



Audit & Standards Committee Report

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

Date: 18 February 2021

Subject: Annual Ombudsman Complaints Report 2019/20

Author of Report:

Summary:

This report provides an overview of the complaints received, and formally referred and determined by the three Ombudsmen (Local Government & Social Care Ombudsman, Parliamentary & Health Service Ombudsman and Housing Ombudsman) during the twelve months from 1 April 2019 to 31 March 2020.

The report also identifies future developments and areas for improvement in complaint management.

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.

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:

LGSCO Annual Letter 2019/20 & HO Annual Report 2019/20

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 & Governance
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

Annual Report Ombudsman Report

1.0 INTRODUCTION

- 1.1 The effective handling of customer complaints across the organisation 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 2Parliamentary Commissioner Act 1967, as amended, and the Health Service Commissioners Act 1993, as amended.
- 1.6 Overall, the Council and its strategic delivery partners (Amey and Veolia) dealt with 2,064 complaints through the formal complaints process in 2019/20. The LGSCO received 143 complaints and enquiries about Sheffield City Council and its strategic delivery partners during 2019/20. The Housing Ombudsman received 58 complaints and enquiries.

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 2019 to 31 March 2020.
- 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 2019/20, there were 628 'formal' complaints about Council Portfolios. The highest numbers of 'formal' complaints received were in relation to Children and Families Services (26%); Council Housing and Repairs (24%); Adult Social Care (17%) and Special Educational Needs (8%). There were 1440 'formal' complaints about highways maintenance, revenue and benefits and waste management services delivered by Strategic Partners. Overall numbers are lower than received the previous two years.

	2017/18	2018/19	2019/20
People	375	361	326
Place	238	303	246
Resources (inc. PPC)	70	46	56
Total	683	710	628
Amey	2164	1744	1004
Capita	76	228	101
Veolia	187	360	335
Total inc. partners	3110	3042	2068

3.2 The Council's Customer Feedback & Complaints Team recorded a total of 151 complaints received by the LGSCO and HO during 2019/20, a higher level to the 137 received the previous year. A breakdown by service area is provided at Appendix A (Table 1).

3.3 The LGSCO reported that 143 complaints/enquiries were received about the Council during 2019/20, compared with 165 in 2018/19. The HO reports that 58 complaints/enquiries were received about the Council during 2019/20 compared with 59 in 2018/19. More detailed breakdowns by category are provided at Appendix A (Table 2) and Appendix D.

The numbers reported do not match the number recorded by the Council's Customer Feedback & Complaints Team because they include, for example, people who have made an 'incomplete or invalid' complaint or cases where advice was given but details not shared with the Council.

Complaints/Enquiries Received	2017/18	2018/19	2019/20
LGSCO	186	165	143
HO	48	59	58

3.4 The service areas that generated the largest number of Ombudsman enquiries during 2019/20 were Adult Social Care (23), Repairs and Maintenance (21) and Housing and Neighbourhood Services (18).

3.5 It is important to note that not all Ombudsman enquiries lead to a formal investigation. In fact, of the 151 enquiries recorded by the Council's Customer Feedback & Complaints Team in 2019/20, 78% were concluded without a formal

investigation. Of the 35 that were formally investigated, the highest numbers were about Adult Social Care (12) and Special Educational Needs (8).

- 3.6 The Council's average response time to 118 preliminary ombudsman enquiries in 2019/20 was 6 days.

The average response time to 24 initial formal enquiries made by the LGSCO in 2019/20 was 24 working days with only 7 (29%) meeting the 20 working day target set by the LGSCO. In the LGSCO's Annual Letter, there is specific comment of the fact that two-thirds of the Council's responses to LGSCO enquiries were late and the Council is asked to reflect on this and take steps to improve.

The average response time to 5 initial formal enquiries made by the HO was 14 working days with 4 responses (80%) meeting the 15 working day target set by the HO.

Delays in responding are mainly due to late/incomplete service comments and information. The 7 responses that were over 26 working days were in relation to 3 Adult Social Care related complaints, 2 Children's Social Care related complaints, 1 Special Educational Needs related complaint and 1 Street's Ahead complaint.

