



Audit & Standards Committee Report

Report of: Mark Bennett, Director of HR and Customer Services/ Gillian Duckworth, Director of Legal Services

Date: 19th December 2019

Subject: Summary of the Annual Ombudsman Complaints Report 2018/19 and responses to questions asked in October's meeting

Author of Report:

Summary:

The Audit and Standards Committee were presented with the Annual Ombudsman Complaints Report for 2018/19 in October, the report is attached as '**Appendix A**'.

This report gives a summary of the key points of the annual report. Questions were asked at October's meeting which Eugene and Gillian gave initial responses to. Attached as '**Appendix B**' you will find further details in response to those questions

Recommendations:

The Audit & Standards Committee is asked to consider the Annual Ombudsman Report in order to provide its view on the performance of Ombudsman complaints and the issues raised.

Background Papers:

Annual Ombudsman Complaints Report for 2018/19
Responses to questions raised in October's meeting
LGSCO Annual Letter

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
Legal Implications
Equality of Opportunity Implications
NO
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
None
Relevant Cabinet Portfolio Lead
Cabinet Member for Finance & Resources
Relevant Scrutiny Committee if decision called in
Not applicable
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

Summary Report of Annual Ombudsman Complaints Report 2018/19

- 1.1. Overall, the Council and its strategic delivery partners (Capita, Kier and Veolia) dealt with 3,042 complaints through the formal complaints process in 2018/19. 165 enquiries were received about the Council and its strategic delivery partners from the LGSCO during 2018/19. The Housing Ombudsman made enquiries/investigations into 12 complaints.
- 1.2. We recorded a total of 137 complaints received by the LGSCO and HO during 2018/19, a similar level to the 136 received the previous year. The number reported by the LGSCO is higher than the number recorded by the HO because it includes, for example, people who have made an 'incomplete or invalid' complaint or cases.
- 1.3. Of the 137 enquiries recorded in 2018/19, 68% were concluded without a formal investigation. Of the 44 that were formally investigated, the highest numbers were about Council Housing and repairs (10), Streets Ahead (10) and Education (8).
- 1.4. The Council's average response time to preliminary enquiries in 2018/19 was 8 days and its average response time to initial formal enquiries in 2018/19 was 24 working days. The latter exceeds the 20 working day target set by the Ombudsman. Only 35% of formal enquiries were being responded to within the 20 working day target. This is a drop in performance from 52% in 2017/18 and is mainly due to late service comments/information.
- 1.5. During 2018/19, the LGSCO upheld 22 complaints and the HO upheld 3 complaints.
- 1.6. We aim to learn from complaints, so that we do not repeat the same problem. Examples of key learning/service improvements are included in the Annual Ombudsman Complaints Report 2018/19, attached as Appendix A.
- 1.7. At a local level, the following have been identified as actions and areas for improvement during 2019/20:
 - Review and develop public facing complaints information on SCC website;
 - Review and develop online complaint form to ensure it is easy to use and to ensure effective routing of complaints.

- Development of CRM system to improve recording and reporting of complaints, compliments and suggestions.
- Review and develop the information/guidance available to all employees and managers around resolving, investigating, reviewing and responding to complaints.
- Launch of new half day classroom course “Customer Complaints – Effective Handling” aimed at managers who resolve, investigate and respond to complaints.

Appendix A - Annual Report Ombudsman Report

1.0 INTRODUCTION

- 1.1 Sheffield City Council's Corporate Plan includes a priority on being ***An in Touch Organisation***. This means listening to customers and being responsive, so that services are designed to meet the diverse needs of individuals. The effective handling of customer complaints across the organisation supports this priority and enables the Council to be open and transparent, respond in the right way, make the best use of resources, and make well-informed decisions.
- 1.2 We welcome complaints as an opportunity to improve our services. Indeed, our definition of a complaint is "any expression of dissatisfaction whether justified or not", which is deliberately wide to ensure that complaints are recognised and are properly addressed. We also encourage positive feedback on the services we provide.
- 1.3 The Customer Feedback & Complaints Team in Customer Services is responsible for the development and implementation of policy and procedures on complaints. In addition, the Team acts as the Council's liaison point with the Local Government & Social Care Ombudsman (LGSCO), Housing Ombudsman (HO) and Parliamentary & Health Service Ombudsman (PHSO).
- 1.4 The Ombudsmen provide a free, independent and impartial service. They consider complaints about the administrative actions of local authorities. They cannot question what a council has done simply because someone does not agree with it. However, if they find something has gone wrong, such as poor service or service failure, and that a person has suffered as a result, they recommend a suitable remedy.
- 1.5 The LGSCO's powers are set out in the Local Government Act 1974, as amended. The HO's powers are set out in the Housing Act 1996, as amended. The PHSO's powers are set out in the Parliamentary Commissioner Act 1967, as amended, and the Health Service Commissioners Act 1993, as amended.
- 1.6 Overall, the Council and its strategic delivery partners (Capita, Kier and Veolia) dealt with 3,042 complaints through the formal complaints process in 2018/19. The LGSCO has reported that 165 enquiries were received about the Council and its strategic delivery partners during 2018/19. Our records show the Housing Ombudsman made enquiries/investigations into 12 complaints.

