessment took place as part of the ombudsman recommendations and operational staff were reminded of how to use the Unreasonable Complaints Process when required to manage inappropriate contact/complaints.
- Users wanting to reduce their package of care despite social worker advice and risk assessment - practice briefings designed around Charging Declaration and Risk Assessments, delivered via staff networks.

Year to date

37. Since the beginning of this year, the LGSCO have resolved 40 cases, which include cases opened in previous years. While a number were closed after initial enquiries or found to be premature, 18 were investigated. A summary of the outcomes is shown below.

Service Unit	Investigated	Upheld
Adult Social Care	6	4
Children Services	3	3
Communities	3	3
Environment	1	0
Development	1	1
Finance	1	0
Housing	1	1
Planning	1	0
Transport and Engineering	1	0
Total	17	12

38. We currently have 38 open LGSCO cases.

Inhouse complaint activity and management

39. There is no central case management system for complaints which means that we cannot get an accurate picture of the complaints received by BCP as a whole, or what happens to them after they are received.
40. From August last year a single point of entry for all online complaints was created using MS Dynamics. Between August 2021 and end of July 2022, 3,347 complaints were recorded.
41. People use this point of entry to report issues that can be easily remedied so not all the issues raised go through a formal complaint process.
42. As such these figures cannot be relied on but they do provide a useful illustration of the scale of the Ombudsman complaints in relation to complaints received by the authority more generally.
43. The 34 complaints investigated by the Ombudsman in 2021/22 represent around 1% of the annual complaint contact, and those upheld is just 0.65% of all complaints received.
44. Complaints are also made by post, email, over the phone or in person so these are in addition to the those recorded in the Dynamics system.
45. First point resolution remains the key objective of the complaints process and the development of the Customer Frontdoor through the Customers Service workstream of the Transformation programme will, together with appropriate training and support to officers, help to improve current complaint handling processes in the council.
46. The centralising of complaints handling is still under review. This would improve oversight of all complaints and provide more independent review and quality assurance. This accompanied by an appropriate complaints management system should improve response times for both complainants and the Ombudsman.

Summary of Financial Implications

47. There are no financial implications from this report however, there may be some in year remedy costs that have yet to be determined.

Summary of Legal Implications

48. There are no legal implications from this report

Summary of Human Resources Implications

49. There are no Human Resources implications from this report.

Summary of sustainability impact

50. There are no identified sustainability impacts from this report.

Summary of public health implications

51. There are no identified public health implications from this report.

Summary of equality implications

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

Summary of risk assessment

53. The absence of a single complaints management system makes it difficult to understand the full impact of complaint investigation on service units' operational activity. The Ombudsman has highlighted increased delays in responses to complainants and to enquiries from the LGSCO.

Summary & Recommendations

Appendices

Appendix 1: LGSCO 2021/22 Annual Report