Target Response Timescale	Number of Initial Formal enquiries	Number within Target	21-25 days	Over 26 days
LGSCO (20 working days)	24	7 (29%)	10	7
HO (15 working days)	5	4 (80%)	1	0

- 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 2019/20, the LGSCO upheld 34 complaints and the HO upheld 5 complaints. A breakdown of all LGSCO/HO decisions is provided at Appendix A (Table 3 and 4). Further details of the upheld complaints and the remedies and service improvements that were agreed are set out in Appendix B.
- 3.9 The LGSCO issued one public report during 2019/20 about the Council's failure to offer a face-to-face mobility assessment to a blue badge applicant, contrary to its own policy and the guidance in place at the time. Further details are included in Appendix B. The Council was commended in the LGSCO's Annual Letter (Appendix C), for openly accepted fault at an early stage of the investigation; recognising its interim approach to blue badge assessments may have caused injustice to other applicants; and showing it was committed to learning from the complaint.

- 3.10 In total, the Council paid £20,070 in compensatory payments and other reimbursements following Ombudsman enquiries. This compares with £14,750 paid in 2018/19.
- 3.11 Looking at LGSCO involvement and how Sheffield City Council compares with other local authorities (see Appendix A - Table 5 and 6 and Appendix C):
- The LGSCO upheld 89% of the complaints that were formally investigated about Sheffield City Council, which is higher than the 67% average for similar authorities. In 15% of upheld cases however the LGSCO found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman, which is higher than the average of 11% in similar authorities.
 - In terms of LGSCO recommendations, Sheffield City Council, like all the other Core Cities during 2019/20, had a 100% compliance rate but we were 'late' in completing some agreed actions in 8 complaints.
- 3.12 Looking at HO involvement and how Sheffield City Council compares with other local authorities, ALMOs and landlords (see Appendix D):
- The highest categories of complaint received about Sheffield City Council were around property condition (50%) and tenant behaviour (19%) and this is a similar picture across all landlords.
 - The HO closed 76% of complaints received about Sheffield City Council without a formal investigation, this compares with 74% average in respect of all local authorities/ALMOs and 79% average in respect of all landlords.
 - The HO found maladministration in 27% of complaints formally investigated about Sheffield City Council which is lower than the 41% average found across all local authorities/ALMOs and the 39% average found across all landlords.
 - Sheffield City Council has a 100% compliance rate with HO orders.
- 3.13 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:
- Guidance and reporting developed around EHCP consultations (*SENDASS*).
 - Reminder issued to staff in early June 2020 and refresher training arranged/guidance issued to ensure officers progress PCN representations that have been made on time, in the proper way (*Parking Services*).
 - Improved reporting to identify when a child has not been in education for 10 consecutive days so that there can be consistent discussion and monitoring with schools in relation to concerns around long term non-attendance (*SENDASS*).

- Reminder issued to relevant staff around of the importance of keeping accurate and complete records of investigations and decision making when conducting enquiries under Section 24 of the Care Act 2014 (*Adult Social Care*).
- Letters to parents redrafted with input from the Parent Carer forum and will enclose EHC Decision Factsheet (*SENDASS*).
- Child Arrangement Order Policy updated to ensure that it clearly sets out the Council's discretionary powers (*Children and Families*).
- Changes made to Blue Badge assessment approach and procurement and award of a new contract to provide physiotherapy assessments (*Customer Services*).
- Public facing information on website about complaints and planning enforcement reviewed and changes made as part of wider review of online form and general complaints pages on website (*Planning & Customer Services*).
- Wording of Section 46 Environmental Protection Act notice reviewed and revised (*Waste Management*).

Future developments

- 3.14 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.
- 3.15 The following have been identified as actions and areas for improvement during 2020/21:

Service improvements

- Maintain statutory complaint handling (responses to Ombudsman enquiries) despite disruptions to service delivery and challenges of remote working due to Covid-19.
- Reinforce service ownership and embed improved monitoring/open case reporting/escalation routes in order to improve on response times to Ombudsman enquiries.
- Complete self-assessment against the Complaint Handling Code published by the Housing Ombudsman in July 2020.

