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Title of meeting: Governance and Audit and Standards Committee

Subject: Overview of Portsmouth City Council complaints, including Local Government and Social Care Ombudsman Complaints 2018/19.

Date of meeting: Friday 21 September 2019

Report by: Assistant director of Community and Communications, on behalf of the Chief Executive

Wards affected: All

1. Requested by

Chief Executive.

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 (LGSCO) dated July 2019, regarding complaints it has considered against Portsmouth City Council for the year 2018/2019.

3. Corporate complaints

In 2018/19, the council managed 531 stage one, stage two, and stage three complaints through the corporate complaints process, set out in the corporate complaints policy (included in the background documents).

The policy sets out a clear three stage escalation process for corporate complaints, including the timescales the council aims to adhere to when responding to complaints.

The number of corporate complaints does not include complaints relating to Adult Social Care and Children's Social Care, which are managed in line with separate policies and referenced in section four (below).

It should be noted that the data below came from the council's previous corporate complaints system, which had limited functionality, particularly around reporting. As a result, it has not been possible to align 2018/19 complaints data with changes to directorate configurations.

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A new IT system for corporate complaints went live at the beginning of August 2019, and will enable more accurate and detailed reporting in the future.

3.1. Stage one complaints

There were 483 stage one complaints in 2018/19, a slight reduction on the 494 from 2017/18. Of those complaints, 66% were managed within the 10 working days timescale set out in the corporate complaints policy in 2018/19, the same percentage as in 2017/18.

Corporate complaints are working to improve adherence to timescales.

There were various reasons for delays, including allowing time for meetings with the customer making the complaint and enabling additional evidence to be provided, as well as officer capacity to investigate and respond. Where the council is unable to meet policy timelines, the customer is kept informed.

3.2. Stage two and stage three complaints

In 2018/19, 32 complaints were taken to stage two of the process compared with 44 complaints taken to stage two in 2017/18. The percentage of stage two complaints managed within the 15 working day timescale set out in the policy increased from 23% in 2017/18 to 56% in 2018/19.

In 2018/19, 16 complaints were taken to stage three of the process compared with 22 complaints taken to stage three the previous year. The percentage of stage three complaints managed within the 20 working day timescale set out in the policy increased from 32% to 76%.

3.3. Complaints trends

3.3.1. stage one, two and three complaint trends

In 2018/19, the number of stage one complaints decreased slightly, while the proportion of complaints then escalated through the process decreased more significantly.

This aligns with a review of the corporate complaints policy and process, which was designed to improve the council's management of complaints, and improve responses to complaints at all stages. This included:

- senior officers in all directorates assuming new lead officer responsibilities for the quality of complaint responses, and for ensuring learning from complaints
- internal communications, including a new intranet complaints hub, to ensure managers and staff are well-informed and are following the complaint process
- new reminder process implemented to improve adherence to timelines

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3.3.2. policy timeline trends

While adherence to policy timelines around stage two and stage three complaints improved substantially, adherence to timelines around stage one complaints remained static in 2018/19.

Work is underway to address the issue, including a new reminder process to ensure responses are sent by directorates in line with timelines. The new IT system provides additional automated monitoring and reminders for directorates around timescales, which should support further improvements.

3.3.3. trends by service area

As in previous years and as would be expected, the services with the highest numbers of complaints are those with the highest levels of front line customer engagement.

The service area with the highest number of complaints is Housing, Neighbourhood and Building Services which had 253 complaints at stage one, 17 at stage two and six at stage three. Transport had the next highest level of stage one complaints with 74, but a higher percentage were resolved without escalation with only four stage two complaints and two stage three complaints. The third highest number of complaints was recorded for Community and Communication, which includes revenues and benefits, with 60 stage one complaints, of which one was taken to stage two and stage three.

3.4. Compliments

The complaints process also allows for comments and compliments. In 2017/18, the council received 128 compliments through the corporate complaints team. Transport and Environment received the highest number at 28, followed by Housing, Neighbourhood and Building Services at 27, Community and Communication at 25 and Culture at 22.

4. ASC and CSC complaints and compliments

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. ASC complaints and compliments

In 2018/19, ASC received a total of 82 complaints. Of these, 75 were recorded concerning statutory matters, seven were about non-statutory procedures, and seven were classed as being in regard to private providers.

ASC received 60 compliments.

4.2. CSC complaints

In 2017/18, CSC received a total of 124 complaints. Of these, 35 were statutory, 65 were classed as non-procedure/corporate, 23 were representations, and 1 was other procedure.

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5. LGSCO complaint review information

- 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. Complaints about Portsmouth City Council

Directorate	Number of complaints received			
	2018/19	2017/18	2016/17	2015/16
Adult Social care	9	7	10	13
Benefits and Tax	2	4	3	8
Corporate and Other Service	4	3	2	3
Education and Children's Services	10	13	10	15
Environmental Services	3	4	2	5
Highways and Transport	8	4	2	5
Housing	7	7	6	2
Planning and Development	2	4	6	1
Other	0	0	1	0
Total	45	46	42	47

5.4. Decisions made

	2018/19	2017/18	2016/17	2015/16
Upheld	8	9	7	2
Not Upheld	8	3	5	3
Advice given	2	5	1	1
Closed after initial enquiries	13	13	13	12
Incomplete/Invalid	0	1	2	4
Referred back for local resolution	12	15	11	25
Total	43	46	39	47

- 5.5.** The Ombudsman received 45 complaints and enquiries about PCC during 2018/19, compared with 46 in 2017/2018 and 39 in 2016/17. During the same period, 43 decisions were made regarding PCC.
- 5.6.** The eight upheld cases were remedied satisfactorily following investigation by the LGSCO. In one case, the council had already provided a satisfactory remedy before the case was referred. See breakdown of upheld cases shown above at section 7.

