

|                                     |         |  |      |               |  |
|-------------------------------------|---------|--|------|---------------|--|
| <b>DECISION-MAKER</b>               |         | GOVERNANCE COMMITTEE                           |      |               |  |
| <b>SUBJECT</b>                      |         | SOUTHAMPTON CITY COUNCIL COMPLAINTS<br>2013/14 |      |               |  |
| <b>DATE OF DECISION</b>             |         | 15 SEPTEMBER 2014                              |      |               |  |
| <b>REPORT OF:</b>                   |         | HEAD OF LEGAL AND DEMOCRATIC SERVICES          |      |               |  |
| <b>AUTHOR</b>                       | name:   | Customer Relations Manager                     | tel: | 023 8083 3258 |  |
|                                     | e-mail: | mark.naylor@southampton.gov.uk                 |      |               |  |
| <b>STATEMENT OF CONFIDENTIALITY</b> |         |  |      |               |  |
| N/A                                 |         |  |      |               |  |

## SUMMARY

This report summarises the type and number of complaints received from the 1 July 2013 and the 31 March 2014.

The Customer Relations Team were formed, after review on the 1 July 2013, therefore the previous Governance Report contained data and observation from 1 April 2012 to 30 June 2013.

Subsequent Governance Reports will return to the 1 April to 31 March format.

The Customer Relations Team administers complaints from all directorates within Southampton City Council and are based in Legal and Democratic Services.

## RECOMMENDATION:

That the report be noted.

## REASONS FOR REPORT RECOMMENDATIONS

To update members of this Committee on performance trends and any learning points arising out of complaints made by the public via Southampton City Council's Complaint's Procedures during 2013/14. Identifying these issues assists the Council in understanding where things have "gone wrong" in the past year in order to improve service delivery.

## CONSULTATION

1. This report is presented to Governance Committee for information purposes.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. N/A

## DETAIL

3. The effective and responsive management of complaints is a vital part of the Council's overall approach to customer care. In addition, the customer feedback that valid complaints provide can be used to improve service delivery, facilitate council wide learning and demonstrate continuous improvement.
4. At the end of a complaints investigation, the customer is advised that if they are still not satisfied with the outcome, they may pursue their complaint to the Local Government Ombudsman (LGO). This provides the customer with an entirely independent source of redress if they remain aggrieved and the Council works closely with the LGO to resolve outstanding complaints where appropriate. Detail on the LGO procedures and complaints are set out towards the end of this report.

5. It should be noted that the Complaints procedure review was implemented in July 2013 and the complaint reporting data bases were update with these changes. The changes in the makeup of Directorates were reflected in the 2012/13 figures.
6. However total percentages and figures remain reliable and comparable between previous years and present figures.

**Corporate Complaints (1 July 2013 and 31 March 2014)**

7. From 1st April 2013 to 31st March 2014 the Council received a total of 743 corporate complaints. This represents a 29% decrease on the 944 complaints receive in 2012/13. This is the third consecutive year that there has been a significant decrease in the total number of complaints received.
8. In 2012/13 five customer facing service areas accounted for over half the complaints received in the corporate complaint area. However the adoption of an “immediate service recovery” ethos, customer facing areas have been able to decrease the number of complaints recorded by taking immediate effective action on receipt of an issue from a member of the public. Where immediate action was not possible or the issue is identified as a continuing failure within the service area, matters are recorded as complaints and enter the complaints procedure and therefore recorded as such.
9. By adopting this approach, members of the public are receiving an immediate resolution to the issue, which is generally what is required.
10. Table 1 below lists the five Divisions with the highest proportion of complaints for 2013/14 and compares this with figures for 2012/13 and 2011/12.
11. Table 2 lists alphabetically those Divisions that have been included in the five with the highest proportion of complaints from 2011/12 to 2013/14.

