

WEST NORTHAMPTONSHIRE COUNCIL CABINET

11th October 2022

Leader of the Council: Cllr Jonathan Nunn,

Report Title **Local Government and Social Care Ombudsman Annual Review
2021-2**

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List of Appendices

- **Appendix A** – LGSCO (Local Government and Social Care Ombudsman) Annual Letter for West Northants Council 2021-2
- **Appendix B** – LGSCO Review of Local Government Complaints 2021-2

1. Purpose of Report

- 1.1 For Cabinet to consider the learning and recommendations from the LGSCO's Annual Review Letter and recognise the Council's comparative performance in relation to the national issues identified by the Ombudsman over the last 12-month period 2021-2
- 1.2 The Annual Review Letter is shared with the Leader of the Council, the Chair of the appropriate Scrutiny Committee and Members to encourage effective ownership and oversight of complaint outcomes.

2. Executive Summary

- 2.1 This report provides details of the Council's performance relating to volume of cases, timeliness of responses, learning and recommendations that have been implemented to resolve any identified failings and remedy injustice in individual complaints. It also highlights the key messages of the Ombudsman's national review into local authority complaints identifying areas of concern and offers recommendations for improving the Local Authorities complaints handling in line with best practise.
- 2.2 An annual letter from the Local Government and Social Care Ombudsman's (LGSCO) office was issued to all local authorities on 27th July 2022. The letter gives details about the complaints and enquiries received in the period (April 2021 to March 2022) that have been assessed and / or investigated by the Ombudsman's office, the decisions made in that period and the Council's compliance with the recommendations recorded during the period.
- 2.3 The period covered in this annual letter includes some legacy complaints that originated with the sovereign authorities but were 'decided' on last year. Most of these complaints were made during the pandemic, which has in some instances impacted on the service delivery and timescales before the complaint reached the Ombudsman.
- 2.4 Whilst some complaints originated with the sovereign Council the Ombudsman's Annual Review Letter covers performance in the period following transition to West Northants Council and all the Ombudsman enquiries received in this period were managed by the centralised Complaints Team.
- 2.5 The annual review letter is a public document and is published on the Ombudsman's website. This annual letter was published on 27th July 2022 and individual case outcomes are anonymised and published throughout the reporting period. A high-level performance summary is provided on the interactive performance map hosted on www.lgo.org.uk.
- 2.6 The covering letter from the Ombudsman's office highlighted that over half of the Ombudsman's enquiries were not responded to within the timescale.
- 2.7 This report considers how the process for administering and responding to Ombudsman enquiries can be supported to improve the timeliness of responses and reduce escalations through -
 - An Increased focus on 'early contact' with complainants

- The profile of LGSCO enquiries to be raised internally
- For a clear escalation route to be agreed for any identified delays in complaints handling
- For the Council to produce local remedies guidance to support managers to offer a small financial remedy to customers where complaints are upheld and there is straightforward evidence of maladministration and / or injustice to the customer

2.8 The report also considers how practice can support the Ombudsman's best practise guidance to

- Mutually agree (I.e., Council and the complainant) the remedy at an early stage; so that complaints are not escalated;
- Learn from complaints and implement actions as a result
- meet complaints deadlines

3. Recommendations

Cabinet is recommended to:

- a) Note the proposed improvements to the process for administering and responding to Ombudsman enquiries in paragraph 2.7.
- b) Note the proposed practice improvements set out at paragraph 2.8.

4. Reason for Recommendations

The recommendations are focussed on encouraging local resolution at an earlier stage in the complaints process and to empower managers to resolve complaints at a local level and increase the satisfaction rate of cases remedied before they reach the LGSCO.

