



## Audit & Standards Committee Report

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

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**Date:** 21 October 2021

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**Subject:** Annual Ombudsman Complaints Report 2020/21

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**Author of Report:** Paul Taylor, Head of Customer Services

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**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 2020 to 31 March 2021.

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.

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**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.

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**Background Papers:**

LGSCO Annual Letter 2020/21

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**Category of Report:** OPEN

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## Statutory and Council Policy Checklist

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

NO

# Annual Report Ombudsman Report 2020-2021

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## **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 As part of Sheffield City Council’s One Year Corporate Plan, to become a more listening and learning organisation, we will overhaul our complaints process so that customers are able to challenge and help us drive improvement in all our services. This will include not only the replacement of our complaints case management system from 1 November 2021 but will also focus on our culture and behaviours when handling complaints.
- 1.3 We aim become better at listening to complainants; learning from complaints and improving the customer’s experience when they make a complaint.
- 1.4 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.
- 1.5 The 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).
- 1.6 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.

- 1.7 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.
- 1.8 Overall, the Council and its strategic delivery partners (Amey and Veolia) dealt with 2014 complaints through the formal complaints process in 2020/21.
- 1.9 The LGSCO received 95 complaints and enquiries about Sheffield City Council and its strategic delivery partners during 2020/21. The number of complaints/enquiries received by the Housing Ombudsman is unavailable at this time (HO annual reporting is delayed until January 2022).
- 1.10 The Council's Feedback and Complaints Team has recorded 13 complaint referrals/enquiries from the HO.

## **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 2020 to 31 March 2021.
- 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 COMPLAINTS OVERVIEW 2020/21**

- 3.1 In 2020/21, there were 434 'formal' complaints about Council Portfolios. The highest numbers of 'formal' complaints received were in relation to Children and Families Services (28%) and Adult Social Care (19). Complaint numbers across the Council's Portfolios are significantly lower than the previous year. A separate annual complaints report looking at the Council's complaint handling during 2020/21 is being finalised and will provide more detailed commentary on this. There was a total of 1580 'formal' complaints about highways maintenance and waste management services delivered by our Strategic Partners. Overall, this is higher than in 2019/20 (1339), but lower than in 2018/19 (2104).

	2018/19	2019/20	2020/21
<b>People</b>	361	326	227
<b>Place</b>	303	246	148
<b>Resources (incl. PPC)</b>	46	56	59
<b>Total</b>	<b>710</b>	<b>628</b>	<b>434</b>
<b>Amey</b>	1744	1004	1119
<b>Capita</b>	228	101	N/A
<b>Veolia</b>	360	335	461
<b>Total incl. partners</b>	<b>3042</b>	<b>2068</b>	<b>2014</b>

- 3.2 The Council's Feedback & Complaints Team recorded a total of 80 complaints received by the LGSCO and HO during 2020/21, a significantly lower than the 151 received the previous year. This figure is undoubtedly influenced by the LGSCO closing its door to new complaints at the start of the year to assist local authorities in dealing with the pandemic. A breakdown by service area is provided at [Appendix A, \(Table 1\)](#).

The service areas that generated the largest number of Ombudsman enquiries during 2020/21 were Adult Social Care (14), Planning (12) and Housing and Neighbourhood Services (11).

- 3.3 The numbers reported do not match the number recorded by the Council's 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 were not shared with the Council.
- 3.4 It is important to note that not all Ombudsman enquiries lead to a formal investigation. In fact, of the 80 enquiries recorded by the Council's Customer Feedback & Complaints Team in 2020/21, 73% were concluded without a formal investigation. Of the 22 (27%) that were formally investigated, the highest numbers were about Adult Social Care (9) and Housing and Neighbourhood Services (5).
- 3.5 The LGSCO has reported that 95 complaints/enquiries were received about the Council during 2020/21, compared with 143 in 2019/20 and 165 in 2018/19. More detailed breakdowns by category are provided at [Appendix A \(Table 2\)](#).