2.0 SUMMARY

- 2.1 This report provides an overview of the complaints received, and formally referred and determined by the Ombudsmen during the twelve months from 1 April 2018 to 31 March 2019.

- 2.2 The report also identifies future developments and areas for improvement in complaint management.
- 2.3 The report is jointly presented by the Director of Legal Services and the Director of HR and Customer Services, who are respectively the Council's Monitoring Officer, and the Director responsible for managing the Complaints Service.

3.0 MAIN BODY OF THE REPORT

3.1 Overview

In 2018/19, there were 710 complaints 'formal' complaints about Council Portfolios. This is an increase on the numbers received the previous two years.

	2016/17	2017/18	2018/19
People	307	375	361
Place	222	238	303
Resources (inc. PPC)	31	70	46
Total	560	683	710
Amey	2398	2164	1744
Capita	24	76	228
Veolia	287	187	360
Total inc. partners	3269	3110	3042

- 3.2 The Council's Customer Feedback & Complaints Team recorded a total of 137 complaints received by the LGSCO and HO during 2018/19, a similar level to the 136 received the previous year. A breakdown by service area is provided at Appendix A (Table 1).

- 3.3 The LGSCO reported that 165 enquiries were received about the Council during 2018/19, compared with 186 in 2017/18. A breakdown is provided at Appendix A (Table 2). The number reported by the LGSCO is higher than the number recorded by the Council's Customer Feedback & Complaints Team because it includes, for example, people who have made an 'incomplete or invalid' complaint or cases where advice was given but details not shared with the Council.

	2016/17	2017/18	2018/19
LGSCO enquiries	136	186	165

- 3.4 The service areas that generated the largest number of Ombudsman enquiries during 2018/19 were Streets Ahead (25), Adult Social Care (19), Council Housing and Repairs (15) and Education- SEN/Admissions (15). These numbers are broadly the same as the previous year, with the exception of the figure for Streets Ahead which dropped from 29 to 25.

- 3.5 It is important to note that not all Ombudsman enquiries lead to a formal investigation. In fact, of the 137 enquiries recorded by the Council's Customer Feedback & Complaints Team in 2018/19, 68% were concluded without a formal investigation. Of the 44 that were formally investigated, the highest numbers were about Council Housing and repairs (10), Streets Ahead (10) and Education (8).

- 3.6 The Council's average response time to preliminary enquiries in 2018/19 was 8 days and its average response time to initial formal enquiries in 2018/19 was 24 working days. The latter exceeds the 20 working day target set by the Ombudsman. Only 35% of formal enquiries were being responded to within the 20 working day target. This is a drop in performance from 52% in 2017/18 and is mainly due to late service comments/information.
- 3.7 In resolving complaints, we aim to work with the customer to try to achieve their preferred outcome, and when appropriate we will apologise. When the Council is at fault, we will aim to resolve the complaint by putting the customer back into the position they would have been in had the fault not occurred, or by offering another remedy if this is not possible.
- 3.8 During 2018/19, the LGSCO upheld 22 complaints and the HO upheld 3 complaints. A breakdown of all LGSCO/HO decisions is provided at Appendix 1 (Table 3 and 4). Further details of the upheld complaints and the remedies and service improvements that were agreed are set out in Appendix 2.
- 3.9 In total, the Council paid £14,750 in compensatory payments and other reimbursements following Ombudsman enquiries. This compares with £15,845.50 paid in 2017/18.
- 3.10 Looking at how Sheffield City Council compares with other local authorities (see Appendix A - Table 5 and 6), Sheffield City Council saw the highest % reduction in complaints received by the LGSCO than all of the other core cities in 2018/19. In terms of LGSCO recommendations Sheffield City Council, like all the other Core Cities during 2018/19, had a 100% compliance rate but we were 'late' in completing agreed actions in 2 complaints.
- 3.11 We aim to learn from complaints, so that we do not repeat the same problem. Appendix B includes details of the remedies, improvements and changes that have been made following Ombudsman investigations. Examples of key learning/service improvements include:
- Action plan developed for collecting assessed charges from care home residents, rather than allowing care providers to do this. This work ongoing and pre-implementation planning is due to be completed in October 2019 (*Social Care Accounts Service*).
 - Protocols between SCC/CCG/SHSCT developed to include escalation process for complex cases. Autism training arranged for Council and trust staff (*Adult Social Care*).
 - Assistant Service Manager given responsibility for oversight of personal budgets to ensure that they are addressed in an appropriate manner going forward. Communication to all staff that personal budgets should remain in place until the point where a change is agreed through an Annual Review. Separate communication to finance colleagues that these contracts must

remain in place and paid until a formal change is agreed via the EHC Panel. (*SEND Statutory Assessment & Review Service 0-25*)

