

Report of the Executive Director – Core Services

AUDIT COMMITTEE – 2 December 2020

Local Government and Social Care Ombudsman Annual Letter 2020 – Review Report

1. Purpose of the Report

- 1.1 This report presents findings of a review following the receipt of the Local Government Social Care Ombudsman's (LGSCO) Annual Review Letter to the Council. The letter is attached to this report as Appendix A.
- 1.2 Whilst this is a public document and has already been published by the LGSCO, the findings of the review are brought to the specific attention of the Audit and Governance Committee as part of the independent assurance role the Committee has.

2. Recommendations

- 2.1 **The Committee is recommended to consider and be assured from the findings of the fundamental review of corporate processes that aim to ensure a higher level of compliance in response to the LGSCO's Annual Letter.**

3. Background

- 3.1 The LGSCO's remit is to look at individual complaints made about councils, all adult social care providers (including care homes and home care agencies) and other organisations providing local public services. It is a free service and investigates complaints in a fair and independent way. The LGSCO's mission is to "Remedy injustice – help improve local services".
- 3.2 Despite our best endeavours there will inevitably be times when the Council does or does not do something that instigates a complaint being made. Whilst we have a robust complaints procedure, incorporating an internal review stage, there are occasions where this process does not produce a satisfactory outcome for the complainant and their next recourse is to the LGSCO.
- 3.3 Following their own investigation, the LGSCO will make a decision that may deem maladministration to have occurred and causing injustice, or a referral back for local resolution (perhaps on the basis of a premature decision having been taken by the Council or the matter having not completed the Council's corporate complaints process), or indeed that no maladministration was found.

Where fault is found, recommendations are made which address how the Council should improve its services but also, in some cases, recommend a payment to the complainant by way of recompense or compensation.

3.4 The Committee will recall that specific within its Terms of Reference is to:

S) To consider any payments in excess of £2,000 or provide other benefits in cases of maladministration by the Authority within the scope of Section 92 of the Local Government Act 2000.

3.5 It should be noted that one payment in excess of £2,000 was recommended by the LGSCO and is addressed in the content of this report.

4. Annual Letter 2020 and Action

4.1 The key message from the Letter is in relation to delays in providing responses to *“several investigation enquiries and in completing the recommendations agreed with us”*.

4.2 The letter, as outlined in Appendix A, provides three key indicators - the percentage of complaints upheld, compliance with Ombudsman recommendations and satisfactory remedies provided by the authority. Whilst it is pleasing to note that the Council’s performance in this area is higher of that compared to other similar authorities as data shows:

- 57% of the complaints investigated by the Ombudsman’s office were upheld - comparing to an average of 67% in similar authorities
- 100% of the LGSCO recommendations implemented
- 25% of upheld complaints found the Council had satisfactorily remedied the complaint prior to escalate to the Ombudsman – compared to an average of 11% in similar authorities

4.3 The Council is clearly disappointed with its performance in relation to its failure to respond and implement LGSCO recommendations in a timely manner. As such, the instigation of an immediate and fundamental review of the processes and supporting procedures that govern this statutory function took place. The main objective being to identify the issues, gaps and more importantly, improvements to ensure better compliance moving forward.

4.4. In 2019/20, the LGSCO received 54 complaints in relation to the Council of which 8 cases were upheld (2 of which requiring no further action). A deep dive into 6 cases ensued, which in turn evidenced delays encountered by the LGSCO and failings in service delivery.

4.5. The cases upheld related to several services across the Council, namely:

- Adult Social Care
- Customer Feedback, Information and Improvement Team
- Education, Early Start and Prevention
- Planning
- Regulatory Services
- Waste Management

5. Issues

5.1. To robustly investigate the issues outlined by the LGSCO, the end to end journey of each case upheld was scrutinised. This process spans the point the complaint was received by the Council to the point of resolution and capturing every interaction made with the customer, the Services involved and LGSCO.

5.2. A precis of the issues identified are as followed:

- Delays in instigating the corporate complaint procedure
- Delays in service appointing Investigating Officer to undertake complaint investigation
- Delays in service agreeing a Complaint Resolution Plan (document outlining the complaint details)
- Delays in the provision of information to support LGSCO investigation
- Delays in circulating LGSCO's draft and/or final decision report to services concerned with complaint
- Insufficient time given to services to consider and comment on recommendations set out by the LGSCO
- Delays implementing and actioning recommendations as a result of the above
- Delays in meeting LGSCO deadline and untimely request for extension
- Failure to follow process resulting in financial redress
- Lack of urgency or importance applied in meeting LGSCO timescales
- Consequences of failing to meet LGSCO timescales not communicated; consequences linked to both reputational and financial impact

5.3 The issues identified appear to be a common factor in the cases upheld. All of which are avoidable factors; the most fundamental factors which failed the Council, the LGSCO and the customer.