| <b>TABLE 1</b>  |     |                          |       |                          |       |
|---|-----|--------------------------|-------|--------------------------|-------|
| <b>Rank of five divisions with the highest proportion of complaints for 2013/14</b> |     |                          |       |                          |       |
| <b>2013/14</b>  |     | <b>2012/13</b>           |       | <b>2011/12</b>           |       |
| Capita Services   | 10% | Housing Services         | 27.7% | Decent Homes             | 16%   |
| Local Taxation  | 6%  | Waste & Fleet Management | 22.5% | Local Taxation           | 14%   |
| Housing Repairs   | 6%  | Local Taxation           | 9.5%  | Housing Management       | 11.4% |
| Waste   | 5%  | Customer Services        | 6.3%  | Waste & Fleet Management | 8.2%  |
| Housing Services  | 4%  | Regulatory Services      | 5.6%  | Highways & Parking       | 7.4%  |
|   |     |                          |       | Customer Services        | 7.4%  |

| <b>TABLE 2</b>  |                |                |                |
|---|----------------|----------------|----------------|
| <b>Divisions with the highest proportion of complaints 2011/12 to 2013/14</b> |                |                |                |
|   | <b>2013/14</b> | <b>2012/13</b> | <b>2011/12</b> |
| Capita/Customer Services  | 10%            | 5.6%           | 7.4%           |
| Decent Homes  | -              |                | 16.0%          |
| Highways & Parking  | -              |                | 7.4%           |
| Housing Services  | 4%             | -27.7%         | -              |
| Housing Repairs   | 6%             |                | -1.2%          |
| Local Taxation  | 6%             | 9.5%           | 14.0%          |
| Waste & Fleet Transport   | 5%             | 22.5%          | 8.2%           |
| Regulatory Services   | -              | -5.6%          | -              |

12. Complaints are recorded into one of a number of categories. The table below indicates the percentage of complaints within each category and compares this with figures for the last three years.

| <b>TABLE 3</b>         |                |                |                |
|------------------------|----------------|----------------|----------------|
| <b>Category</b>        | <b>2013/14</b> | <b>2012/13</b> | <b>2011/12</b> |
| Discrimination         | 0%             | 0.5%           | 1%             |
| Misinformation         | 2%             | 8%             | 4%             |
| Charges                | 4%             | 10%            | 14%            |
| Speed                  | 2%             | 3%             | 3%             |
| Behaviour              | 11%            | 17%            | 14%            |
| Performance            | 21%            | 38%            | 36%            |
| Other                  | 21%            | 12%            | 18%            |
| Avoidable Contact      | 0%             | 2%             | 3%             |
| Disagree with Decision | 12%            | 10.5%          | 7%             |

13. Table 4 below provides a breakdown of this Council's performance in relation to complaints compared to the Council's statistical neighbours (as used for formal audit purposes). This helps the Council compare like for like in terms of type of authority, geographical area within the country and broadly similar population sizes and make-up. The Corporate Complaints policy is not a statutory requirement. However, failure to have a Corporate Complaints policy in place would lead to an adverse report from the LGO and would likely be viewed as maladministration by the LGO in and of itself.

The systems and processes that individual councils have in place are based on LGO guidance and are tailored to individual council structures and services. Comparison between authorities is, therefore, difficult, as other Council's may operate variations in their complaints regimes. The following table sets out the overall figures for the number of complaints received.

| <b>TABLE 4</b>   |  |  |                              |  |
|------------------|--|--|------------------------------|--|
| <b>Authority</b> | <b>Corporate Complaints received 2013/14</b> | <b>Corporate Complaints received 2012/13</b> | <b>Adult Population 2011</b> | <b>Complaints per head of adult population 2013/14</b> |
| Southampton      | 743  | 944  | 236,900                      | 0.0030   |
| Portsmouth       | 438  | 580  | 207,100                      | 0.0021   |
| Brighton & Hove  | 1786   | 1657   | 273,400                      | 0.0065   |
| Plymouth         | 1329   | 1131   | 207,877                      | 0.0064   |
| Bristol          | 2331   | Not available                                | 432,500                      | 0.0054   |

14. Table 5 below shows the number of complaints responded to at each stage of the procedure. Those complaints that cannot be responded to within the target period are frequently those that are more complex, and can involve investigating actions across more than one service area or division. Where this situation occurs the complainant will be contacted and a revised completion date agreed.
15. Stage 3 was removed from the complaints procedure at the last review, therefore not included in the 2013/14 figures.