The HO is yet to issue an annual report (delayed until January 2022) and so the number of complaints/enquiries received is not available at this time. A summary of Table 2 is provided below:

Complaints/Enquiries Received	2018/19	2019/20	2020/21
<b>LGSCO</b>	165	143	<b>95</b>
<b>HO</b>	59	58	<b>TBC</b>

#### 4.0 RESPONSE PERFORMANCE - OMBUDSMAN

- 4.1 The Council's average response time to 62 preliminary ombudsman enquiries in 2020/21 was 7 calendar days (generally 3 working day target but some preliminary enquiries have specific response date on case by case basis).
- 4.2 The average response time to 24 initial formal enquiries made by the LGSCO/HO in 2020/21 was 29 working days, with 17 (71%) meeting the original or formally agreed extended response deadline.
- Due to the pandemic and the resulting pressure on service delivery the Ombudsmen were flexible during 2020/21 in extending timeframes beyond the 20 working day target usually set by the LGSCO and 15 working day target usually set by the HO.

	Number of Initial Formal enquiries	Number within original or formally agreed extended timescale	1 - 3 day over timescale	4 - 7 days over timescale
LGSCO	18	12 (67%)	4 (22%)	2 (11%)
HO	6	5 (83%)	1 (17%)	0

- 4.3 Delays in responding are mainly due to late/incomplete service comments and information. The 7 responses that exceeded the original or formally agreed extended timeframe were in relation to 2 Adult Social Care related complaints, 2 Children's Social Care related complaints and 3 Housing and Neighbourhood related complaints.

#### 5.0 OUTCOMES

- 5.1 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 found to be 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.
- 5.2 During 2020/21, the LGSCO upheld 17 complaints and the HO upheld 1 complaint. 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](#).
- 5.3 The LGSCO issued two public reports during 2020/21.

The first report was concerning the Council's removal and replacement of street trees, as part of its 'Streets Ahead' programme. The Ombudsman found the Council had not been open about the policies and procedures it followed when deciding on which street trees it would remove and had not been transparent about decision making in the case investigated. The LGSCO did however recognise the Council has since reconsidered its approach and from late 2018 it has worked with a campaign group to agree a new approach to managing street trees in the city. In the annual

Letter (**Appendix C**) the LGSCO states he is pleased the Council accepted the findings of their report and welcomes that the Council gave a public and unreserved apology and agreed to undertake further work to embed the principles of transparency, openness and accountability in its decision making and to improve the quality of decisions taken in relation to street trees.

The LGSCO issued a second public report about the Council's failure to provide suitable education and Special Educational Needs provision to a young person with additional needs. In the annual letter (**Appendix C**) the LGSCO states he is pleased the Council responded positively to their recommendations and welcomes the Council's agreement to an additional recommendation requested by the complainant to review the young person's needs and consider alternative education provision.

Further details of both complaints are included in **Appendix B**.

- 5.4 In total, the Council paid £26,792 in compensatory payments and other reimbursements following Ombudsman enquiries. This compares with £20,070 paid in 2019/20.

## **6.0 BENCHMARKING**

- 6.1 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 71% of the complaints that were formally investigated about Sheffield City Council, which is slightly below the 72% average for similar authorities.
- In 12% of upheld cases the LGSCO found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman, which is slightly above the average of 11% in similar authorities.
- In terms of LGSCO recommendations, Sheffield City Council, like all the other Core Cities during 2020/21, had a 100% compliance rate but we were 'late' in completing an agreed action in 1 complaint (**see Appendix B – complaint 7**).

- 6.2 Due to the delay in HO annual reporting for 2020/21 we are currently unable to include further detail relating to HO involvement and how Sheffield City Council compares with other local authorities, ALMOs and landlords.

