

Standards and General Purposes Committee

Date: 8 November 2018

Subject: Annual Complaints Report 2017/18

Lead officer: Monica Coleman, Complaints Team Manager

Lead member: Councillor Mark Allison

Contact officer: Monica Coleman, Complaints Team Manager x3573

Recommendations:

This report is for information only.

1. Executive summary

- 1.1 This report gives an overview of the performance of the council during 2017/18 in responding to complaints and member enquiries.
- 1.2 Complaints are recognised as a valuable tool in helping officers to understand the concerns of residents in the delivery of services and have an important role in both supporting the improvement of those services and holding services to account.
- 1.3 The number of complaints and member enquiries received by the council has increased in the last three years. The large increase in the years 2016/17 to 2017/18 is due to the new waste services collection contract.

2. Details

- 2.1 Complaints, including Local Government and Social Care Ombudsman (LGSCO) complaints and member enquiries are monitored by the Complaints team, who provide a single point of contact for all complaints. Customers are currently able to contact the Complaints team by phone, email or letter.
- 2.2 Performance for the number of complaints dealt with in time; the number of complaints escalated to Stage 2; and LGSCO complaints answered in time, are corporate performance indicators.
- 2.3 The council's complaints timescales, which do not include social care complaints, are as follows:
 - Stage 1 within 20 working days; and
 - Stage 2 within 25 working days.
- 2.4 Social Care matters are subject to a statutory complaints procedure. In Children's Social Care, the timescales are:
 - Stage 1 within 10 (up to 20) working days;
 - Stage 2 within 25 (up to 65) working days; and

- Stage 3 within 30 working days.

Adult Social Care complaints have a one stage process with a deadline of 25 working days, which can be extended by 40 working days to a maximum of 65 working days. A separate report is included on performance in relation to Adult Social care complaints, see Appendix C.

- 2.5 During the summer of 2017 a customer relationship management (CRM) system was introduced to automate complaints handling. This was withdrawn after three months to enable improvements to be made to the system. Due to some of the system issues there was a negative impact on performance and also issues with the reporting of complaints data for that period.

3. Complaints

- 3.1 There was significant increase in the number of complaints received by the council in 2017/18. A total of 1,765¹ complaints (Stage 1, 2 and policy) were received, compared to 908 in 2016/17.
- 3.2 In 2017/18, 1,602² non social care Stage 1 complaints were received. This is a 93% increase on the number of Stage 1 complaints received the previous year. This was due complaints about waste collection.

Stage 1	2016/17	2017/18	% Change
Children, Schools & Families	47	47	0%
Community & Housing	77	41	-47
Corporate Services	166	153	-8%
Environment & Regeneration	540	874	62%
Total	830	1,111	34%
Total with CRM figures		1,602	93%³

- 3.3 A total of 110 complaints were logged at Stage 2 across all departments, representing a 96% increase on 2016/17. This represents 7% of all complaints escalating to Stage 2 against a target of 9%.

Stage 2	2016/17	2017/18	Change
Children, Schools & Families	1	7	600%

¹ The total number of complaints includes 491 that were logged on the CRM but not counted in the figures for each service area because the CRM did not allocate complaints to service areas

² Including 491 logged on the CRM but not counted in the figures for each service area

³ The overall percentage increase includes the CRM figures that were not counted for each service area

Community & Housing	1	1	0%
Corporate Services	12	15	25%
Environment & Regeneration	42	67	60%
Total	56	90	61%
Total including CRM figures		110	96%

3.4 In 2017/18, 42 Stage 1 social care complaints were received.

Stage 1 Social Care	2016/17	2017/18	Change
Children, Schools & Families	14	12	-14%
Community & Housing	21	30	43%
Total	35	42	20%

3.5 No Stage 2 or Stage 3 Children's Social Care complaints were received in 2017/18.

3.6 In 2017/18 in-time responses to complaints decreased with 67% of Stage 1 complaints (including social care) and 86% of Stage 2 complaints achieving the performance target. This is a decrease of 19% for Stage 1 complaints, with Stage 2 staying the same compared to 2016/17.