5. Report Background

- 5.1 The central Complaints and Compliments Team administered **x 131** contacts from the LGSCO in this period. Not all these contacts have resulted in detailed investigations and some cases were closed after initial enquiries where there was no evidence of fault by the Local Authority, because they were 'premature' and needed to complete our local complaints procedure first OR the complainant was signposted to another process (i.e., appeal / Court / another regulatory body).
- 5.2 We had anticipated the criticism around the 'timeliness' of responses within the annual letter and it should be noted that whilst this is partially attributable to the transition to becoming a unitary council it is also due to extensions being requested for several cases where there have been resource pressures in services. If an extension is requested then the LGSCO still class this as a '**late**' response, they will also class a case as '**late**' if the resulting recommendations are not carried out in time.
- 5.3 To maximise the learning and improvement from the Ombudsman complaints' focus should be maintained on complaints that reached a detailed investigation and were '**Upheld.**'

West Northamptonshire Council For the period ending: 31/03/22

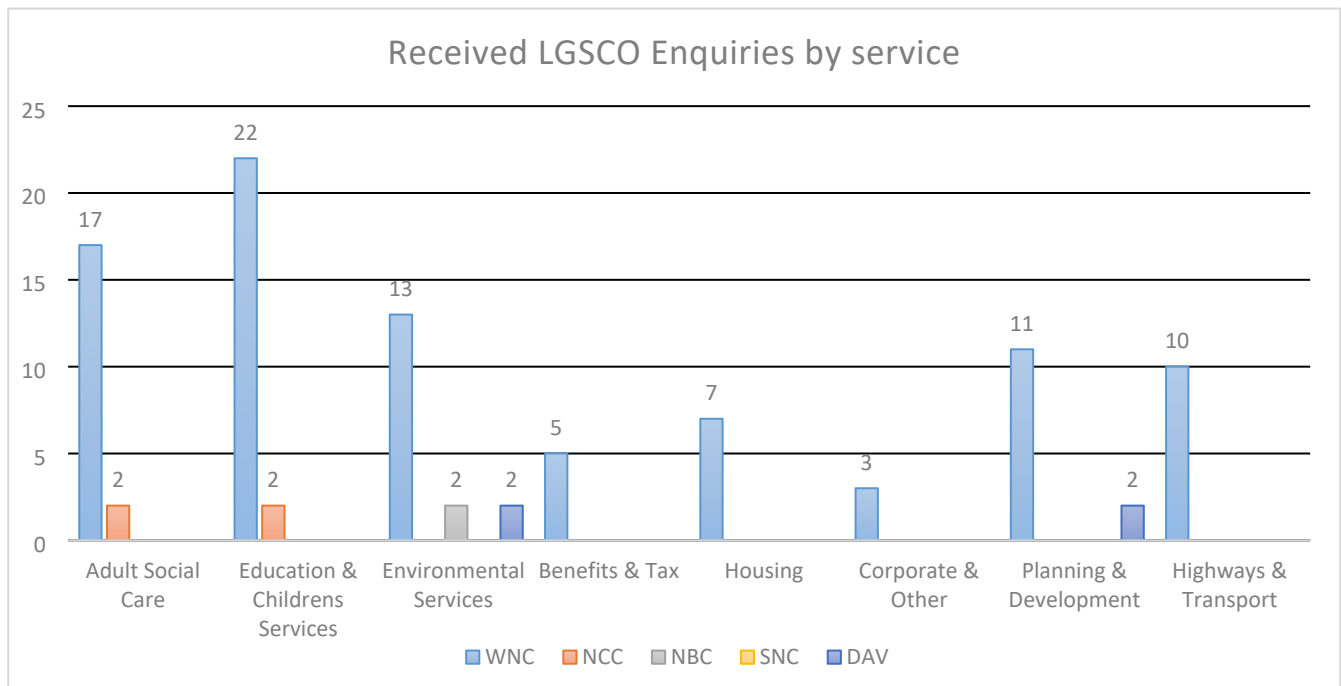
6.

Complaints upheld		Complaints Manager's Commentary:
<p>73% of complaints investigated were upheld.</p> <p>This compares to an average of 64% in similar organisations.</p>	<p>8 upheld decisions</p> <p>Statistics are based on a total of 11 investigations for the period between 1 April 2021 to 31 March 2022</p>	<p>The LGSCO will uphold a complaint where the Council has already upheld the complaint at an earlier stage</p>
Compliance with Ombudsman recommendations		Complaint Manager's Commentary:
<p>In 100% of cases, we were satisfied the organisation had successfully implemented our recommendations.</p> <p>This compares to an average of 99% in similar organisations.</p>	<p>Statistics are based on a total of 4 compliance outcomes for the period between 1 April 2021 to 31 March 2022</p>	<p>The Ombudsman's review reported that nationally compliance had decreased, so this is a positive for WNC</p>
Satisfactory remedy provided by the organisation		Complaint Manager's Commentary:
<p>In 13% of upheld cases, we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of 12% in similar organisations.</p>	<p>1 satisfactory remedy decision</p> <p>Statistics are based on a total of 8 upheld decisions for the period between 1 April 2021 to 31 March 2022</p>	<p>This is positive and higher than reported in previous years.</p> <p>It demonstrates a proactive focus on early resolution and is an area to build on.</p>