| <b>TABLE 5</b> |                                      |                    |                                      |                     |
|----------------|--------------------------------------|--------------------|--------------------------------------|---------------------|
|                | <b>Working days to close 2013/14</b> |                    | <b>Working days to close 2012/13</b> |                     |
| <b>Stage</b>   | <b>≤ 20 days</b>                     | <b>&gt; 20days</b> | <b>≤ 20 days</b>                     | <b>&gt; 20 days</b> |
| 1              | 90%                                  | 10%                | 753 (95%)                            | 40(5%)              |
|                | <b>≤ 20 days</b>                     | <b>&gt;20 days</b> | <b>≤ 20 days</b>                     | <b>&gt;20 days</b>  |
| 2              | 81%                                  | 19%                | 47%                                  | 53%                 |
| 3              |                                      |                    | 78%                                  | 22%                 |

#### **Children's Services (Social Care) Complaints (1<sup>st</sup> April 2013 – 30<sup>th</sup> June 2014)**

16. Children's Services and Learning complaints are classified according to the following definitions:
  - Social care complaints are those investigated under the Children's Social Care Complaints Policy (which reflects statutory regulations);
  - All other Children's Services complaints are investigated using the Council's Corporate Complaints Policy;

- Referrals are requests for help which are passed to the relevant council directorate and partner services;
17. During the financial year 2013/14, there were 154 Stage 1 complaints made about Children’s Social Care. This compared to 179 in 2012/13 and shows a 7.8% decrease in complaints received.
  18. The majority of complaints continue to be resolved at the first stage of the procedure through work by managers and staff in the service, consistent with good customer care. Where resolution is not possible in this way, the Council commissions an Independent Investigator (external to the Council who is responsible for investigating the complaint) and an Independent Person (whose role is to oversee the investigation to ensure fairness and that the child(ren) involved in the process are represented), to look into complaints at Stage 2 of our procedure.
  19. Only four Stage 1 complaints (1.81%) required independent investigation. No complaints proceeded to Stage 3.
  20. Table 6 sets out the number of complaints which progress to Stage 2, and shows how this has changed since 2011/12 to 2013/14.

| <b>TABLE 6</b>  |                                 |   |
|---|---------------------------------|---|
| <b>External Investigation of Complaints (Stage 2)</b> |                                 |   |
| <b>Year</b>   | <b>No of Stage 1 Complaints</b> | <b>Percentage (and number) progressing to Stage 2</b> |
| 2011/12   | 182                             | 2.19% (4)   |
| 2012/13   | 179                             | 1.12% (2)   |
| 2013/14   | 221                             | 1.81% (4)   |

21. Complaints unresolved after Stage 3 can be referred to the LGO.
22. Table 7 shows a slight increase in the total number of contacts (complaints, representations, comments and compliments etc) received in 2013/14 compared to 2012/13.
23. This is unlikely to be a true reflection of the number of compliments received by staff but recording is historically an issue. All staff should be encouraged to send copies of compliments and letters they receive to the Customer Relations Team in order that they can be recorded and reported to the relevant service Director so that good service can be recognised.

| <b>TABLE 7</b>     |                |  |                |  |
|--------------------|----------------|--|----------------|--|
|                    | <b>2013/14</b> |  | <b>2012/13</b> |  |
| <b>Record Type</b> | <b>Number</b>  |  | <b>Number</b>  |  |
| Stage 1 complaints | 154            |  | 179            |  |
| Comments           | 10             |  | 14             |  |
| Referrals          | 7              |  | 5              |  |
| Compliments        | 63             |  | 52             |  |
| <b>Total</b>       | <b>234</b>     |  | <b>383</b>     |  |

24. Table 8 provides a breakdown of complaints by complaint issue and type and highlights some of the major themes and issues contained within the contacts and complaints we receive (these include complaints regarding schools and academies which investigate their own complaints which we pass to them if reported to us). As most complaints relate to more than one issue, this approach to breaking them down allows us to maximise our learning from them. For example, many of the complaints relate to either complaints about service provision, complaints about individual staff or poor communication. Some of these are consistent with the period of high staff turnover that impacted upon the wider consistency.

