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(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)

Title of meeting: Governance and Audit and Standards Committee

Subject: Overview of Portsmouth City Council complaints, including Local Government and Social Care Ombudsman Complaints 2019/20.

Date of meeting: Friday 25 September 2020

Report by: Assistant Director of Corporate Services

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 2020, regarding complaints it has considered against Portsmouth City Council for the year 2019/20.

3. Corporate complaints

In 2019/20, the council managed 443 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). This compares to 531 complaints managed through the three stage process in 2018/19.

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.

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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 a proportion of the data for 2019/20 came from the council's previous corporate complaints system, which had limited functionality, particularly around reporting. The previous database has now been replaced with a bespoke complaint management system, which went live on 8 August 2019. As a result, this report uses data from the old system for the period 1 April 2019 - 7 August 2019, alongside data from the new system for the period 8 August 2019 - 31 March 2020.

3.1. Stage one complaints

There were 383 stage one complaints in 2019/20, a reduction on the 483 from 2018/19.

Of those 383 stage one complaints, 70% were managed within the 10 working days timescale set out in the corporate complaints policy, an increase on the 66% that were managed within the timescale in 2018/19.

Corporate complaints are continuing to work to improve adherence to timescales.

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

3.2. Stage two and stage three complaints

In 2019/20, 38 complaints were taken to stage two of the process compared with 32 complaints taken to stage two in 2018/19. The percentage of stage two complaints managed within the 15 working day timescale set out in the policy was 71% in 2019/20 compared to 56% in 2018/19.

In 2019/20, 18 complaints were taken to stage three of the process compared with 16 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 was 22%, compared with 76% in 2018/19.

3.3. Complaints trends

3.3.1. stage one, two and three complaint trends

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In 2019/20, the overall number of stage one complaints decreased significantly.

Since 2018, a complaints review has been underway to improve the way the council manages its corporate complaints. Part of the aim of the review was to increase the number of customer enquiries resolved in the first point of contact, reducing the need for customers to make formal complaints. It is possible changes made as a result of the review, including the introduction of new lead officer roles in directorates to ensure complaint management is overseen by a senior officer, as well as advice and guidance for staff on managing customer issues contained on the new intranet complaints hub, has made an impact on the numbers of formal complaints being made.

The complaints review also identified some complaints being escalated through the process because the responses at stage one and two had been insufficient and not all the points raised by the customer had been responded to. Work was done to improve the quality of complaint responses, including providing advice and support for managers responding to complaints, and creating response templates designed to act as a prompt to make sure all points made by customers are fully addressed. While the number of complaints escalated to stage two and stage three of the complaint process remains relatively low, the number has increased and work to improve the quality of responses at all stages is on-going.

3.3.2. policy timeline trends

Adherence to policy timelines improved for stage one and stage two complaints in 2019/20, reflecting the on-going work to by corporate complaints to monitor timelines as well as the engagement of new lead and link officers in supporting complaint management in directorates. New automated reminders are now also in place, as features of the new complaints system.

However, during the same period, the proportion of stage three complaints managed within the timescales has reduced significantly. By their nature, stage three complaints are often complex and investigation at this point in process requires a review of the original complaint and associated evidence, as well as the responses given at stage one and stage two. The complexity of the stage three complaints in 2019/20 contributed to the extended lengths of time taken to respond. In some cases, the capacity and availability of specialist council officers to provide technical information and expertise to support the complaint investigation has resulted in delays. In other cases, factors contributing to unavoidable delays have included not being able to meet with customers in a timely way as a result of their health issues or availability of their representatives, as well as delays in customers responding to requests for additional information.

Where there are delays, customers are kept fully informed.

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Reducing the time taken to respond to stage three complaints had been identified as a clear area for improvement in 2020/21, and a review of stage three complaints is planned but has been delayed by the response to the coronavirus pandemic.

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.

As a result of the switchover from the old complaints database to the new Respond complaints software, the trends by service area are detailed in two sections. This is because the data from the early part of the year is aligned with the council's directorates prior to the 2019 restructure.

Although the directorate with the highest number of complaints was Housing, Neighbourhoods and Building Services, in line with overall reductions the number of complaints fell from 276 in 2018/19 to 188 in 2019/20.