- Senior Business Support Officer recruited and Health Single Point of Access (SPA) now within the service. Health provision within service will expand in the medium term to include clinicians and access to NHS databases. (*SEND Statutory Assessment & Review Service 0-25*)
- Internal processes developed to ensure a decision letter including information about appeal rights is sent to parents/carers when an EHC plan is reviewed and weekly report created to identify “dual school registrations” with start dates. (*SEND Statutory Assessment & Review Service 0-25*)
- Approach to compensation reviewed giving investigating managers discretion to award over £250 in exceptional circumstances. (*Repairs and Maintenance Service*)
- The wording of traffic restriction signs relating to road works amended to read ‘week days’. (*Amey*)
- Number of public leaflets and factsheets produced and published on SCC website i.e. ‘Adult Safeguarding - what to expect’; ‘Best interests meeting’; ‘Assessing mental capacity’; ‘Deprivation of liberty orders’; ‘Independent advocacy’ and ‘Adult Social Care Complaints Procedure’. (*Adult Social Care and Customer Services*)

Future developments

- 3.12 There has been little progress around the proposal to create a single Public Service Ombudsman (PSO) to replace the LGO and the PHSO. The timescale for legislating on this remains unclear.
- 3.13 At a local level, the following have been identified as actions and areas for improvement during 2019/20:
- Review and develop public facing complaints information on SCC website;
 - Review and develop online complaint form to ensure it is easy to use and to ensure effective routing of complaints.
 - Development of CRM system to improve recording and reporting of complaints, compliments and suggestions.
 - Review and develop the information/guidance available to all employees and managers around resolving, investigating, reviewing and responding to complaints.
 - Launch of new half day classroom course “Customer Complaints – Effective Handling” aimed at managers who resolve, investigate and respond to complaints.

4.0 RECOMMENDATIONS

- 4.1 The Audit & Standards Committee is asked to consider the Annual Ombudsman

Report in order to provide its view on the performance of Ombudsman complaints and the issues raised.

OMBUDSMAN COMPLAINTS

Table 1: This table shows a breakdown of the 137 ombudsman complaints recorded by the Council's Customer Feedback and Complaints Team during 2018/19.

Table 1:

Portfolio/ Partner	Subject	Formal premature referrals	Considered without Investigation	Formal /detailed investigations made	Totals 2018/19	Totals 2017/18
People	Social Care - Adults	5	9	5	19	18
	Social Care - Children's	9	2	1	12	14
	Education	2	5	8	15	16
	Libraries	0	1	0	1	0
Place	Bereavement Services	0	2	0	2	1
	Council Housing & Repairs	2	3	10	15	15
	Housing - other	2	4	2	8	11
	Environmental Services	1	0	1	2	0
	Parking Services	3	2	0	5	7
	Planning	1	5	3	9	6
	Highways	0	0	0	0	1
	Land/property	0	0	0	0	1
	Licensing	0	1	0	1	0
Resources	Customer Services	0	3	0	3	2
	Legal	0	3	0	3	3
	Business Change & Information Services	0	1	0	1	1
	Miscellaneous	0	0	0	0	1
Amey/Client	Streets Ahead	1	16	8	25	29
Capita	Benefits	2	7	3	12	8
	Revenues	0	0	0	0	2
Veolia/Client	Waste Management	0	1	3	4	0
Totals		28	65	44	137	136

Table 2: This table shows a Breakdown of the 165 complaints/enquiries received by the LGSCO in 2018/19, compared with the previous two years.

LGO subject category	2016/17	2017/18	2018/19
Adult Social Care	33	32	28
Benefits and Tax	20	17	17
Corporate and other	6	14	12
Education and Children's Services	36	46	34
Environmental Services and Public Protection & Regulation	4	17	25
Highways & Transport	50	33	21
Housing	16	16	18
Planning & Development	10	11	10
Total	175	186	165

Table 3: This table shows a breakdown of LGSCO decisions over the last three years.