Organisational improvements

- Sign off new approach to complaints management with the Executive Management Team.
- Development of Customer Relationship Management (CRM) system to improve recording and reporting of complaints.
- Review and develop the information/guidance available to all employees and managers around resolving, investigating, reviewing and responding to complaints.
- Link these changes and improvements to the performance framework.

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 151 ombudsman complaints recorded by the Council's Customer Feedback and Complaints Team during 2019/20.

Table 1:

Portfolio/ Partner	Subject	Formal premature referrals	Considered without Investigation	Formal investigation made	Totals 2019/20	Totals 2018/19
People	Social Care – Adults	2	9	12	23	19
	Social Care - Children's	6	8	3	17	12
	Education	4	3	8	15	15
	Libraries	0	0	0	0	1
Place	Bereavement Services	0	1	0	1	2
	Building Control	2	0	0	2	0
	Environmental Services	1	0	0	1	2
	Housing & Neighbourhood Services	11	4	3	18	10
	Licensing	2	0	0	2	1
	Parking Services	0	3	1	4	5
	Parks & Countryside	0	1	0	1	0
	Planning	2	2	3	7	9
	Repairs & Maintenance (Council Housing)	17	1	3	21	13
Resources	Customer Services	2	7	1	10	3
	Legal	0	3	0	3	3
	Business Change & Information Services	0	0	0	0	1
Amey/Client	Streets Ahead	1	13	0	14	25
Capita	Benefits	2	5	1	8	12
	Revenues	0	3	0	3	0
Veolia/Client	Waste Management	0	1	0	1	4
Totals		52	64	35	151	137

Table 2: This table shows a breakdown by subject of the 143 complaints/enquiries received by the LGSCO in 2019/20, compared with the previous two years.

LGO subject category	2017/18	2018/19	2019/20
Adult Social Care	32	28	36
Benefits and Tax	17	17	12
Corporate and other	14	12	14
Education and Children's Services	46	34	25
Environmental Services and Public Protection & Regulation	17	25	12
Highways & Transport	33	21	25
Housing	16	18	13
Planning & Development	11	10	6
Total	186	165	143

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

LGSCO Decisions	2017/18	2018/19	2019/20
Incomplete or invalid	9	13	8
Advice Given	3	7	7
Referred back for local resolution	62	51	40
Closed after initial enquiries	65	62	53
Investigated – not upheld	11	13	4
Investigation – upheld but remedied by LA			6
Investigated – upheld	22	22	27
Report – Upheld	1	0	1
Total	172	168	146

Table 4: This table shows a breakdown of HO decisions over the last three years.

HO Decisions	2017/18	2018/19	2019/20
Closed after initial enquiries (outside jurisdiction/no further action)	1	3	2
Investigated – not upheld (no maladministration)	3	4	4
Investigated – upheld (maladministration/partial maladministration)	1	2	3
Remedied by LA (redress provided)	0	1	2
Total	5	10	11

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 2018/19	Number enquiries received 2019/20	% increase/ decrease (+ / -)	Number of enquiries per 1000 population
Birmingham	484	561	+14%	0.49
Bristol	136	130	-5%	0.28
Leeds	187	185	-1%	0.23
Liverpool	136	130	-5%	0.26
Manchester	176	157	-12%	0.29
Newcastle	73	65	-12%	0.22
Nottingham	106	75	-39%	0.23
Sheffield	165	143	-15%	0.25

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

	Number of detailed investigations 2019/20	Number of complaints upheld 2019/20	Upheld rate 2019/20	Number of complaints where Satisfactory Remedy provided before complaint reached Ombudsman 2019/20 - % of upheld cases		Compliance with Ombudsman Recommendations 2019/20
Birmingham	153	119	78%	5	4%	100%
Bristol	33	20	61%	2	10%	100%
Leeds	49	31	63%	4	13%	100%
Liverpool	25	22	88%	4	18%	100%
Manchester	29	175	59%	2	12%	100%
Newcastle	18	12	67%	3	25%	100%
Nottingham	19	12	63%	1	8%	100%
Sheffield	38	34	89%	5	15%	100%

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