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Title of meeting: Governance and Audit and Standards Committee

Subject: Local Government Ombudsman Complaints 2014/2015.

Date of meeting: 25 September 2015

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 by the Local Government Ombudsman dated June 2015 regarding the complaints it has considered against Portsmouth City Council for the year 2014/2015.

3. Information Requested

- 3.1. The local government ombudsman's annual review provides a summary of the complaints they have dealt with regarding Portsmouth City Council. It includes comments of the authority's performance and complaint handling arrangements, to assist with service improvements.
- 3.2. This year The Local Government Ombudsman (LGO) has warned that the complaints system in local government is under increasing pressure.
- 3.3. The LGO's *Annual Review of Local Government Complaints* suggests that many councils are dealing with increasing numbers of complaints and have less resource available to manage them due to resources being cut in complaint handling teams.
- 3.4. The warning is also backed by research that found that, on average, people spent nine months trying to resolve their complaint before coming to the LGO, and 43% of people were not told that they could approach the LGO for an independent review.
- 3.5. In 2014/15, the LGO registered 18,211 complaints and enquiries about councils, and upheld 46% of all complaints where it carried out a detailed investigation. Within its total number of complaints there was a 10% increase nationally in adult social care complaints and an 11% decrease in complaints about benefits and tax.

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Complaints about Portsmouth City Council

Directorate	Number of complaints
Adult Social care	10
Benefits and Council Tax	3
Corporate and Other Service	4
Education and Children's Services	11
Environmental Services and Public Protection	3
Highways and Transport	9
Housing	4
Planning and Development	1
Total	45

Decisions made

Upheld	9
Not Upheld	6
Advice given	1
Closed after initial enquiries	7
Incomplete/Invalid	3
Referred back for local resolution	23
Total	49

3.6 The Local Government Ombudsman received 45 complaints and enquiries about Portsmouth City Council during 2014/2015, compared with 67 in 2013/2014, of this figure, 3 were upheld. During the same period 49 decisions were made regarding Portsmouth City Council. Please see the breakdown of these cases shown above. The difference between the complaints received and decisions made are due to 4 complaints being received in one financial year, with investigations being completed in another.

3.7 The 9 upheld cases were remedied either during the investigation or 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.

3.8 One of the upheld complaints was included in last years' LGO report submitted to Governance and Audit and Standards Committee and has not been included in the actions below.

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4. Comparison to other local authorities

Number of complaints received

Directorate	Bristol City	Brighton and Hove	Portsmouth	Southampton	Isle of Wight
Adult Social care	11	27	10	9	19
Benefits and Council Tax	34	13	3	11	3
Corporate and Other Service	11	15	4	6	5
Education and Children's Services	8	14	11	11	8
Environmental Services and Public Protection	10	19	3	7	11
Highways and Transport	13	13	9	4	9
Housing	23	25	4	10	3
Planning and Development	21	12	1	11	12
Total	131	138	45	69	70

Decisions made

Upheld	19	17	9	7	6
Not Upheld	15	16	6	8	7
Advice given	5	3	1	2	1
Closed after initial enquiries	35	39	7	17	15
Incomplete/Invalid	5	7	3	6	2
Referred back for local resolution	54	43	23	30	34
Total	133	125	49	70	65

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5. Agreed actions in response to upheld complaints

All complaints below have been anonymised.

5.1 Adult Social Care

5.1.1 Complaint 1:

The Council did not follow all of its safeguarding adults' procedures when it found Mr J at risk of harm if he stayed with his carers. The Council properly protected Mr J, but did not involve him in the relevant decision-making. This caused him avoidable distress.

5.1.2 Action 1:

Remind officers to follow the relevant adult safeguarding procedures with respect to risk and self-determination, and apologise to the complainant, acknowledging it did not take proper account of his wishes and feelings, and undertaking to do so in the future.

5.1.3 Complaint 2:

The Council did not properly involve Mr J in the decision to place his mother, Mrs L, at Care Home 2. So he lost the opportunity to identify a nearer, less expensive placement for her when she entered residential care.

5.1.4 Action 2:

Apologise to the complainant for not making more effort to resolve his complaint. Deduct from its bill for Mrs L's care £70 a week for the 24 weeks Mrs L stayed in Care Home, this being the difference between the fees for Care Home 2 and Care Home 3.

5.1.5 Complaint 3:

The Council charged Mrs K the wrong amount for the first four weeks of her residential placement and should refund the difference to her estate. But its failure to provide clear information did not cause Ms J, her daughter, an injustice, because Ms J had the opportunity to contribute to a financial assessment which would have resolved this part of her complaint.

4.1.6 Action 3:

The Council should ensure Mrs K paid only £231 a week for the first four weeks of her stay at Care Home 1, and issue a refund if necessary to her estate.

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6.2 Children's Social Care

6.2.1 Complaint 4:

The Council was correct to take action to protect D from harm, but it did not commission a specialist risk assessment quickly enough, and this delayed Mr J's return home and to normal family life.

6.2.2 Action 4:

The Council apologised to Mr and Mrs J and paid them £500.

6.2.3 Complaint 5:

The Council was at fault in the way a social worker carried out an initial assessment of Miss X's child, Y. Miss X complained. The Council accepted there was fault, apologised, carried out a fresh assessment, offered to correct its records and addressed issues of professional practice. But the Council took 13 months to deal with Miss X's complaint. Even allowing for time taken by Miss X, this was almost eight months too long.

6.2.4 Action 5:

The Council apologised and agreed to pay Miss X £250 for her time and trouble in having to pursue her complaint for almost eight months longer than necessary.

6.3 Financial Services

6.3.1 Complaint 6:

There was no fault in the decision to restrict Ms X's contact with the adult social care finance team. Ms X made unreasonable demands of council officers. Her contacts were excessive and far higher than for anyone else for whom the Council holds a deputyship. However, the Council's letter explaining the contact restriction was faulty because:

- It did not explain the restriction was only with the finance team
- It did not explain Ms X's right of appeal or state when there would be a review.

6.3.2 Action 6:

The Council has agreed to review the restriction

6.4 Licensing

6.4.1 Complaint 7:

The Council's failure to be clear about whether and where businesses may put advertising boards (A-boards) on the highway has put blind and partially sighted people at risk, and confused businesses and the public.

6.4.2 Action 7:

Apologise to the complainant for the frustration it has caused him and for the risks to which he has been put by its failure to ensure all businesses respect

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the rights and needs of pedestrians. A payment of £150 was made in recognition of this.

6.5 Education and Strategic Commissioning

6.5.1 Complaint 8:

There were some faults in the Council's handling of Mr B's request that the Council pay his son's school bus fares.

6.5.2 Action 8:

- a) Take a fresh application from Mr B and decide it properly, on the basis of all the information, without fettering the Council's discretion (that is, without simply refusing school transport because C is not at one of his three nearest schools). The new decision, if unfavourable, should give new appeal rights. The Council will also explain decisions fully.
- b) Review the Council's policy so it does not fetter the Council's discretion to consider exceptional circumstances.
- c) Check whether any other applications were refused in the current school year just because the parent had sent the child to a school other than one of the nearest schools.

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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
Review of Local Government Complaints 2014/15	http://www.lgo.org.uk/publications/annual-reviews/