| <b>TABLE 8</b>                         |               |
|--|---------------|
| <b>Complaint Issue</b>                 | <b>Number</b> |
| Communication/Information              | 95            |
| Unhappy with social worker             | 22            |
| Unhappy with service provided/received | 154           |
| Policy/Procedure                       | 5             |
| Financial Issues                       | 3             |
| Eligibility Criteria                   | 6             |
| School Admissions                      | 6             |
| Bullying/ Exclusions                   | 2             |
| Environment Housing                    | 3             |
| <b>TOTAL</b>                           | <b>296</b>    |

25. Table 9 shows an overall increase in response rates to complaints in Children's Services and Learning in 2013/14.

| <b>TABLE 9</b>  |                       |                |                      |                |
|---|-----------------------|----------------|----------------------|----------------|
| <b>Overall Performance Report -01/04/2013 to 31/03/2014</b> |                       |                |                      |                |
| <b>Record Type</b>  | <b>Acknowledgment</b> |                | <b>Full Response</b> |                |
|   | <b>2013/14</b>        | <b>2012/13</b> | <b>2013/14</b>       | <b>2012/13</b> |
| <b>Safeguarding: Social Care</b>                            |                       |                |                      |                |
| Stage 1 complaint   | 98.65%                | 97.2%          | 84.16%               | 55.4%          |
| <b>Learning Services</b>                                    |                       |                |                      |                |
| Corporate Stage 1 Complaint                                 | 84.16%                | 97.4%          | 75%                  | 70.3%          |

26. The below tables indicate the outcomes of complaints.

| <b>TABLE 10</b>     |               |                         |                   |                            |
|---------------------|---------------|-------------------------|-------------------|----------------------------|
| <b>Stage</b>        | <b>Upheld</b> | <b>Partially Upheld</b> | <b>Not Upheld</b> | <b>Stopped / Withdrawn</b> |
| Stage 1 (statutory) | 36            | 43                      | 140               | 2                          |
| Stage 1 (Corporate) | 2             | 2                       | 12                | 0                          |
| Stage 2 (statutory) | 1             | 1                       | 1                 | 1                          |
| Stage 2 (Corporate) | 0             | 2                       | 0                 | 0                          |
| Stage 3 (statutory) | 0             | 1                       | 0                 | 0                          |
| <b>Total</b>        | <b>39</b>     | <b>49</b>               | <b>153</b>        | <b>3</b>                   |

#### **Remedies Used**

| <b>TABLE 11</b>           |               |
|---------------------------|---------------|
| <b>Type</b>               | <b>Number</b> |
| Apology                   | 32            |
| Explanation               | 21            |
| Review process / policy   | 4             |
| Training Needs            | 6             |
| Reimbursement of expenses | 2             |
| Meeting offered           | 2             |
| School Place offered      | 4             |

**Health & Adults Services (Social Care) Complaints (1<sup>st</sup> April 2013 – 30<sup>th</sup> June 2014)**

27. For the financial year 2013/14, there were 154 statutory complaints made about Health & Adult Social Care compared to 114 in 2012/13. This represents a 35% increase.
28. The majority of complaints continue to be resolved at the early stages of the procedure as a result of work by the team manager or senior manager. However, where resolution is not possible in this way stage two investigations are undertaken by the Customer relations Team.
29. Table 12 sets out the number of complaints by age both. The highest number of complaints (77, 55.2%) is from the 76+ age group, which should be expected in part because this age group is the largest in the service population served by Health and Adult Social Care.

| <b>TABLE 12</b>                 |               |                   |
|---------------------------------|---------------|-------------------|
| <b>Adults Complaints by Age</b> |               |                   |
| <b>Age</b>                      | <b>Number</b> | <b>Percentage</b> |
| 16-19                           | 0             | 0%                |
| 20-24                           | 6             | 3.9%              |
| 25-59                           | 40            | 26%               |
| 60-64                           | 4             | 2.6%              |
| 65-75                           | 17            | 11%               |
| 76+                             | 85            | 55.2%             |
| Not known                       | 2             | 1.3%              |
| <b>TOTAL</b>                    | <b>154</b>    | <b>100%</b>       |