LGSCO Decisions	2016/17	2017/18	2018/19
Incomplete or invalid	4	9	13
Advice Given	5	3	7
Referred back for local resolution	67	62	51
Closed after initial enquiries	60	65	62
Investigated – not upheld	21	11	13
Investigated - upheld	20	22	22
Report	0	1	0
Total	177	172	168

Table 4: This table shows a breakdown of HO decisions during 2018/19.

HO Decisions	2018/19
Closed after initial enquiries	3
Investigated – not upheld	4
Investigated - upheld	3
Total	10

Table 5: This table compares complaint numbers across the Core Cities based on information provided by the LGSCO in the Annual Review Letters.

	Number enquiries received 2017/18	Number enquiries received 2018/19	% increase/ decrease (+ / -)	Number of enquiries per 1000 population
Birmingham	455	484	+6%	0.42
Bristol	129	136	+5%	0.29
Leeds	189	187	-1%	0.24
Liverpool	147	136	-8%	0.27
Manchester	167	176	+5%	0.32
Newcastle	67	73	+8%	0.24
Nottingham	103	106	+1%	0.31
Sheffield	186	165	-13%	0.28

Table 6: This table compares complaint outcomes across the core cites based on information provided by the LGSCO in the Annual Review Letters.

	Number of detailed investigations 2018/19	Number of complaints upheld 2018/19	Upheld rate 2018/19	Number of complaints where Satisfactory Remedy provided before complaint reached Ombudsman 2018/19 (% of upheld cases)		Compliance with Ombudsman Recommendations 2018/19 (% late compliance)	
Birmingham	100	77	77%	10	(13%)	100%	(4%)
Bristol	18	12	67%	3	(25%)	100%	(0%)
Leeds	47	21	45%	1	(5%)	100%	(9%)
Liverpool	30	22	73%	3	(14%)	100%	(5%)
Manchester	38	21	55%	6	(29%)	100%	(6%)
Newcastle	14	9	64%	4	(44%)	100%	(0%)
Nottingham	26	18	69%	1	(6%)	100%	(0%)
Sheffield	35	22	63%	3	(14%)	100%	(13%)

A summary of the 25 complaints which were upheld by the LGSCO and HO during 2018/19 is provided below.

	Portfolio/ Partner	Complaint	Ombudsman Finding/Investigation Outcome	Agreed Remedy/Service Improvements	Completion of Agreed Remedies
1	Place – Streets Ahead	Mr D complains about the planned removal and replacement of a tree under the Council’s ‘Streets Ahead’ programme.	The Ombudsman found the Council at fault for not giving its independent tree panel all its reasons for wanting to remove this tree and for a misleading reply to an enquiry from Mr D. The Ombudsman considers the faults have caused uncertainty about whether the tree needs removing.	The Council agreed to reconsider its decision as part of a new strategy towards street trees and to apologise to Mr D for misleading him.	Agreed actions completed in timescales - LGSCO has recorded compliance outcome of “ <i>Remedy complete and satisfied</i> ”
Page 22	Place – Streets Ahead	Ms C complains about the planned removal and replacement of a tree under the Council’s ‘Streets Ahead’ programme.	The Ombudsman found the Council at fault for not giving its independent tree panel all its reasons for wanting to remove this tree and for a misleading reply to an enquiry from Ms C. The Ombudsman considers the faults have caused uncertainty about whether the tree needs removing.	The Council agreed to reconsider its decision as part of a new strategy towards street trees and to apologise to Ms C for misleading her.	Agreed actions completed in agreed timescales- LGSCO has recorded compliance outcome of “ <i>Remedy complete and satisfied</i> ”

3	People – ASC	Mr B complains about the Council's handling of his parents' care planning. He says it decided they should remain in their own home but failed to consider whether this was an appropriate and affordable plan.	The Ombudsman finds the Council failed to fully consider and discuss with Mr B the cost implications of the proposed care package and alternative options. It also failed to properly advise him what should happen in response to his objection to the best interest decision and failed to make an application to the court of protection.	In addition to £300 already offered by the Council in recognition of lost opportunity, uncertainty, inconvenience and time and trouble the Council has agreed to remedy the injustice caused by making the following further payments: <ul style="list-style-type: none"> • £250 for the uncertainty caused by its failure to properly advise him what should happen in response to his objection to the best interest decision and its failure to make an application to the court of protection; and • £500 for the uncertainty caused by its failure to fully consider and discuss with him the financial implications of the various care options and the influence this may have had on the Council's best interest decision in September 2015. 	Agreed actions completed - LGSCO has recorded compliance outcome of " <i>Remedy complete and satisfied</i> "
4	People – SEN	Mrs B complains the Council did not pay part of her son's Education, Health and Care Plan funding.	The Ombudsman found fault when the Council stopped payments and this caused Mrs B injustice because it has not considered the distress caused to the family during the period payments were not made.	The Council had already repaid the outstanding amount and apologised to Mrs B, explained why payments were stopped and confirmed action it has taken to prevent this happening again. The Council further agreed within 4 weeks to a) Pay Mrs B £500 in recognition of the distress caused by the Council's failure to properly make payments for child C's EHCP; and b) Provide the Ombudsman with evidence of the structural changes and training the Council has said it has made or proposes to make, to ensure there is no recurrence of this problem.	Agreed actions completed - LGSCO has recorded compliance outcome of " <i>Remedy complete and satisfied</i> "