	% responses on time					
	2016/17		2017/18		% Change	
	Stage 1	Stage 2	Stage 1	Stage 2	Stage 1	Stage2
CS&F (non social care)	57%	0%	57%	71%	0%	71%
C&H	69%	100%	56%	0%	-13%	-100%
CS	96%	100%	89%	53%	-7%	-47%
E&R	88%	83%	50%	57%	-38%	-26%
Total	86%	86%	67%	86%	-19%	0%

- 3.7 During 2017/18 the council upheld or partially upheld 659 complaints, representing 59% of all complaints received where an outcome is recorded⁴. This figure is lower than in previous years and does not include policy complaints which by their nature cannot be upheld.

	2016/17		2017/18		change	
	Upheld	Part upheld	Upheld	Part upheld	Upheld	Part upheld
CS&F	11 18%	18 29%	6 9%	20 30%	-9%	1%
C&H	1 1%	26 26%	13 18%	17 24%	17%	-2%
CS	39 22%	62 35%	27 16%	31 18%	-6%	-17%
E&R	320 55%	102 18%	479 51%	103 11%	-4%	-7%
Total	440 48%	208 23%	525 42%	171 14%	-6%	-9%

- 3.8 The Complaints team work closely with service areas to identify trends or areas that need to be addressed.
- 3.9 The services that customers complained about most frequently at Stage 1 are shown in the table below.

Service	Number
Waste (Refuse)	245
Waste (Garden)	126
Waste (Food)	92
Waste (Recycling)	79
Waste (Street Cleaning)	78
Revenues	61
Waste (other)	54
Benefits	39
Planning	39

⁴ Outcomes are not available for complaints logged on the CRM during June – August 2017

4. Compliments

- 4.1 Compliments received by departments and logged by the Complaints team have declined. However, many compliments are not shared with the Complaints team and are therefore not logged.

Compliments	2016/17	2017/18	% change
Corporate Services	28	17	-39%
Children's Schools & Families	31	20	-35%
Environment & Regeneration	57	21	-63%
Community & Housing	36	27	-25%
Total	152	85	-44%

5. Policy Complaints

- 5.1 Policy complaints are defined as 'expressions of dissatisfaction with the council's policy in a specific service area', as opposed to dissatisfaction with or failure of a service to meet standards. Policy complaints are dealt with under Stage 1 of the complaints process with issues fed back to team managers so that they are made aware of the impact of their decisions. Policy complaints cannot be escalated without an appeal. No requests for policy complaints to be escalated were received.
- 5.2 The Complaints team have worked to ensure that when a complaint is classed a policy complaint, that the service user is signposted to the relevant policy.
- 5.3 Twenty one policy complaints were received in 2017/18, consistent with the number received in the previous year.

Policy Complaints	2016/17	2017/18
Corporate Services	2	0
Children, Schools and Families	1	0
Environment and Regeneration	17	21
Community and Housing	1	0
Total	21	21

5.4 The 21 policy complaints received are detailed below.

1	ENVIRONMENT AND REGENERATION POLICY	No of complaints
	Criteria for reporting missed waste collections	4
	Waste presentation rules	4
	Diesel surcharge on parking permit	3
	Discontinuation of free food waste bags	2
	Parking permits, charges for renewals, replacements	2
	CPZ consultation	2
	Pavement repairs	1
	Pavement parking	1
	2 minute observation rule re parking	1
	Skip permit charges	1
	Total	21

6. Local Government and Social Care Ombudsman (LGSCO) Enquiries

- 5.1 The Annual Review letter from the LGSCO and accompanying report has previously been presented to CMT and is attached as Appendix A and B.
- 5.2 The LGSCO received 94 enquiries and made decisions in 87 cases. The remaining seven cases were initial enquiries only. Twelve complaints were upheld, seven not upheld and 37 referred to the council for local resolution.
- 5.3 The 12 complaints upheld amounted to 63% or those which were fully investigated, which is the average figure for upheld complaints for London authorities.
- 5.4 A total of £3,759 compensation was paid to complainants from service budgets as a local settlement (£384) or following LGSCO decisions (£3,375).