5.4 Overall, the total number of referrals to the LGSCO for WNC (West Northants Council) has decreased this year.

5.5 Overall, the total number of referrals to the LGSCO for WNC has decreased this year.

5.6 x34 detailed investigations (includes x 23 legacy complaints) compared with a total of 38 across the respective sovereign councils in 2020_21. Only 11 new complaints originating with West Northants services reached investigation stage.



5.7 Upheld decisions have reduced from 26 to 25 (includes x17 legacy complaints).

5.8 Performance has improved significantly as the process has become better embedded during the first year of operation and the culture around WNC complaints handling is developing.

6 Issues and Choices

6.1 The Current Process:

- All cases are processed by the central Complaints and Compliments team within x2 days of receipt
- Complaints allocated to Strategic Lead and copied to the Assistant Director and Business Support
- Response template provided
- Automated reminders set and individual chases made at x5 working days before due date / x2 working days before due date
- Case is identified on the weekly tracker until all actions complete and closed
- LGSCO complaints are reported on monthly scorecards and to service SLT's Quarterly
- All recommendations and learning are added to internal Learning Log
- Published guidance / decisions regularly shared with Service Leads for learning
- Communications Team is notified where appropriate
- Risk and Insurance Team are notified where appropriate

6.2 'Upheld' complaints for WNC related to

- EHCP (Education, Health, and Care Plan) delays (**recurring theme**)
- Building Control - inadequate communication with customer (**recurring theme**)
- Learning Disability Team (Adults) - Delays in decision making to progress case
- Financial Assessment Team - delayed removal of charge on property
- Empty Property (Housing) – delay in producing options appraisal and keeping neighbour informed
- Fostering (NCT (Northamptonshire Children’s Trust)) - delay in escalating the complaint
- Parking Enforcement – failure to take customers reasonable adjustments into consideration
- Complaints Team – delay in escalating the complaint to next stage

6.3 Service improvement recommendations implemented because of these complaints.

- Review of processes to ensure Education, Health, and Care (EHC) assessments and reviews meet phase transfer deadlines
- Review of processes to ensure relevant professional recommendations are included in Education, Health, and Care plans and available to schools being consulted
- Reminders to staff of the importance of keeping to required timescales in complaints handling

6.4 Continued **delays** in the EHCP process and a lack of locally available services and education placements is a nationally reflected issue but continues to generate high volumes of complaints. This is also the area where we have had to request the most extensions to timescales due to staffing pressures and the complexity of cases. The LGSCO has issued a focus report this month (July 2022) *‘Out of School, Out of Sight’* Learning from Complaints which should be drawn on the help us improve complaint handling in this area.

6.5 Adults Social Care has the higher percentage of ‘upheld’ complaints. This also reflects the national picture, but as there is quicker recourse to the LGSCO through the two stage adults’ complaints procedure, an increased focus on **early resolution** and local remedies could help. Most of these complaints relate to **inadequate communication** around charging for care and delays in implementing recommendations have occurred where there is reliance on another service (legal / finance) to offer advice or make account adjustments. These actions should be prioritised when the complaint has been upheld by the LGSCO.

6.7 The LGSCO will release their national review of Adult Social Care complaints in September 2022 and focus should be given to the best practise and service improvements identified in that report.

6.8 In terms of general service delivery, the way that we explain and communicate key decision making and procedures to customers is an area to work on to help prevent complaints. Also, considering how we make reasonable adjustments to support customers who need them to access or understand services. The LGSCO issued a focus report in May 2022 *‘Equal Access, getting it Right for People with Disabilities’* that should be drawn on for learning.

