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Title of meeting: Governance & Audit & Standards Committee

Subject: Overview of Portsmouth City Council complaints, including Local Government and Social Care Ombudsman Complaints 2016/2017.

Date of meeting: Friday 14 September 2018

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 and Social Care Ombudsman dated July 2018, regarding the complaints it has considered against Portsmouth City Council for the year 2017/2018.

3. Corporate complaints

In 2017/18, the council managed 494 complaints through the corporate complaints process, which is set out in the corporate complaints policy. This figure does not include complaints relating to Adult Social Care and Children's Social Care, which are referenced in section 4 (below).

The corporate complaints policy has been recently revised and the updated policy was approved by Governance & Audit & Standards Committee in July 2018. The new policy is now available on the council website, and a new leaflet is in progress.

The council is in the process of procuring a new IT system for corporate complaints that will enable more detailed reporting in the future. The below data is taken from the existing system, is limited and in some cases does not reflect more recent changes to directorate structures.

3.1. Stage one complaints

In 2017/18, there were 494 stage one complaints: 66% of these were managed within the timescales set out in the corporate complaints policy.

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3.2. Stage two and stage three complaints

44 complaints were taken to stage two of the process: 23% of these were managed within the timescales set out in the corporate complaints policy.

22 complaints were taken to stage three of the process: 32% of these were managed within the timescales set out in the corporate complaints policy.

Where timescales were extended the complainant was contacted and advised of the reasons for the requested extension.

Delays at Stage 1 may be due to lack of capacity, discussion around the complaint or the complexity of the complaint.

Delays at Stage 2 and 3 tend to be around availability of the relevant resource and the complexity of the issue.

3.3. Complaints trends

The service area with the highest number of complaints is Housing, Neighbourhood and Building Services which had 254 complaints at stage one, 22 at stage two and 10 at stage three.

Transport had the next highest level of stage one complaints with 88, but a higher percentage were resolved without escalation with only one stage two complaint and no complaints at stage three.

The third highest number of complaints was recorded for Community and Communication, (including revenues and benefits) with 67 stage one complaints, of which nine were taken to stage two and four were taken to stage three.

3.4. Compliments

The complaints process also allows for comments and compliments. In 2017/18, the council received 118 compliments through the corporate complaints team. Housing, Neighbourhood and Building Services received the highest number of compliments at 41, Transport had the next highest number at 28, followed by Community and Communication at 18.

4. Adult Social Care and Children's Social Care complaints

Complaints for Adult Social Care and Children's Social Care are managed by a dedicated social care complaint team, in line with specific social care complaint policies.

4.1. Adult Social Care complaints

In 2017/18, ASC received a total of 122 complaints. Of these, 90 were recorded concerning statutory matters, 12 were about non-statutory procedures, and 5 were classed as being in regard to private providers.

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4.2. Children's Social Care complaints

In 2017/18, CSC received a total of 124 complaints. Of these, 35 were recorded as statutory, 65 were classed as non-procedure/corporate and 24 related to other matters.

5. Local Government Ombudsman review

5.1. 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.

5.2. 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.

5.3. This year the Ombudsman received almost 17,500 complaints and enquiries about councils. The greatest proportion were about Education and Children's Services, followed by Adult Social Care, and Planning.

5.4. 3.4 Complaints about Portsmouth City Council

Directorate	Number of complaints received		
	2017/18	2016/17	2015/16
Adult Social care	7	10	13
Benefits and Tax	4	3	8
Corporate and Other Service	3	2	3
Education and Children's Services	13	10	15
Environmental Services	4	2	5
Highways and Transport	4	2	5
Housing	7	6	2
Planning and Development	4	6	1
Other	0	1	0
Total	46	42	47

Decisions made

	2017/18	2016/17	2015/16
Upheld	9	7	2
Not Upheld	3	5	3
Advice given	5	1	1
Closed after initial enquiries	13	13	12
Incomplete/Invalid	1	2	4
Referred back for local resolution	15	11	25
Total	46	39	47

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5.5. The Ombudsman received 46 complaints and enquiries about Portsmouth City Council during 2017/2018, compared with 42 in 2016/2017 and 47 in 2015/16. During the same period 46 decisions were made regarding Portsmouth City Council. Please see the breakdown of these cases shown above.