30. Table 13 provides a breakdown of complaints by complaint issue and highlights some of the major themes and issues contained with the complaints we receive. The issues raised can be classified in nine specific ways.

| <b>TABLE 13</b>                     |                     |
|-------------------------------------|---------------------|
| <b>Reason / Issue for complaint</b> | <b>No of Issues</b> |
| Disabled Parking Badge              | 4                   |
| Eligibility                         | 11                  |
| Finance                             | 57                  |
| Information / Communication         | 14                  |
| Miscellaneous                       |                     |
| Housing                             | 1                   |
| Environment                         | 0                   |
| Policy and procedure                | 1                   |
| Unhappy with care manager           | 11                  |
| Provider Services                   | 15                  |
| Unhappy with service                | 81                  |
| <b>TOTAL</b>                        | <b>195</b>          |

31. The majority of complaints were regarding service provision and professional practice.

| <b>TABLE 14</b>   |                |
|---|----------------|
| <b>H&amp;ASC AND CORPORATE COMPLAINTS BY SERVICE AREA</b> |                |
| <b>How Received</b>                                       | <b>2013/14</b> |
| Safeguarding  | 0              |
| Contact Centre  | 0              |
| Disabled Parking Badges                                   | 6              |
| Hospital Discharge team                                   | 8              |
| Learning Disabilities                                     | 12             |
| Locality Support Teams and Rehab Teams                    | 35             |
| Day Care Services   | 8              |
| External Provider – Domiciliary Care                      | 20             |
| Internal Provider – Residential Care                      | 4              |
| Internal Provider – Domiciliary Care                      | 2              |
| Mental Health Services                                    | 13             |
| Finance: Benefits (Assessment)                            | 7              |
| Exchequer Services  | 3              |
| Debtors Team  | 4              |
| Direct Payments/Personal Budget                           | 7              |
| <b>Sensory Services</b>                                   | 2              |

32. Whilst not to undermine their legitimacy, it is important to place the level of Stage 1 complaints into the context of the large number of critical and intimate services provided to vulnerable adults whose well-being is dependent upon them.

| <b>TABLE 15</b>                     |       |                     |     |
|-------------------------------------|-------|---------------------|-----|
| <b>DIVISIONAL ACTIVITY</b>          |       |                     |     |
| Referrals                           | 9,641 | Formal complaints   | 154 |
| New Assessments                     | 4,813 | Concerns / comments | 11  |
| Review                              | 5,059 | Referrals           | 7   |
| No of People in receipt of services | 9,239 |                     |     |

33. **OUTCOMES**

| <b>Outcome</b>             | <b>Number</b> |
|----------------------------|---------------|
| Complaint withdrawn        | 3             |
| Not Upheld                 | 65            |
| Partially Upheld           | 24            |
| Upheld                     | 41            |
| Safeguarding investigation | 0             |
| Ongoing                    | 10            |
| <b>TOTAL</b>               | <b>154</b>    |

34. Adult Social care complaints are assessed by risk level. Complaints are classified as low, medium and high risk as follows:
- *Low risk* - an unsatisfactory service or experience not directly related to care and which has no or minimal impact or risk to provision of care.
  - *Medium risk* - Service or experience below reasonable expectations in several ways, but not causing lasting problems. Has potential to impact on service provision. Some potential for litigation
  - *High risk* - Significant issues regarding standards, quality of care and safeguarding or denial of rights. Complaints with clear quality assurance or risk management issues that may cause lasting problems for the organisation and so require investigation. Possibility of litigation and adverse local publicity. Alternatively, serious issues that may cause long-term damage, such as grossly substandard care, professional misconduct or death. Will require immediate and in –depth investigation. May involve serious safety issues. A high probability of litigation and strong possibility of adverse national publicity
35. These risk levels will affect the pathway and timescale of how we deal with these complaints. (See Table 17).
36. Overall performance has declined since last year and the reasons for some of the delays are reported to have been shortages of staff in some services.
37. Under the adult social care complaints procedure, the council aims to send complainants a full reply within 20 working days if possible, or if the matter is more complicated, this can be extended and the complainant informed. For extremely complex cases, which may require independent investigation, a target of up to 60 working days may be necessary depending on risk category or number of people to be interviewed.