2	SERVICE AREA	Amount of compensation ordered by LGSCO
	Planning	£150
	Council Tax Recovery	£150
	Education	£1,900
	Housing	£200
	Greenspaces	£75
	Adult Social Care	£900

Total	£3,375
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- 5.5 In June 2017, the Complaints team arranged for the LGSCO to carry out Complaint Handling training in Children's Social Care with members of the Complaints team and officers from Children Schools and Families. This was as a direct result of learning from previous complaints where there was confusion about procedure and to refresh the council's responses. It was well received and the LGSCO was happy with the council's proactive approach.
- 5.6 In February 2018, the LGSCO wrote to the council due to unacceptable delays in responding to their enquiries. Work was undertaken with the responding departments to improve response times and in May 2018, the LGSCO was written to with details of the work undertaken and the council's commitment to improving performance. Performance has improved in relation to LGSCO responses.
- 5.7 The LGSCO has published some trend analysis of complaints it has handled at <https://www.lgo.org.uk/information-centre/news/2018/jul/a-tool-for-change-ombudsman-issues-annual-review-of-council-complaints>.

7. Benchmarking

- 7.1 The Complaints team attends London wide complaints forums considering best practice issues and it contributes to the London Complaints Managers Group, which works with the LGSCO and other agencies.
- 7.2 This group are developing benchmarking statistics, see Appendix D.

8. Member and MP Enquiries

- 8.1 During 2017/18 year 2,949 Member and MP enquiries were received, via the memberenquiry@merton.gov.uk inbox. This represents a small decrease on 2016/17 when 2,972 enquiries were received. Enquiries from the two Merton MPs make up around 72% of all enquiries. The figure is not a reflection of all member activity, as it does not include enquiries made by members directly to officers, which are dealt with as business as usual. Members are strongly encouraged to use the member enquiry service to ensure their enquiry is logged and performance can be reported and enable trends to be identified.

Department & Service Area with majority of enquiries	2016/17	2017/18	% change
Corporate Services / Revenues & Benefits	304	295	-3%
Children Schools & Families / Schools admissions & social work	124	128	3%
Environment & Regeneration / Traffic & Highways & Waste Services	1,495	1,677	12%
Community and Housing / Housing	1,049	849	-19%

Needs			
Total	2,972	2,949	-0.8%

9. Service improvements and learning from complaints

- 9.1 There has been a continuing focus by the Complaints team on working with service managers to use complaints as useful feedback on customer concerns which help them to identify and prioritise service improvements.
- 9.2 It can be difficult to show that service improvements are a direct result of complaints, however, consideration of common complaints has influenced priorities in publishing information, i.e. road repairs schedules on the web site.
- 9.3 Where complaints investigations have identified issues around professional practice, processes or individual performance, these have been taken up with the relevant service managers.
- 9.4 In Revenues and Benefits, if a complaint is received about staff attitude on the phone, a member of the Complaints team will, where possible, retrieve and listen to the call to ensure that the stage one response is fair and impartial.
- 9.5 Complaints are a central component of the Ofsted inspection framework and we are required to evidence organisational learning from complaints and customer feedback. Detailed information on complaints about the Children, Schools and Families department is held on file and was provided to the Ofsted inspectors in June 2017.
- 9.6 The Complaints Team Manager attends departmental management teams to maintain the profile of complaint handling by service managers and to discuss areas where performance needs to be addressed.
- 9.7 Members of the Complaints team attend service meetings on a regular basis to discuss particular complaints and how best to manage their progress.
- 9.8 The complaints team are working with departmental manager to ensure reporting meets their needs.
- 9.9 Due to staff shortages during 2017/18 a backlog of member enquiries built up. Measures to clear these are under discussion with service managers.