5	Place – Parking Services	Mr X complains about a Penalty Charge Notice.	Complaint upheld but the Ombudsman will not investigate this complaint because the Council has already provided a fair remedy by cancelling the fine and because the complainant could have appealed to the tribunal.	No further remedy/service improvement identified.	N/A - No Follow on Actions
6	People – SEN	Mrs G complained the Council failed to put in place the services specified in her daughter's Education, Health and Care Plan. It also delayed sending a revised Plan following Annual Review.	The Ombudsman found fault in the Council failing to specify the service owed to Mrs G's daughter and delays in finalising amended plan following Annual Review.	Council agreed to make a payment of £100 per month from September 2016 to date; and continue making payments until the EHCP has been issued. The Council also agreed to make a payment of £300 for the time and trouble that Mrs G has had in chasing up the latest EHCP. The Council agreed to consider changing its procedures (within 4 months) to ensure that health professionals work with it in order to provide services to children who need them; particularly when assessments are specified in an EHCP.	Agreed actions completed - LGSCO has recorded compliance outcome of <i>“Remedy complete and satisfied”</i>
7	Place – Council Housing Repairs	Mr X complained about the Repairs Service's handling of maintenance works in the kitchen and bathroom and the amount of compensation offered.	The Ombudsman found excessive delays in completing works to the kitchen and bathroom and considered the £250 payment offered did not adequately reflect the individual circumstances or service failure experienced.	Council agreed to pay additional £500 for significant inconvenience caused by excessive delays. Also agreed to arrange to arrange further inspection to satisfy all maintenance issues resolved; and review approach to compensation to ensure investigating managers have discretion in exceptional circumstances.	Agreed actions completed – complaint closed by HO

8	Place – Council Housing	Ms X complained about the Council's response to her reports about its handling of her personal information following her reports about a neighbour (including ASB) and complaints handling.	The Ombudsman found 3 month delay in responding to her reports of ASB and mistakes in the handling of her complaints – failure to keep evidence provided confidential.	Council agreed to pay £150 (£75 in respect of any distress/inconvenience experienced as a result of its delay in responding to her reports about ASB; and £75 in respect of any distress/inconvenience experienced as a result of mistakes in complaint handling.	Agreed actions completed – case closed by HO
9	Place – Streets Ahead	Mr B complained about the Council's decision to fell street trees on the road where he lives.	The Ombudsman found fault in the lack of detail published by the Council in response to independent advice it received saying it could save some of the trees. However, they did not consider the fault led to an injustice as the Council later provided more justification for its position.	No further remedy/service improvement identified.	N/A – no further action
10	People – SEN	Mrs C complained about the way the Council completed her child education and health care plan (EHCP).	The Ombudsman found failures in the EHCP process in particular delays in the process.	Council agreed to write to Mrs C and her child within 3 weeks to apologise for the failures in the EHCP process; and send them £500 in recognition of the injustice caused. The Council further agreed to write to the Ombudsman (within 2 months) to state how it performed against its 2017/18 targets.	Agreed actions completed - LGSCO has recorded compliance outcome of <i>“Remedy complete and satisfied”</i>
11	Place – Streets Ahead	Mrs X complains the Council failed to properly manage traffic restriction signs in her area relating to road works and this caused inconvenience.	The Ombudsman found fault as no work was planned for the weekends and therefore signage could have been either removed or made clearer. However this did not caused significant injustice as Mrs X was reassured she would be granted access ordinarily in any event there would not be any weekend works.	No further remedy/service improvement identified. Amey had already taken her comments on board to such an extent that its signs now only read 'week days'.	N/A – No further action