**TABLE 17**

| <b>OVERALL PERFORMANCE REPORT</b> |   |       |                                       |         |             |
|-----------------------------------|---|-------|---------------------------------------|---------|-------------|
| <b>Complaint Type</b>             | <b>Acknowledgement within timescale</b> |       | <b>Full response within timescale</b> |         |             |
|                                   |   |       |                                       |         |             |
| Adult Statutory Complaint         | 2013/14                                 | 98.8% | LOW                                   | 2013-14 | 65.9% (27)  |
|                                   | 2012/13                                 | 94.6% |                                       | 2012-13 | 59.1% (93)  |
|                                   |   |       | MEDIUM                                | 2013-14 | 46.75% (72) |
|                                   |   |       |                                       | 2012-13 | 60.0% (15)  |
|                                   |   |       | HIGH                                  | 2013-14 | 33.3% (1)   |
|                                   |   |       |                                       | 2012-13 | 100% (2)    |

**2013/14 CONCLUSIONS**

38. Overall the total number of complaints dealt with in 2013/14 decreased by 9.6%:
  - a. **Corporate**  
 Complaints decreased by 21%  
 Stage 1 response within target time remained static  
 Stage 2 response within target time saw significant improvement
  - b. **Children’s (learning Services)**  
 Complaints increased by 19%  
 Stage 1 response within target time saw significant improvement  
 Stage 2 response (independent investigation) remained static.
  - c. **Adults**  
 Complaints increased by 35%  
 Stage 1 response within target time saw a decrease in performance  
 Stage 2 response within target time remained static
39. Figures have been quoted for council areas PRIOR to the restructure. This has allowed for comparison for year on year figures.
40. 2014/15 report will contain figures for the current council structure ie the three directorates and the 2013/14 figures contained in this report will be converted to the new structure. This will provide a comparison on a like for like basis.

**Learning from Complaints**

41. Each complaint when finalised is returned to the Customer Relations Team with a feedback/lessons learned document completed by the Investigating Manager
42. Whilst many issues are unique to that particular complaint, some highlight deficiencies in policy and process. They also highlight good or poor practice within individual departments or services.

43. These forms are returned with an Action Plan. This plan gives time scales for issues to be rectified. The return rate of completed forms varies. Directorate Management teams are impressing upon Service Managers the value of feedback and all missing or blank forms are actively pursued to ensure they are now completed.
44. The Customer Relations Team monitor these sheets to:
  - a. ensure that the action plan is completed;
  - b. identify issues forming patterns or trends;
  - c. identify learning for individuals, teams or services as a whole.
45. Individual "lesson learned" continue to be recorded and improvements to services are made on those individual basis. Examples of this are:
  - a. The changes made in relation to call handling;
  - b. Review of leaflets and Information handed out by Social Care Teams (on going);
  - c. Update to Web pages where information was out of date or confusing to customers.
46. The Customer Relations Team Manager attends, every quarter, the Directorates management team meetings. Quarterly figures are presented and trends and lessons identified. Action plans are then endorsed by senior managers and used to improve performance and direct change in the following three months, before figures etc are presented again. This allows continuous improvement, but in small manageable pieces, identifying trends early and providing solutions quickly.
47. The Customer Relations Team have recently reviewed the information available to service managers, dealing with complaints, available on the intranet site. New templates and guides have been prepared and the Customer Services Team have embarked on a programme of attending Service Manager Meetings, updating staff with common issues regarding complaint investigation, process and providing feedback regarding dissatisfaction expressed by customers after receiving stage 1 replies. Children's Services is the first to benefit from this approach. When complete, Adult services will follow and then Corporate Service Teams.
48. The most significant issue recorded as cause for complaint continues to be communication, especially with individuals but also with individual departments. This is more noticeable in Children's and Adult Services.
49. Whilst the pressure on Corporate Teams is lessened by the availability of online forms and electronic contact processes, Social Care clients rely and require either face-to-face contact or telephone contact with staff who carry their own work load. This, coupled with the fact that most Social care staff spend a considerable time out of the office, leads to frustration and complaint on behalf of the customer.
50. Whilst clients are able to contact departments within the Social Care arena, it is the length of time for staff to re contact the customer that causes the frustration. Service managers are actively encouraging staff to manage expectation, both at the time of taking any message and also with the staff's own contact with the customer.