10. Next Steps

- 10.1 The Complaints team will be reviewing the feedback sent to the departmental management teams, to ensure it meets their needs.
- 10.2 Following a further review of the Customer Contact Programme, the customer relationship management system will not be rolled out to manage complaints handling at this stage.

- 10.3 Planned further changes to Waste Services are expected to have an impact on complaints. The Complaints team are working with Waste Services to ensure that the team is resourced and prepared to respond to the expected increase in enquiries and complaints.
- 10.4 Information from member enquiries and freedom of information enquiries is being used to inform the publication of frequently requested data sets.
- 10.5 The Complaints team have undertaken refresher training in writing good complaint responses during September and October 2018. These will continue, focussing on those teams that receive a high volume of complaints or where complaints escalate regularly.

11. Alternative options

- 11.1 Not applicable.

12. Consultation undertaken or proposed

- 12.1 The Complaints Officers were consulted on this report.

13. Timetable

- 13.1 The LGSCO annual letter was received on 18 July 2018.

14. Financial, resource and property implications

- 14.1 See 6.4.

15. Legal and statutory implications

- 15.1 The council has a number of legal and statutory obligations in relation to Adults and Children's social care complaints.
- 15.2 There is no statutory requirement to publish this report.

16. Human rights, equalities and community cohesion implications

- 16.1 It is important all those involved in dealing with complaints are mindful of ensuring a consistent approach with all complainants in line with Equalities principles.
- 16.2 All complaints where there has been an allegation of discrimination are reviewed the Equalities and Community Cohesion Officer. There were none in 2017/18.

17. Risk management and health and safety implications

- 17.1 Poor complaint handling could be a reputational and financial risk to the council, especially with the increase in people using social media to raise awareness of issues.

18. Appendices – the following documents are to be published with this report and form part of the report

2.1.

18.1 A. Annual Review Letter of the LGSCO

18.2 B. LGSCO report 2017-18

18.2 C. Social Care benchmarking figures

18.3 D. Adult Social Care Complaints Annual Review

19. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

19.1 None

20. Report author

Name: Monica Coleman

Tel: 020 8545 3573

Email: monica.coleman@merton.gov.uk

Local Government & Social Care OMBUDSMAN

18 July 2018

By email

Ged Curran
Chief Executive
London Borough of Merton

Dear Ged Curran,

Annual Review letter 2018

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

A number of cases we have investigated about your Council have been affected by delays in your Council responding to our enquiries. It is essential for my investigators to get the information they need to progress investigations in a timely way. This is vital if we are not to see complainants' confidence in the complaints process erode. To that end I was pleased when you told me of the recent changes your council has made to your complaints handling procedures. The extra resources and new methods of working you have put in place will hopefully lead to the desired improvements.

Future development of annual review letters

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new [corporate strategy](#) for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will be seeking views from councils on the future format of our annual letters early next year.

Supporting local scrutiny

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at www.lgo.org.uk/scrutiny. I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

Learning from complaints to improve services

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the [reports](#) and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit www.lgo.org.uk/training.

We were pleased to deliver a children's social care complaint handling course to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the course was valuable.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'MK' followed by a stylized flourish.

Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: London Borough of Merton
For the Period Ending: 31/03/2018

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
16	16	6	10	11	12	7	14	1	93

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
5	1	37	25	7	12	63%	87

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
9	2

Local Government &
Social Care
OMBUDSMAN

***Review
of local
government
complaints
2017-18***



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Ombudsman's foreword



I am pleased to present our Review of Local Government Complaints for 2017-18.

Each year I write to local authorities to feedback statistics from the complaints made to us, and comment on their performance in responding to investigations. This report gives a national picture of these complaints, summarises the main casework themes we have seen and provides links to our published data tables. Many councils use the data tables to compare and contrast against other authorities, and they are open to anybody with an interest in public services to scrutinise.