12	People - ASC	Mr X and Mrs Y were unhappy about the Council's interventions in their elderly mother's care. They did not understand what the Council wanted to achieve and why.	The Ombudsman found fault in the Council not explaining the processes it was obliged to undertake, and the options open to them in relation to these. Consequently, Mr X and Mrs Y were confused, stressed for a period of many months and afraid of their mother being taken into care against her wishes.	Council agreed to apologise, provide explanations around delay and pay Mr X the sum of £250 and Mrs Y £150 in recognition of its fault and the resulting injustice. Council also agreed to consider service improvements to prevent a recurrence of what happened.	Agreed actions completed – Awaiting confirmation of compliance outcome from LGSCO
13	Place – Streets Ahead	Miss X complained the Council has failed to carry out work to reduce the size of a tree outside her home.	The Ombudsman found the Council failed to carry out scheduled work on the tree in November 2017.	The Council agreed to apologise to Miss X and pay her £100 for her avoidable time and trouble in pursuing the complaint. The Council also agreed to complete the work on the tree by the end of November 2018.	Agreed actions completed - LGSCO has recorded compliance outcome of "Remedy complete and satisfied"
14	People – ASC	Miss C complained that the Council charged her for a sitting service to give her respite from caring for her mother when it said it would be free; and wrongly backdated the charges when the service had been in place for five months.	The Ombudsman found the Council wrongly advised Miss C that it would not charge for a carer to sit with her mother. The Council then charged Miss C's mother for this.	The Council had already cancelled the charge and clarified its charging policy with Miss C and the officer who misadvised her and so basis for ombudsman to recommend further action.	N/A -No further action

15	People – Children and Families	Mr and Mrs B complained the Council imposed restrictions on Mr B's contact with his grandchildren despite having no evidence he poses a threat to them, recorded inaccurate information in its records, failed to provide them with support and failed to respond to a complaint.	The Ombudsman found no evidence the Council's care records are inaccurate or that it failed to provide support when they asked for it. The Ombudsman did find fault in not carrying out a risk assessment before continuing restrictions on Mr B's contact with his grandchildren and delay in responding to a complaint that left Mr and Mrs B with uncertainty and distrust in the Council's procedures.	The Council agreed to apologise to Mr and Mrs B; carry out a risk assessment, and make Mr and Mrs B a payment of £250 to remedy the injustice caused.	Agreed actions completed - LGSCO has recorded compliance outcome of <i>"Remedy complete and satisfied"</i>
16	People - ASC	Mr X, complained the Council's Nursing Home has not cared properly for his mother, resulting in her being hospitalised in March 2017 and a failure to address her faecal smearing. He also complained about the Nursing Home attempting to charge third party top-ups for both his parents when there are no top-up agreements in place.	The Ombudsman found fault with the actions/service of the Nursing home and failed to address all the mother's care needs. The Ombudsman also found fault in allowing the assessed weekly contribution to be paid to a care provider which resulted in the Nursing home attempting to levy additional charges.	The Council agreed to apologise to Mr X for the failings in his mother's care; pay Mrs Y £750 for the failings in her care and ensure the Nursing home reviews Mrs Y's needs with her family to address any outstanding concerns. The Council further agreed to apology for the Nursing Home's attempts to charge top-ups for both parents and agreed to prepare an action plan within 12 weeks for collecting assessed charges from care home residents, rather than allowing care providers to do this.	Agreed actions completed - LGSCO has recorded compliance outcome of <i>"Remedy complete and satisfied"</i>
17	People – SEN	Mrs X has complained about the Council's failure to update her daughter's EHC plan, its poor communication and its failure to follow through on agreed actions.	The Ombudsman found fault in the Council's communication with Mrs X about critical decisions and actions.	The Council has agreed to pay Mrs X £1,500 for the avoidable distress caused and loss of opportunity to appeal to the Tribunal. Also agreed within 3 months to review its processes to ensure it always sends a decision letter and information about appeal rights when it reviews an EHC plan; and ensure that if a child's profile is changed to show dual registration that it alerts its SEN team	Agreed actions completed - LGSCO has recorded compliance outcome of <i>"Remedy complete and satisfied"</i>

				and Child Out of School team to ensure that enquiries are made and appropriate action taken.	
18	People – SEN	Mrs X complained the Council delayed finalising C's Education and Health Care plan and delayed allocating a secondary school place for him. She has also complained about poor communication and poor complaints handling.	The Ombudsman found fault/delay in finalising her son's EHC plan; poor communication; and failings in its complaints handling which added to the avoidable distress caused to Mrs X. It also meant Mrs X was out of pocket for the cost of specialist maths tuition for longer than she should have been.	The Council agreed to apologise to Mrs X for the delay in finalising the EHC plan and allocating a secondary school place for C, and for its poor communication and complaints handling; and pay Mrs X £1,500 to reflect the injustice caused.	Agreed actions completed - LGSCO has recorded compliance outcome of " <i>Remedy complete and satisfied</i> "
19	People - Children & Families	Miss X complained about the behaviour of a social worker involved in her son's case. She says the Council has not properly dealt with her earlier complaints about the social worker's inappropriate behaviour.	The Ombudsman did not investigate the part of Miss X's complaint about the actions of the social worker before and during court action (outside jurisdiction). The Ombudsman did find evidence of fault in how the Council responded to Miss X's complaint (treated as enquiry and delay in responding) but this did not cause Miss X injustice because the Council then investigated the complaint and offered Miss X the opportunity for her complaint to be further reviewed.	No further remedy/service improvement identified.	N/A – No further action