51. By managing this expectation the number of formal complaints is likely to drop as many complainants feel obliged to follow the complaints procedure as the lack of communication has meant they have been unable to solve or deal with the initial issues they have had.
52. As with the Corporate Teams, a “service recovery” ethos is being adopted in Social Care where encouragement is given to try to deal with issues quickly without leading to formal complaint procedure. However it is unlikely to have the same impact in Social care because of the very nature of the work and individuals being dealt with by the service. None the less there will be an impact as clearly some situations can be dealt with in a swift manner.

### **Local Government Ombudsman (LGO) Complaints 2013/14**

53. Attached to this report is the Local Government Ombudsman’s Annual Review for the year ending 31<sup>st</sup> March 2014 (Appendix 1). The Annual Letter has been shared with the Chief Executive, the Director of Corporate Services (in his capacity as Monitoring Officer for the Council) and the Head of Legal & Democratic Services. The Legal Services Manager (Corporate & Environment) administers all Local Government Ombudsman complaints within the authority on behalf of the Chief Executive, who is the person ultimately responsible for these matters to the Ombudsman. The Legal Services Manager (Corporate & Environment) acts as a single point of contact (Link Officer) for the Ombudsman in relation to areas of concern (including all complaint investigations), advice and training.
54. The LGO has once again changed the way that it records complaints and reports statistical information to Council’s and no longer publishes comparison data between authorities. The Council has attempted to reconcile the differences in the information it holds about complaints received versus that recorded against the Council by the LGO but the LGO has declined to share the full statistical information upon which it’s published reports are based, despite and FOIA request from the Council for the base line data. A comparison of the Council’s own information against the information it has been able to obtain from the LGO shows that the Council actually received 32 of the 48 complaints registered against us (the remaining 16 having been dealt with by the LGO without reference to the Council).
55. A significant and major change to the LGO’s way of working this year has been the introduction of anew decision outcome classification. The LGO previously recorded local settlements within their own discreet category. This allowed Council’s to resolve fairly minor or trivial matters without an admission of fault (matters that could be resolved by a simply apology or corrective action for example) and to reach a negotiated settlement on complex matters where it would simply not be resource or cost effective to fully defend the matter to the conclusion of an investigative process (and would not therefore be an appropriate use of public funds / in the public interest to defend). This category of decision has been removed and ALL complaints, where the Council enters into any form of agreed settlement, whether with an admission of fault or not, is now recorded as ‘maladministration’ against the Council. While Council’s and the Local Government Association has protested this change and pointed out it may result in some Council’s being less willing to resolve matters without protracted investigation and increased cost, the LGO has expressed the view that their new system of recording is more ‘transparent’ for the public and has therefore declined to change it..

The key change we foresee in relation to this is that Council's will be less willing to apologise for how customers perceive they have been treated in future (i.e. as a goodwill gesture to reflect a customer service ethos) unless there is very clear evidence of actual rather than perceived fault on behalf of the Council. This will in turn potentially have an increased burden in defending claims rather than settling them early as a finding of 'maladministration' carries significant reputational damage for an authority whilst local settlement does not.

56. Key points to be noted from 2013/14 performance to date include:

- The Ombudsman notified the Council about a total of 32 complaints in all categories during the period 1<sup>st</sup> April 2013 – 31<sup>st</sup> March 2014 against Southampton City Council. . This compares with a figure of 27 for the previous full year total, which remains broadly consistent in terms of volume.
- For April 2013 – March 2014, the breakdown of what complaints related to and what the outcomes were are as follows:

| <b>Category</b>   | <b>No of complaints</b> |
|---|-------------------------|
| Adult Care Services                                     | 11                      |
| Benefits & Tax  | 1                       |
| Corporate & Other Services                              | 3                       |
| Education & Children's Services                         | 3                       |
| Environmental Services & Public Protection & Regulation | 4                       |
| Highways & Transport                                    | 3                       |
| Housing   | 3                       |
| Planning & Development                                  | 4                       |
| <b>TOTAL</b>  | <b>32</b>               |