5.4 With reference to the payment made in excess of £2,000, a customer complained to the LGSCO stating the Council had failed to provide special

education needs support and delayed in producing assessments and education, health and care plans. The LGSCO found fault and recommended the Council apologise and make payment to be used for the child's educational benefit.

- Pay £200 in recognition for lost opportunity to exercise appeal rights
- Pay £300 to acknowledge distress caused by the fault in the annual reviews of 2018 and 2019
- Pay £5,400 to be used for educational benefit, to mitigate the impact of the loss of SEN provision for 18 school months

6. Gaps

- 6.1 The absence of the effective management and tracking of LGSCO's cases has been a contributing factor to the delays encountered. Whilst a central record is kept and maintained for each complaint received, the review shows a distinct lack in how the progress of a case was managed and monitored.
- 6.2 Lack of a formal process in place to escalate a potential delay or alert the CFIIT service of a missed deadline. The process was wholly reliant upon the officer tasked with the facilitation and management of the case to proactively follow up progress on an ad-hoc basis.
- 6.3 The importance of meeting statutory and corporate timescales not communicated across the organisation. Services not pressed or reminded in a timely manner to ensure a complaint investigation or LGSCO enquiry is responded to within time.
- 6.4 Where a LGSCO enquiry is cross-cutting and involved a number of service areas, this showed there to be a lack of co-ordination and central ownership of the task to be completed. Lack of direction resulted in duplication of work and increased of further delays occurring as a result of services being unclear of what they needed to do.

7. Improvements

- 7.1 The review resulted in the development of an action plan, as set out in Appendix B, detailing several service improvements. It also proved to be an opportunity to positively challenge the status-quo, including a comprehensive review of all procedures that underpins new system processes.
- 7.2 The implementation of a new SharePoint Online system with the capability to effectively track and manage the end to end customer complaint journey was

introduced at the end of October. The system has been extended to include the facilitation and management of information requests under the Freedom of Information Act, Environmental Information Regulations or Subject Access Requests under the Data Protection Act.

- 7.3 This business intelligence tool has been designed to improve performance monitoring with its ability to track progress of all cases in a more timely manner, and as such, highlight at an earlier stage where delays have the potential to occur. To compliment this, the system has a built-in escalation route to alert senior officers within the Council of a complaint case that is not on course to meet its deadline.
- 7.4 All complaint and LGSCO cases are consistently recorded which automatically highlight and escalate a potential delay to a customer, service area and LGSCO before this occurs – giving assurance that delays will in future be actioned in a timely manner.
- 7.5 Development and publication of directorate complaint management performance dashboards. (including LGSCO cases). Each dashboard capturing a number of RAG rated and measurable factors such as:
- No. of complaints received per service area
 - No. of complaints under investigation
 - No. of complaints approaching completion
 - No. of complaints completed
 - No. of complaints completed out of time
- 7.6 The dashboards will act an additional tool in alerting CFIIT and services concerned to a potential delay before it occurs, whilst providing a useful oversight of the type, theme, pattern of contacts and performance in each respective area.
- 7.7 A change in language and tone has been adopted when proactively reinforcing the importance of meeting both corporate and statutory complaint timelines. This has been cascaded through regular attendance at Directorate Management Team meetings to discuss the nature of complaints received, exploring where gaps may exist, consequences of failing to meet deadlines and working collaboratively to get this right going forwards.
- 7.8 To strengthen the message around the issue of delays, a robust communication plan has been developed. Working in partnership with Communication & Marketing business partners, a #CustomerFirst campaign has been published on the Council's Intranet site and news bulletins focusing of key messages and findings from the review. Impressing the importance of delivering a robust and effective complaint service; one that prides itself in resolving dispute matters swiftly and on time.

7.9 The provision of quality services to our customers will continue to be the CFIT's main priority and our ability to find timely remedies to complaints and responses to all LGSCO enquiries will remain of critical importance.

7.10 The review has been supported by the Data Protection Officer and in due course the new processes and procedures will be subject to audit.

8. Glossary

CFIT – Customer Feedback, Information and Improvement Team

LGSCO – Local Government and Social Care Ombudsman

9. Appendices

Appendix A: LGSCO Annual Review Letter 2019/20

Appendix B: Action Plan

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