People
ASC - (Joint
Complaint
with Health
Partners)

Mr and Mrs C complained on behalf of their adult son, Mr D that Sheffield City Council, Sheffield Health and Social Care NHS Foundation Trust and NHS Sheffield Clinical Commissioning Group provided inadequate support under section 117 of the Mental Health Act 1983 after Mr D's care provider terminated its contract in November 2015 and that there was no contingency plan in place for the termination of the contract with Company X. They also complain that the Council delayed in transferring Mr D from the Learning Disability Service to the Adult Autism Service and appointing an autism specialist social worker; delayed in appointing an advocate for Mr D; delayed in carrying out a reassessment of Mr D's needs and investigating and responding to their complaints. Failed to adequately investigate the events leading to the breakdown of the care package provided by Agency Y; failed to consider the needs of the family and properly communicate with Mr D and the family.

The Ombudsmen (LGSCO and PHSO) find that the complainants' son, Mr D, was caused significant injustice when the CCG and the Council failed to provide adequate support after his care provider terminated its contract in November 2015 and there was no contingency plan in place. The new provider did not meet all Mr D's needs and his mental health deteriorated because of the lack of support. This culminated in him being admitted to hospital. Following his discharge he had to live with his parents for five weeks during which time they had little formal support and no carer's assessment was carried out. This impacted adversely on Mr D's well-being and that of his parents. The Council and the Trust delayed in transferring Mr D between teams which caused further distress and uncertainty and impacted on his support provision.

The CCG, Trust and the Council agreed to apologise in writing to Mr D and his parents and make financial remedy payments totalling £5500 (SCC to pay £2750). The following wider actions were also agreed: The Council and the CCG to reiterate the importance of contingency planning to staff when dealing with complex cases, particularly concerning people with autism; the Council and the Trust to improve their procedures for transferring cases between teams; the Trust and Council to provide Mr D with copies of his up-to-date risk assessment and care plan and remind staff about the importance of including needs associated with autism in care plans; and SAANS take action to put in place the agreed support for Mr D's care provider.

Agreed actions completed - LGSCO has recorded compliance outcome of "*Remedy complete and satisfied*"

21	Place – Council Housing	Miss X complained the Council failed to deal with her request for priority rehousing properly.	The Ombudsman found fault in the way the Council managed Miss X's re-housing priority and in its communication with her and concluded that but for the Council's errors, it was more likely than not that Miss X could have been rehoused sooner.	The Council agreed (within 1 month) to waive the rent arrears relating to Property 1 incurred since 1 August 2017; credit Miss X's rent account with the heat charges and water rates element of her rent between 14 April - 31 July 2017; and pay Miss X £500 in recognition of the distress and anxiety, and unnecessary time and trouble she has been put to.	Agreed actions completed - LGSCO has recorded compliance outcome of <i>"Remedy complete and satisfied"</i>
22	Resources- Capita	Miss X complained the Council delayed in processing her council tax support application resulting in financial hardship as she had to pay council tax at the higher rate while awaiting a response from the Council. Miss X also complains the Council delayed in dealing with her complaint.	The Ombudsman found no fault in the way the Council processed Miss X's application however there were delays in responding to her initial enquiry and her complaint.	The Council agreed to pay Miss X £100 for the time and trouble she spent pursuing her complaint and the frustration caused by the delay.	Agreed actions completed - LGSCO has recorded compliance outcome of <i>"Remedy complete Late"</i>
23	Place – Council Housing	Mr X complained about delays to address water ingress and resulting damage to his personal belongings.	The Ombudsman found the Council had not offered reasonable redress for the failings which it identified at the review stage of the complaints procedure. Specifically that it did not address the water penetration quickly and thoroughly enough since Mr X reported that its initial repairs, via its contractor, had not been effective.	The Council agreed to pay Mr X £500 compensation - £300 in recognition of inconvenience and distress experienced for not addressing the water penetration quickly and thoroughly enough and £200 compensation already offered for damage to his personal belongings.	Agreed actions completed - Case closed by HO

24	Place – Council Housing	Miss B complains about the way the Council has considered her application for re-housing and the priority awarded to her application.	There was fault by the Council in not allowing Miss B time to make direct bids with the increased priority the Council had awarded. As a result she missed out on a property and had the priority removed before she had chance to make a successful bid.	The Council agreed, within a month of this decision, apologise, reinstate the higher priority and pay £500.	Agreed actions completed - LGSCO has recorded compliance outcome of “ <i>Remedy complete and satisfied</i> ”
25	Resources – Customer Services	Ms X complains that the Council did not renew her disabled travel pass.	Complaint was upheld but Ombudsman did not investigate because injustice was remedied by the Council. Council renewed the pass for a year and Ombudsman considered this is a fair response.	No further remedy/service improvement identified.	N/A – No further action

Appendix B - Update from Customer Feedback and Complaints Team to Audit and Standards Committee providing answers to the question/points raised at the previous meeting on 24 October 2019.