## **7.0 LEARNING**

- 7.1 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:

- Further guidance/reminder issued to staff across the service regarding statutory social care complaint timescales (*Children & Families*).
- Action plan developed building on a review conducted previous year to develop the curriculum intent and revised framework around alternative education provision (*SENDARS*).
- Complaint Handling training delivered to all relevant managers (*Amey/Streets Ahead Client Team*).
- Creation of an archive for all related tree related material and development of Street Tree Partnership Working Strategy to embed principles of transparency, openness and accountability in its decision making and improve the quality of decisions taken in relation to street trees. We commissioned a local non-statutory inquiry into the management of the street trees dispute, led by an independent person, to continue to rebuild trust with our communities.
- Complaint outcome/findings further considered as part of an ongoing review/project looking at the area of transitions when children transfer into adult services. A new Transitions team has been set up to work alongside Social Workers from year 9 until the child reaches 18. The service is also looking into an Occupational Therapist being part of the Team. Changes to the way the Service works are due to be implemented by September 2021 with the aim that families have a better and more holistic response to the additional challenges faced by parents of children with complex needs. This will ensure that information is shared at an earlier stage in the process and plans are in place to ensure a smooth transition (*Preparation for Adulthood*).

## 8.0 IMPROVEMENTS 2020/21 AND FUTURE DEVELOPMENTS 2021/22

The following provides an update on actions and areas identified for improvement in 2020/21 and ongoing/future developments for 2021/22:

### 8.1 Service improvements:

- ***Maintain statutory complaint handling (responses to Ombudsman enquiries) despite continued disruptions to service delivery and challenges of remote working due to Covid-19.*** The Ombudsmen were mindful of pressure on service delivery during 2020/21 due to the pandemic and as a result were flexible in extending timeframes beyond usual 20 working day target (LGSCO) and 15 working day target (HO). Ombudsmen expectations around response times have now reverted to the usual standard target timeframes.

- **Reinforce service ownership and embed improved monitoring/open case reporting/escalation routes in order to improve on response times to Ombudsman enquiries.** Work is ongoing but Executive Director briefings and dedicated time slots to review and sign responses are assisting greatly in improving the timeliness and quality of information collated.
- **Complete self-assessment against the Complaint Handling Code published by the Housing Ombudsman in July 2020.** The self-assessment was completed in December 2020 and the outcome published on website <https://www.sheffield.gov.uk/content/sheffield/home/council-housing/housing-complaints-handling.html> An action plan has been drawn up to address the gaps identified and bring about the necessary changes and improvements to complaint handling, recording and reporting. Some of the improvements will be delivered as part of the ongoing complaints project.

## 8.2 Organisational improvements

- **Sign off new approach to complaints management with the Executive Management Team.** An overhaul of the complaints process is included in the Council's One Year Plan so that customers are able to challenge and help us drive improvement in all of our services. The ongoing Complaints Project focuses on the transformation of how we record and manage customer feedback and complaints across the organisation. It aims to improve the customer journey as well as our internal case management processes.
- **Development of Customer Relationship Management (CRM) system to improve recording and reporting of complaints.** The new complaints case management system is due to go live on 1 November 2021 which will bring about improved, more timely reporting capabilities.
- **Review and develop the information/guidance available to all employees and managers around resolving, investigating, reviewing and responding to complaints.** All employees will be provided with the support and training needed to professionally manage complaints, by taking ownership and accountability of a complaint from the day it is received. Existing on-line and remote classroom training is being refreshed and relaunched. Complaint and feedback procedures, guidance and letter templates are all being refreshed and information will be made available to all staff via a new complaints and feedback Sharepoint site.
- **Link these changes and improvements to the performance framework.** Following 'go live' of the new complaints case management system, we will be reinforcing a robust performance approach and culture across the organisation in respect of complaints and feedback to drive improvement and accountability and to deliver better services. This will involve the development of performance and learning 'You said, we did!' dashboards.

## **9.0 RECOMMENDATIONS**

- 9.1 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.