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6. Comparison to other local authorities

6.1. Number of complaints received

Directorate	Portsmouth	Brighton and Hove	Luton	Southampton
Adult Social care	9	14	11	20
Benefits and Tax	2	6	13	5
Corporate and Other Service	4	0	4	0
Education and Children's Services	10	10	15	11
Environmental Services	3	12	7	10
Highways and Transport	8	11	5	8
Housing	7	16	11	5
Planning and Development	2	8	8	5
Other	0	0	1	1
Total	45	77	75	65

6.2. Decisions made

Directorate	Portsmouth	Brighton and Hove	Luton	Southampton
Upheld	8	20	11	17
Not Upheld	8	17	8	7
Advice given	2	3	3	5
Closed after initial enquiries	13	21	19	15
Incomplete/Invalid	0	2	1	3
Referred back for local resolution	12	24	26	27
Total number of decisions made	43	87	68	74
Cases where satisfactory remedy provided by authority before complaint reached the LGSCO	1	7	2	0
% of upheld cases where authority provided satisfactory remedy before complaint reached the LGSCO	13%	35%	18%	0%

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7. Agreed actions in response to upheld complaints

7.1. Adult Social Care (ASC)

Three complaints in relation to ASC were upheld by the LGSCO.

In the first case, although the LGSCO did not specifically recommend either remedy or service improvement, ASC reviewed the care provider's complaints procedure and safeguarding policies. It apologised to the complainant and provided financial redress.

In the second case, the LGSCO recommended the council review its decision in relation to provision of service and provide financial redress. In addition to following the LGSCO recommendation in terms of financial redress, ASC has also taken action to remind staff of the correct processes, both when cases are referred to other organisations, to ensure the council retains oversight and has a procedure to monitor outcomes, and when staff have issues communicating with people directly.

In the third case, the LGSCO recommended the council apologise, provide financial redress and a reassessment. ASC has followed the LGSCO recommendations, and agreed to carry out an assessment and provide a care plan and personal budget.

7.2. Education and Children's Services

Four complaints in relation to Education and Children's Services were upheld by the LGSCO.

In the first case, the LGSCO recommended financial redress, which has been offered. In addition, Children's Social Care (CSC) has reviewed the service provided by an external care agency, including case records and staff recruitment and development processes. The CSC review has included contacting service users to seek their views.

In the second case, while no financial remedy or service improvement was recommended, CSC took action in terms of sending the complainant copies of relevant documents, as the service could not be certain the documents had been sent previously.

In the third case, the LGSCO recommended the council review its decision around service provision, and provide financial redress. In addition to following the LGSCO recommendations, CSC have taken action to ensure staff are aware that either any amendments to agreements should be specifically signed, or that new agreements are provided and signed when changes are made.

In the fourth case, the LGSCO recommended financial redress and that the council ensures there is no distinction between formal and informal complaints. In addition to providing financial redress, the Education service has updated its guidance for staff to ensure all expressions of dissatisfaction are managed correctly as complaints.

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7.3. Housing

In relation to the one upheld complaint for Housing, the LGSCO recommended the council apologise for uncertainty caused by its failure to send a customer an important email. The council has apologised. Financial redress or service improvement was not recommended.

8. Summary

Following a review of the corporate complaints policy and associated internal communications around the process in 2018, the number of stage one complaints being managed correctly through the process has increased. However, the number of complaints being escalated to stage two and stage three has fallen, suggesting the quality of responses has improved. The focus is now on improvements to adherence to policy timescales, which will be supported by new automated reminders.

The number of complaints referred to and upheld by the LGO has remained relatively static, and PCC continues to compare well with other local authorities.

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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
Portsmouth City Council: Corporate Complaints Policy	https://www.portsmouth.gov.uk/ext/documents-external/cou-corporate-complaints-policy-2018.pdf
Local Government and Social Care Ombudsman: Portsmouth City Council Annual Review	https://www.lgo.org.uk/documents/councilperformance/2019/portsmouth%20city%20council.pdf
Local Government and Social Care Ombudsman: Brighton and Hove City Council Annual Review	https://www.lgo.org.uk/documents/councilperformance/2019/brighton%20&%20hove%20city%20council.pdf
Local Government and Social Care Ombudsman: Luton Borough Council Annual Review	https://www.lgo.org.uk/documents/councilperformance/2019/luton%20borough%20council.pdf
Local Government and Social Care Ombudsman: Southampton City Council Annual Review	https://www.lgo.org.uk/documents/councilperformance/2019/southampton%20city%20council.pdf