Corporate complaints - 01/04/19-08/08/19 **(Data from previous complaints database)**

Directorate/service	complaints
Chief executive	1
Children, families and education	8
Colas/PFI	4
Community and Communications (including revenues and benefits)	19
Culture, leisure and regulatory services	18
Housing, neighbourhoods and building services	78
Regeneration (including transport and planning)	56
Total	184

Corporate complaints 29/08/19 - 31/03/20 **(Data from Respond complaints system)**

Directorate/service	complaints
Adult social care	1
Children, families and education	10
Culture, leisure and regulatory services	43
Corporate services	6

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Finance and PFI (including revenues and benefits and Colas/PFI)	11
Housing, neighbourhoods and building services	110
Regeneration	75
Portsmouth International Port	3
	259

3.4. Compliments

The complaints process also allows for comments and compliments. In 2019/20, the council received 146 compliments through corporate complaints, compared with 128 compliments in 2018/19. Culture, Leisure and Regulatory Services and Housing, Neighbourhood and Building Services received the most compliments, with 38 each, followed by Regeneration with 24.

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 2019/20, ASC received a total of 67 complaints.

Of these, 67 were recorded concerning statutory matters and eight involved an independent provider. ASC also received 26 Councilor/MP enquiries.

ASC received 22 compliments.

4.2. CSC complaints

In 2019/20, CSC received a total of 149 complaints. Of these, 49 were statutory, 100 were classed as non-procedure/corporate, 13 were representations, 15 were customer contacts, and 19 were possible complaints. There were also 4 councilor/MP enquiries. The complaints team do not usually log these enquiries, however, these were related to ongoing complaints.

CSC also received 13 compliments.

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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 and enquiries about Portsmouth City Council

Directorate	Number of complaints received			
	2019/20	2018/19	2017/18	2016/17
Adult Social care	5	9	7	10
Benefits and Tax	1	2	4	3
Corporate and Other Service	5	4	3	2
Education and Children's Services	8	10	13	10
Environmental Services	3	3	4	2
Highways and Transport	6	8	4	2
Housing	5	7	7	6
Planning and Development	1	2	4	6
Other	1	0	0	1
Total	35	45	46	42

5.4. Decisions made

	2019/20	2018/19	2017/18	2016/17
Upheld	6	8	9	7
Not Upheld	5	8	3	5
Advice given	0	2	5	1
Closed after initial enquiries	15	13	13	13
Incomplete/Invalid	3	0	1	2
Referred back for local resolution	11	12	15	11
Total	40	43	46	39

5.5. The Ombudsman received 35 complaints and enquiries about PCC during 2019/20, compared with 45 in 2018/19 and 46 in 2017/18. During the same period, 40 decisions were made regarding PCC.

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5.6. The six 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 below at section seven.

6. LGSCO complaints: comparison to other local authorities

6.1. Number of complaints received

	Portsmouth	Brighton and Hove	Luton	Southampton
Adult Social care	5	11	13	4
Benefits and Tax	1	5	12	2
Corporate and Other Service	5	4	1	4
Education and Children's Services	8	17	10	20
Environmental Services	3	14	8	12
Highways and Transport	6	12	2	4
Housing	5	18	8	7
Planning and Development	1	6	12	4
Other	1	2	1	2
Total	35	89	67	59

6.2. Decisions made

	Portsmouth	Brighton and Hove	Luton	Southampton
Upheld	6	9	13	7
Not Upheld	5	8	11	3
Advice given	0	3	4	2

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Closed after initial enquiries	15	28	13	19
Incomplete/Invalid	3	6	6	4
Referred back for local resolution	11	28	23	22
Total number of decisions made	40	82	70	57
% of upheld cases where authority provided satisfactory remedy before complaint reached the LGSCO	17%	33%	23%	14%

7. Upheld complaints

The following section includes a summary of the complaints upheld by the LGSCO.

7.1. Children's Social Care: Through Care Team

LGSCO complaint number: 18015989

<https://www.lgo.org.uk/decisions/adult-care-services/other/18-015-989>

Decision date: 15 January 2020

Summary: Mr X is a care leaver, for whom the council had responsibility to provide continuing support, including financial support, with education and training, through a personal advisor and a pathway plan. Mr X complained that the council would not add PhD study to his pathway plan, delayed repaying some expenses and refused to cover other expenses, leaving Mr X out of pocket by over £1,000.

The Ombudsman found the council did not deal adequately with Mr X's complaint and inappropriately used its vexatious complainants' policy. The Ombudsman also found the council was at fault in delay repaying Mr X.