1. Why has there been a significant increase in complaints regarding Veolia and Capita

Complaints dealt with by the Waste Management Client Team tripled, this was coupled with 96% increase in complaints about Veolia. Both increases are attributable to the high level of complaints about the roll out of the new recycling service.

Previously Capita had only recorded complaints that went to the review stage of the process, these complaints accounted for only a fraction of total complaints recorded. We welcome the extra management information that we are able to gain from having sight of all complaints, not just those that were escalated to a review by a senior manager.

2. How is the Council performing against the points for improvement included within the report

- Review and develop public facing complaints information on SCC website;

Customer Services and the Digital Services Team have been working together and have reviewed all public facing complaints information on the SCC website. DST are in the development phase at present, their initial ideas were reviewed by Complaints Managers in October and so we are now moving into the final development phase with information set to go live before the end of the year.

- Review and develop online complaint form to ensure it is easy to use and to ensure effective routing of complaints.

The online complaint form was looked at as part of the above review. It takes into account best practice around ease of use suggested by research carried out by DST, a user experience exercise to gain customer insight and knowledge of how complaints are managed throughout the organisation from Customer Services.

The form has been developed to include better routing of complaints to ensure issues reach the right place as quickly as possible, although some of this is reliant on the imminent upgrade of the Council's CRM system. Both projects have been coordinated to ensure an optimised solution.

- Development of CRM system to improve recording and reporting of complaints, compliments and suggestions.

The CRM upgrade project is well underway, Customer Services have developed almost all parts of the system aimed at front line enquiries, including capturing customer feedback by phone, online, in person or by mail.

We are part way through the development of the part of the system that will be used to capture, manage and track customer feedback, workshops have been held with each directorate to gain an idea of how the organisation want to be able to utilise the CRM for customer feedback in future and Customer Services are part way through the review and development phase.

The initial go live date for the CRM is expected to be around February 2020, work around developing a complaints module is under way with target go live Q1 2020.

- Review and develop the information/guidance available to all employees and managers around resolving, investigating, reviewing and responding to complaints.

All information previously on the intranet regarding dealing with customer feedback is being reviewed to ensure it is up to date.

We are also in the process of developing a SharePoint page with easier access to change, update and add information. This will allow us to provide a more robust suite of resources that can be manipulated to enable staff to access it when they really need it. We will build links to training, guidance and templates into the new CRM system at relevant points so that it can be accessed with ease when really needed.

We have also revamped the eLearning course regarding handling customer feedback and developed service specific workshops tackling issues relevant to individual service areas.

- Launch of new half day classroom course “Customer Complaints – Effective Handling” aimed at managers who resolve, investigate and respond to complaints.

This course has been developed and is now available for all staff members to book on to through Sheffield Development Hub.

2000 complaints was a high number and only 35% had been responded to in the 20 days

Overall, the Council and its strategic delivery partners (Capita, Kier and Veolia) dealt with 3042 complaints through the formal complaints process.

Almost all areas remained at a stable level compared to the previous year, but we saw a threefold increase in waste management complaints related to the rollout of new recycling facilities and Capita began recording complaints that were not recorded previously. These were the only 2 areas with significant increases. Overall 83% of complaints were responded to within 28 calendar day target.

The 35% responded to in 20 working days refers to the time taken to respond to initial formal ombudsman enquiries (13 out of 37 responses to formal enquiries met 20 working day target timescale).

Performance in this area was mainly down to delays in the Customer Feedback and Complaints Team receiving information from services to provide to the Ombudsman.

This year resource has been increased in the Customer Feedback and Complaints Team to help coordinate responses. We have seen improved performance year to date with KPI's currently being met.

4. There had been a number of ombudsman complaints regarding vulnerable adults and children. This represented both a financial loss to the Council and possible reputational risk.

The Council paid £14,750 in compensatory payments and other reimbursements following Ombudsman enquiries and recommendations in 2018/19, which is less than the £15,845.50 that was paid in previous year.

All 'upheld' complaints were concluded with a decision statement. No public reports were issued in 2018/19.

06/11/2019