| <b>Category</b>   | <b>No</b> |
|---|-----------|
| Premature complaint   | 3         |
| Outside Jurisdiction  | 5         |
| Investigation complete and satisfied with authority's actions of proposed actions and not appropriate to issue report S30(1B) | 14        |
| Not investigated  | 5         |
| Not upheld: No Maladministration  | 2         |
| Upheld: Maladministration, No Injustice (no report required)  | 1         |
| Still to be determined  | 2         |
| <b>TOTAL</b>  | <b>32</b> |

57. There are no significant changes in either the categories of complaints received or any material increase or decrease in complaints against any particular service area and statistics, therefore, remain on trend, with a focus on complaints predominantly relating to the areas where the Council provides the highest levels of sensitive frontline services.
58. Seventeen complaints were referred to the Ombudsman's investigation teams (compared to 12 last year) and have either been determined or carried over to this year due to the complexity of the issues involved. Seven complaints are currently under detailed investigation in the current year from April 2014.
59. There were no significant changes to procedures or actions arising out of any of the complaints where minor errors were found by the Ombudsman and no compensation payments made in 2013/14. Minor corrective action was taken in a very small number of cases, including reissue of more detailed decision letters and, in one case, the Council agreed to pursue a claim for damaged belongings against a care home which had lost the belongings of a resident the Council had placed with them.
60. It should be noted that the Council is once again well within the target period of 28 days set by the Ombudsman to respond to complaints. The Council took an average of 18 days between April 2013 and March 2014 to respond to investigations.
61. The Corporate Legal Team continues to provide ad-hoc advice and training on dealing with complaints and responding to Ombudsman enquiries where required (mainly through internal resources). Formal training on responding to Ombudsman complaints and investigating complaints generally was held over July and August 2013 and training is now being delivered to Directorate and Divisional management teams through 1-1 contact with the Customer Relations Team as part of an ongoing programme of service improvement rather than through one off corporate training events. The need for more generic training will be reviewed again next year after all changes to the internal complaints reporting processes and changes to the organisation structures have fully bedded in..
62. Full details of all LGO decisions can be reviewed on the Ombudsman's website at [www.lgo.org.uk](http://www.lgo.org.uk), using the search by subject area or authority function along with a digest of cases, fact sheets on service specific areas, special interest reports etc should the Committee require any further information in this regard. It should be noted however that not all SCC decisions have been uploaded to the site at the date of writing.
63. From April 2013 the LGO has moved to a process of publishing ALL decision letters (not just where a report has been issued against a Council) in relation to all complaints recorded against local authorities on their web site in an open publication scheme. Individuals' names in all reports are redacted or anonymised to comply with data protection requirements but the media and public have full access to all decisions made against any named authority once this occurs. Reports do not however appear to be being uploaded in a consistently timely fashion and the LGO has indicated they are working to improve this.
64. In conclusion there are no major issues or concerns or significant learning points arising from any of the complaints that were referred to and/or upheld by the Ombudsman this year.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

65. N/A

### **Revenue**

66. The cost of settling complaints under each complaint policy is set out above. The overall cost of providing the Customer Relations Team is met from within existing budgets.

### **Property**

67. N/A

### **Other**

68. N/A

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

69. Local authority complaints mechanisms are operated under Section 111 Local Government Act 1972.

### **Other Legal Implications:**

70. N/A

## **POLICY FRAMEWORK IMPLICATIONS**

71. The matters set out in this report are consistent with the Council's Constitution and Policy Framework.

**SUPPORTING DOCUMENTATION**

**Appendices**

|   |                           |
|---|---------------------------|
| 1 | LGO Annual Letter 2013/14 |
|---|---------------------------|

**Documents In Members' Rooms**

|    |      |
|----|------|
| 1. | None |
|----|------|

**Background Documents**

|                              |  |
|------------------------------|--|
| Title of Background Paper(s) | Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable) |
|------------------------------|--|

|    |      |  |
|----|------|--|
| 1. | None |  |
|----|------|--|