The council has updated Mr X's pathway plan and shared it with him. The council has also developed a new protocol for communicating with Mr X that considers the reasonable adjustments needed in light of his disability, and has identified organisations that can help support Mr X in communicating with the council if he finds that difficult. The details of organisations that can provide support are now included in Mr X's pathway plan.

The council has paid Mr X interest on the money owed and has agreed to repay any shortfall on the cost of accommodation, once Mr X provides the necessary information to enable this to happen. The council has been in contact with Mr X to facilitate this.

In relation to the need for reasonable adjustments, the council implemented a new organisation wide reasonable adjustments policy in 2020, and has included a section on reasonable adjustments in the mandatory equality and diversity training completed by all staff.

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7.2. Adult Social Care: domiciliary care

LGSCO complaint number: 18018200

<https://www.lgo.org.uk/decisions/adult-care-services/domiciliary-care/18-018-200>

Decision date: 8 December 2019

Summary: Mrs C complained to the Ombudsman about the quality of care the council provided to her late husband through an independent care agency.

Mrs C said carers had not provided care in accordance with the care plan, and often arrived late or left early. On one occasion, Mrs C said carers had been unable to lift Mr C from a commode, she had to call paramedics to assist and the carers left before the paramedics arrived. Mrs C also said an Occupational Therapist (OT) assessment had been delayed, and that the council had put pressure on her to sell her property to pay for her husband's care.

The Ombudsman investigated and found fault in that the care agency was unable to produce care records for three of the four months it had provided care for Mr C, resulting in uncertainty about the degree to which an acceptable level of care was provided. The Ombudsman also found a lack of adequate records relating to the incident where carers had been unable to lift Mr C and paramedics were called. The Ombudsman found the lack of adequate records resulted in more distress and frustration for Mrs C.

The Ombudsman did not find any issues with the OT assessment, nor did they find any evidence the council had put pressure on Mrs C to sell her property.

Recognising there was fault in the way care records were recorded and maintained the council has apologised and made a payment to Mrs C to remedy the injustice caused. The council has also reminded the care provider about the importance of maintaining accurate records.

7.3. Adult Social Care: Learning Disabilities

LGSCO complaint number: 18010942

<https://www.lgo.org.uk/decisions/adult-care-services/other/18-010-942>

Decision date: 17 September 2019

Summary: Mrs X complained that the care support agency commissioned by the council wrongly changed her son Y's assessed support from one to one support to two to one support, that it made the change without any reference to Mrs X or Y's social worker and that it continued to charge transport costs for Y as if the one to one support was on-going.

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Mrs X also said the agency did not act on her request to provide a different activity for Y when he was unable to continue playing football.

The Ombudsman investigated and found that when the council investigated Mrs X's complaint initially, officers relied on the care support agency's account of what had happened without requiring supporting evidence. The Ombudsman also found there had been unreasonable delays in investigating the complaint. The Ombudsman found the agency had been at fault in changing Y's support from one to one to two to one without reference to Mrs X or her son's social worker. The agency has apologised for this. The Ombudsman also found the council was at fault in failing to check invoices, which resulted in Y being overcharged.

The council has changed its processes to make sure any proposed changes to support plans are discussed with the family and with the social worker responsible for the approval of the plan. The council has also reviewed its processes to ensure invoices are checked to prevent over-arching from happening again. The council has apologised to Mrs X and her son, and has refunded Y.

7.4. Corporate Services: corporate complaints

LGSCO complaint number: 18013769

<https://www.lgo.org.uk/decisions/other-categories/other/18-013-769>

Decision date: 11 October 2019

Summary: Mr P complained to the Ombudsman that the council had not made the reasonable adjustments he needs due to his disability to enable him to contact the council. Mr P said the council was not making adjustments that would allow him to access services, particularly to make complaints and contact Adult Social Care. Mr P also said he had asked to meet the chief executive but his request had been refused, and that the council had referred him to an advice agency to provide support but that agency also did not meet his needs, defeating the purpose of the referral.

In investigating, the Ombudsman found the council had made significant efforts to meet with Mr P including contact with senior officers and with the council Leader. However, the Ombudsman found the council was at fault because it had no record that the contacts with Mr P related to its duty under the Equalities Act, and no record of discussing with Mr P whether he needed any adjustments due to disability. The Ombudsman noted that without discussing with Mr P whether he needed any adjustments due to his disability, the council could not consider if there was anything more it should reasonably be doing to proactively to help his access to council services.