5.6. The nine 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.

6. Comparison to other local authorities

Number of complaints received

Directorate	Birmingham	Brighton and Hove	Portsmouth	Southampton
Adult Social care	51	13	7	15
Benefits and Tax	97	10	4	11
Corporate and Other Service	18	5	3	3
Education and Children's Services	49	25	13	27
Environmental Services	93	16	4	9
Highways and Transport	29	13	4	1
Housing	102	28	7	6
Planning and Development	13	10	4	2
Other	3	0	0	0
Total	455	120	46	74

Decisions made

Upheld	43	24	9	7
Not Upheld	29	18	3	7
Advice given	34	3	5	2
Closed after initial enquiries	93	33	13	10
Incomplete/Invalid	21	1	1	3
Referred back for local resolution	221	45	15	39
Total no. complaint	441	124	46	68

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Complaints remedied by LGO	28	18	5	5
Complaints remedied by authority	8	1	2	0

7. Agreed actions in response to upheld complaints

Complaints below have been anonymised.

7.1. Adult and Children's Social Care
Upheld decisions actions:

160 11 835 - Apology letter and cheque sent to complainant on 02/11/2017
 -Email to care agency from our contacts team on 10/11/2017 advising they have asked for copies of their complaints policies and to be cc'd into any responses.

16 006 709 - Final decision 25.01.18
 27.03.18 The LGO asked us to retrospectively consider whether a higher direct payment amount would have been awarded based on Mr K's unmet need for assistance with managing his nutrition.

Our Service Manager responded to them that this had been considered and would not be actioned.

16 012 980 - Note to the system added to the system on 07/07/17.
 Email dated 20/06/17 sent to Team Leader to cascade detailing advocacy provisions.

Thank you for the Council's email of 11 July 2017 agreeing to:

Add a note to its system in relation to Miss X request to have contact with only females;

Add a note to its system in relation to Miss X request for documents to be sent in large print;

Remind its social workers that the Council can refer individuals for advocacy services where they do not meet the criteria for Care Act advocacy.

17 002 201 - The Council was at fault for handing information about the revocation over during the meeting on 12 September 2016, when it could have been discussed. The Council apologised for this when it wrote to Mr R on 28 September. That is sufficient remedy.

17 011 730 05.03.08 Final decision
 Within three months of the date of my final decision, the Council should:
 (a) Ensure relevant staff are aware that, if amendments are made to an agreement after it has been signed, they should ensure that the signatories also sign the amendment. Alternatively, they should produce a new copy and have it signed afresh.
 (b) Advise relevant staff that they should only rely on a family member to pass messages when reasonable efforts at direct communication with a person have failed. They should

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also ensure that they make a formal record of the failed communications, in case there is a subsequent dispute about this.

Implemented immediately, discussed at proceeding team meetings

17 012 697 15.02.18 Final Decision

The Council has agreed to start a second stage investigation under the children's procedure in *Getting the Best from Complaints 2006* without delay. To avoid further delay caused by splitting the complaints, this will include all the unresolved matters Mr X complained of in complaints a) to c).

Implemented immediately

7.2. Planning and Development

160 098 51

25.04.17 CEO in Stage 3 response offered £200 time and trouble payment which was paid on 08.05.17

160 152 36

01.04.16 CEO Stage 3 response an offer of £150 was made.

170 006 15

18.08.17 CEO Stage 3 offered £250 refunded planning application fee
Payment sent 20.012.17

8. 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 have been reviewed and revised where appropriate to ensure that PCC continues to learn and change as appropriate.

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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:

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Title of document	Location
Local Government and Social Care Ombudsman: Annual Review of Local Government Complaints 2017-18	https://www.lgo.org.uk/information-centre/news/2018/jul/a-tool-for-change-ombudsman-issues-annual-review-of-council-complaints
Local Government and Social Care Ombudsman: Portsmouth City Council Annual Review	https://www.lgo.org.uk/information-centre/councils-performance/council/Portsmouth%20City%20Council
Local Government and Social Care Ombudsman: Brighton and Hove City Council Annual Review	https://www.lgo.org.uk/information-centre/councils-performance/council/Brighton%20%26%20Hove%20City%20Council
Local Government and Social Care Ombudsman: Birmingham City Council Annual Review	https://www.lgo.org.uk/information-centre/councils-performance/council/Birmingham%20City%20Council
Local Government and Social Care Ombudsman: Southampton City Council Annual Review	https://www.lgo.org.uk/information-centre/councils-performance/council/Southampton%20City%20Council