

THIS ITEM IS FOR INFORMATION ONLY
(Please note that "Information Only" reports do not require Equality Impact Assessments, Legal or Finance Comments as no decision is being taken)

Title of meeting: Governance and Audit and Standards Committee

Subject: Local Government Ombudsman Complaints 2016/2017.

Date of meeting: 15th September 2017

Report by: Director of Community and Communications

Wards affected: All

1. Requested by

Director of Community and Communications

2. Purpose

To bring to the attention of the Governance & Audit & Standards Committee the Annual Review of Complaints by the Local Government Ombudsman dated July 2017 regarding the complaints it has considered against Portsmouth City Council for the year 2016/2017.

3. LGO complaint review information

3.1 The Ombudsman investigates complaints about all local authorities and social care providers in England. Every year it publishes the information it sends to councils to help with transparency and improve local services for residents.

3.2 While issuing the figures, the Ombudsman is keen to point out that a high number of complaints do not necessarily mean a council is performing poorly. It may indicate an authority that welcomes and encourages feedback, through a transparent system which signposts people appropriately when its own processes have been exhausted.

3.3 This year the Ombudsman received over 16,500 complaints and enquiries about councils. The greatest proportion was about Education and Children's Services, followed by Adult Social Care, and Planning.

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3.4 Complaints about Portsmouth City Council

Directorate	Number of complaints received 2016/17	Number of complaints received 2015/16
Adult Social care	10	13
Benefits and Council Tax	3	8
Corporate and Other Service	2	3
Education and Children's Services	10	15
Environmental Services and Public Protection	2	5
Highways and Transport	2	5
Housing	6	2
Planning and Development	6	1
Other	1	0
Total	42	47

Decisions made

	2016/17	2015/16
Upheld	7	2
Not Upheld	5	3
Advice given	1	1
Closed after initial enquiries	13	12
Incomplete/Invalid	2	4
Referred back for local resolution	11	25
Total	39	47

3.5 The Local Government Ombudsman received 42 complaints and enquiries about Portsmouth City Council during 2016/2017, compared with 47 in 2015/2016. During the same period 39 decisions were made regarding Portsmouth City Council. Please see the breakdown of these cases shown above.

3.6 The 7 upheld cases were remedied as a result of an investigation by the ombudsman. These are termed as 'local settlements' and are where, during the course of an investigation, the council takes or agrees to take some action which the Local Government Ombudsman considered to be a satisfactory conclusion to the complaint.

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4. Comparison to other local authorities

Number of complaints received

Directorate	Birmingham	Brighton and Hove	Portsmouth	Southampton
Adult Social care	44	29	10	11
Benefits and Council Tax	114	8	3	5
Corporate and Other Service	21	5	2	4
Education and Children's Services	52	27	10	18
Environmental Services and Public Protection	73	15	2	9
Highways and Transport	38	10	2	4
Housing	83	29	6	7
Planning and Development	22	10	6	2
Other	5	1	1	0
Total	452	134	42	54

Decisions made

Upheld	63	16	7	5
Not Upheld	38	8	5	5
Advice given	31	2	1	1
Closed after initial enquiries	105	45	13	15
Incomplete/Invalid	18	8	2	2
Referred back for local resolution	210	36	11	30
Total no. complaint	465	115	39	58
Complaints remedied by LGO	44	14	5	4
Complaints remedied by authority	5	2	1	0

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5. Agreed actions in response to upheld complaints

Complaints below have been anonymised.

5.1 Adult Social Care

5.1.1 Complaint about the service provided to the complainant's son by the City Council and Solent NHS.

5.1.2 Outcome: LGO partly upheld some of his complaints and made some recommendations regarding our Section 75 agreement with Solent NHS to discharge some of our social care functions. The City Council made a payment of £166 to the service user and £334 to his father for time and trouble. Solent NHS also had to make payments. Revisions were made to our Section 75 Agreement with Solent NHS.

5.1.3 Complaint that there were failings in the way the Council responded to concerns about a fall suffered by a resident in a Council care home and a delay in seeking medical help.

5.1.4 Outcome: The LGO found the City Council was at fault as it failed to follow the in-house falls procedures so there was a delay in her receiving medical attention. The City Council settled the complaint by making a payment of £250 to the complainant to acknowledge the distress and time and trouble caused. As a result of the investigation, the Council reviewed the falls procedure and took suitable disciplinary action against the member of staff concerned.

5.2 Benefits and Tax

5.2.1 Complaint that the Council gave inadequate notice of the decision to start charging council tax on properties that were let to students when they were empty over the summer. As a result the landlord could not increase the rent to reflect the increase in the charge and has had to pay the charge. The Council also failed to suspend recovery action while discussions with the Council were ongoing about the liability. As a result the Council issued a summons.

5.2.2 Outcome: There was no fault in the Council correctly charging council tax on an empty property when student exemptions did not apply even though that was a change from its previous practice. There was fault in issuing a summons when the complainant was still in correspondence with the Council but that was quickly resolved and no further action is necessary.

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5.3 Education and Children Services

5.3.1 Complaint about way the Council has handled the provision of care for a young person. The foster carer complained on their own behalf as a carer and for the young person about the post 16 transition and care planning.

5.3.2 Outcome: The LGO found that that the Council correctly considered the care of a young person to be a private fostering arrangement and properly supported the placement using its discretion. However, it failed to give proper advice to the carer and failed to complete agreed actions for the young person leading up to their sixteenth birthday, leaving the young person unclear about the choices available.

5.3.3 Complaint that the council failed to follow up an allegation that a foster carer abused an ex service user, inadequate foster care of children, and social worker failings.

5.3.4 Outcome: The Ombudsman found no fault in most of the issues raised. They were satisfied with the Council's own investigation and the failings the council identified in respect of not following up the allegation and other matters concerning the foster care of the children. There was no further fault found and the Council offered a suitable remedy for the injustice caused which included financial redress of £1800 and an apology before the Ombudsman became involved.

5.3.5 Complaint about the council's actions during a child protection enquiry and the failure to carry out a social care assessment. The complaint was also not investigated under stage 2 of the children's social care complaint statutory procedures.

5.3.6 Outcome: The council agreed to carry out a Stage 2 investigation and therefore the Ombudsman stopped their investigation. The council upheld the complaint and offered an apology and a change was made to processes. The complainant was satisfied with the resolution and no further complaints were made.

5.4 Planning and Development

5.4.1 Complaint that there were failings in the way the Council determined an application to convert a house into an HMO (house in multiple occupation). In particular, they complain that the Council did not consult them on the application and failed to properly consider the impact of it on their privacy and on parking in the area.

5.4.2 Outcome: A Council report recommending planning permission be granted for a house in multiple occupation wrongly stated that the house had off street parking. This fault did not affect the Council's decision to grant planning permission and therefore did not cause the complainants any injustice.

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6. Summary

Whilst more complaints were upheld this year, 17% fewer were made to LGO in 2016/17 which indicates an improvement to our responses and a resolution for the customer at an earlier stage. Processes and policies were reviewed where appropriate to ensure the residents can be satisfied that we continue to grow and change.

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Signed by (Director)

Appendices: Nil

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Ombudsman releases complaints statistics for all local authorities 2016/17	http://www.lgo.org.uk/information-centre/news/2017/aug/ombudsman-releases-complaints-statistics-for-all-local-authorities