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The Ombudsman found the council lacked a policy on reasonable adjustments that may have contributed to its failure to ask Mr P about reasonable adjustments in a way that had explicit regard for the Equality Act requirements.

As a result of the Ombudsman's recommendations, the council has implemented an organisation-wide reasonable adjustments policy, which has been included in mandatory equality and diversity training for all staff, and communicated through the organisation.

The council has contacted Mr P to ask specifically about any reasonable adjustments needed as a result of his disability, and has made advocacy support available to assist Mr P with any future communication with the council.

7.5. Housing: Housing Needs

LGSCO complaint number: 18015382

<https://www.lgo.org.uk/decisions/housing/homelessness/18-015-382>

Decision date: 9 July 2019

Summary: Mr D, acting on behalf of Mr P, complained to the Ombudsman about the council's handling of Mr P's homelessness application in November 2017, and about delays responding to complaints.

Mr P made a homelessness application to the council in June 2017 after receiving a Section 21 notice because his landlord was selling his property. The council issued its decision in July 2017, accepting Mr P was threatened with homelessness, that he was eligible for assistance, was not intentionally homeless and had a local connection. However, the council did not consider Mr P was in priority need as, although Mr P suffered from poor mental health, it considered this was being managed and did not make him particularly vulnerable. Mr P then made further homelessness applications based on changes to circumstances, but these were declined because the council did not consider his circumstances had changed. The council provided Mr P with information about private renting options and the council's bond scheme. Following his eviction, Mr P stayed at a homeless hostel for a few nights, before being provided with a bond for new private rented accommodation that he then moved in to.

The Ombudsman found no fault in the council's handling of Mr P's homelessness application.

The Ombudsman did find fault in the council's handling of Mr P's complaint because there were delays but the delays did not cause significant injustice. The council has acknowledged its poor performance in relation to the time taken to respond to Mr P's complaint and has apologised. The way complaints are managed within Housing,

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Neighbourhoods and Building Services has been reviewed, and complaint responses are now coordinated via lead and link officers, improving adherence to timelines.

7.6. Housing: Private Sector Housing

LGSCO complaint number: 18010943

<https://www.lgo.org.uk/decisions/housing/private-housing/18-010-943>

Decision date: 24 May 2019

Summary: Ms Y, acting on behalf of Mr and Mrs X, complained about the quality of damp-proofing work completed in Mr and Mrs X's private house, for which they received a vulnerable persons' grant from the council in 2013.

The work was completed but the damp returned in 2016. The council re-inspected the property, paid for an independent surveyor to confirm the cause of the damp, and secured a refund from the original contractor. The council offered Mr and Mrs X a further grant to find a new contractor to deal with the damp and liaised with the contractor while works were completed. The remedial work did not resolve the damp problem.

Ms Y complained that Mr and Mrs X still had damp, had not been compensated following the failure of the works that had been carried out, and had to decorate the affected rooms twice. Ms Y wanted the council to cancel the grant agreement with Mr and Mrs X, and to compensate the couple for their costs and stress.

The Ombudsman concluded that although two attempts to resolve Mr and Mrs X's damp issue failed, this was not because of fault by the council. The Ombudsman noted the council was not responsible for the work carried out by the contractor who was working for Mr and Mrs X on their own private property.

The Ombudsman found fault in the way the council explained its involvement, noting that it is arguable the council blurred some lines in liaising with the contractor. However, the Ombudsman noted the council had acted in good faith and was clearly trying to help Mr and Mrs X when it was under no strict duty to do so.

The council has already offered Mr and Mrs X compensation.

8. Summary

Following a review of corporate complaints in 2018, and the implementation of a series improvements to complaints management, the number of formal complaints being processed through the corporate complaints process has reduced, and the number of stage one and two complaints being managed within policy timelines is increasing.

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There remains work to do on improving the quality of stage one and two complaints to reduce the need for escalation through the complaint process, and corporate complaints are focusing on improving the timeliness of stage three complaint responses after a decline in performance in this area in 2019/20.

The number of complaints referred to and upheld by the LGO has reduced, 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: LG data sheet complaints received	https://www.lgo.org.uk/assets/attach/5656/1-Complaints-Received.xlsx
Local Government and Social Care Ombudsman: LG data sheet complaints decided	https://www.lgo.org.uk/assets/attach/5657/2-Complaints-Decided.xlsx
Local Government and Social Care Ombudsman: remedies and compliance outcome	https://www.lgo.org.uk/assets/attach/5657/2-Complaints-Decided.xlsx