6.9 Key Messages from National Review:

- Adult and Childrens Social Care complaints make up the highest percentage of ‘upheld’ complaints.
- There is continued concerns about the capacity of Complaints Teams to deliver high quality services

- A Joint Complaints Handling Code is being developed with the Housing Ombudsman
- Councils should consider the ‘impact of a single complaint’ for learning and improvement

6.10 Next Steps:

- Learning and service improvement added to the organisational learning log and added to the regular reporting framework
- Commentary on the Council’s performance to be shared routinely with staff via Chief Executive’s blog with link to LGSCO Performance Map
- Intranet page to be set up to support Managers to explain the role of the LGSCO – the various stages of complaint assessment / best and expected practise and links to guidance
- To encourage Councillors to use the resources available via the LGSCO to identify issues affecting local people and support the scrutiny of public services in line with best practise
- Draft remedies guidance to come to future Cabinet meeting
- Detailed Annual Complaints and Compliments performance report to be shared with Cabinet by October 2022

7 Implications (including financial implications)

7.7 Resources and Financial

Financial redress associated with ‘Upheld’ Complaints in this period are payments recommended by the Ombudsman in line with their published ‘Remedies Guidance’ to acknowledge a Complainant’s time, trouble, distress, injustice, and any quantifiable loss caused because of the complaint.

Service:	£ WNC	£ NCC	£ NBC	£ SNC	£ DAV
Adult Social Care	150	55,988.43*			
Housing	500				
Benefits & Tax			100		
Planning & Development					250
Environmental Services					200
Education & Childrens Service	100	1,700			
TOTAL	£ 58,988.43				

**Included the write off care charges due to inadequate guidance around financial assessment and failure to review care.*

7.7.1 Financial redress at this point suggests a missed opportunity to remedy the fault at a local level and negate the need for a further payment to be recommended by the LGSCO. In some cases, offering a local remedy may prevent the complaint from escalating to the LGSCO at all. It will also help to increase the Council's performance rating in relation to 'satisfactory remedies provided by the authority.'

7.7.2 Local remedies guidance will be produced to consider both monetary and non-monetary remedies to be offered in the resolution of complaints and the guidance will be shared with the Chief Finance Officers and Cabinet for review and approval.

7.7 Legal

7.7.1 The Council has responsibilities in relation to the investigation of complaints and under the Local Government Act 1974 the Ombudsman has powers to investigate complaints appropriately referred.

7.8 Risk

7.8.1 At this stage the risk to the Council is reputational damage due to the publishing of this performance information and individual case outcomes provided in the public domain.

7.8.2 Failure to improve the timeliness of responses to the LGSCO and evidence compliance with recommendations may lead to increased financial penalties and reduced customer satisfaction

7.8.3 Failure to have mechanisms in place to address the learning and outcomes from complaints investigations may lead to a public interest report being issued against the Council

7.9 Consultation - None

7.10 Consideration by Overview and Scrutiny

The Overview and Scrutiny Committee will be considering the letter and recommendations at its meeting on the 19th of September.

7.10.2 **Climate Impact** – None of the complaints investigated by the Local Government and Social Care Ombudsman in this period related to climate issues. Having one Central WNC Complaints' Team and flexible working will improve efficiency and effectiveness and help to reduce our carbon footprint. We are also continuing to support customers to use online / electronic methods of communication and continue to reduce our use of paper.

7.10.3 Community Impact

Implementing the recommendations and actions arising from this paper will improve outcomes for communities, by providing them with better and more responsive services.

7.10.4 Communications

Actions and learning from the report will be shared internally with the relevant stakeholders in line with our Internal Communications approach. The LGSCO also published individual reports, letters, and national comparisons on its website, making this available to the public. Links will be provided on the Council's website via our annual reporting for transparency.

8 **Background Papers**

8.7 Reference Appendices

8.8 Link to LGSCO Performance Map - [Your council's performance \(lgo.org.uk\)](http://lgo.org.uk)

8.9 LGSCO Remedies Guidance – [Guidance on Remedies - Local Government and Social Care Ombudsman](#)

8.10 Link to LGSCO Focus Reports - [Information Centre - Local Government and Social Care Ombudsman](#)