The headlines from our complaint statistics in 2017-18 are:

- > We registered 17,452 complaints and enquiries, compared to 16,863 2016-17
- > We carried out 4,020 detailed investigations in 2017-18, compared with 4,279 in 2016-17
- > Of those detailed investigations, we upheld 57%, which is up from 54% in 2016-17
- > We made 3,622 recommendations to put things right, compared to 3,574 in 2016-17. These included 644 recommendations to improve services for the wider public

- > The area in which we upheld the highest proportion of investigations was Benefits and Tax (70%). The lowest proportion was Planning and Development (41%)

When looking at complaint numbers, I want to stress that it should only form the start of the conversation about measuring corporate health – low and high volumes do not solely indicate good and bad performance.

The wider outcomes from our investigations are more important than complaint volumes. The responses to our annual survey of councils show that there has been a steady shift over the last three years in the belief that our investigations have a positive impact on improving local services.

One of the most important ways we share learning from complaints to encourage service improvement is through publishing public interest reports. We published 40% more public interest reports this year – 42 in total. We have a clear framework for deciding whether to publish a report on an individual investigation. But this uplift in numbers doesn't necessarily mean we are seeing more systemic and significant injustices; it reflects our commitment to share the lessons from cases, as well as hold local authorities to account when required. We actively promote these public interest reports, and they trigger a requirement for the authority to consider them at full council or an alternative forum of elected members.

The majority of our public interest reports were about three topics: adult social care; education and children's services; and housing. Our particular concerns in these areas were taken forward into thematic Focus Reports, which collate a number of case studies combined with our thoughts on how to avoid the common pitfalls. We published four Focus Reports last year, which we summarise in a later section.

By and large last year, we saw councils working constructively to remedy injustices and take on board how they could prevent further people being affected by issues highlighted in investigations – sometimes at a significant financial cost. I commend this culture of learning from complaints. This report details some of the landmark cases we completed, where the outcomes extend well beyond the individual complainant.

On the other hand, there were some examples of councils not being as receptive to putting things right without significant pressure from my office. However, despite these challenges, and even though our recommendations are non-binding, I am happy to say there were no formal incidents of non-compliance from councils to our recommendations last year.

A handwritten signature in black ink, appearing to read 'M. King', with a stylized flourish at the end.

Michael King

**Local Government and
Social Care Ombudsman**

July 2018

Key complaint themes

Our investigations sometimes uncover issues we see time and again across different councils. Where we have an opportunity to feed back the learning, we publish themed Focus Reports, which include good practice notes and questions to help councillors scrutinise their authorities. Last year, these were the topics we commented on:

[The Right to Decide: towards a greater understanding of mental capacity and deprivation of liberty](#)

We highlighted that sometimes the proper checks are not happening or safeguards put in place when councils and care providers make decisions on behalf of people who lack mental capacity to choose how they are cared for. Our case studies showed how people were left in situations without the right consent in place and in one case forced to live somewhere against their will for a number of years.

[Lifting the Lid on Bin Complaints: learning to improve waste and recycling services](#)

We revealed the outsourcing of services was a common factor in the complaints we uphold about waste and recycling services. While many thousands of bins are collected successfully every day, we upheld 81% of the complaints we investigated the previous year. We called on councils to ensure proper oversight of their contractors, remembering that they remain responsible and accountable even if they outsource a service, and to appreciate the impact on citizens of the increasingly commercialised nature of waste services.

[Education, Health and Care Plans: our first 100 investigations](#)

We said families of children with special educational needs (SEN) are sometimes facing a disproportionate burden to ensure they get the

support they need. After reflecting on our first 100 investigations about the replacement system for Statements of SEN, we found families were sometimes suffering excessive delays in getting the right support, with children ultimately failing to reach their potential. We found fault in nearly 80% of investigations.

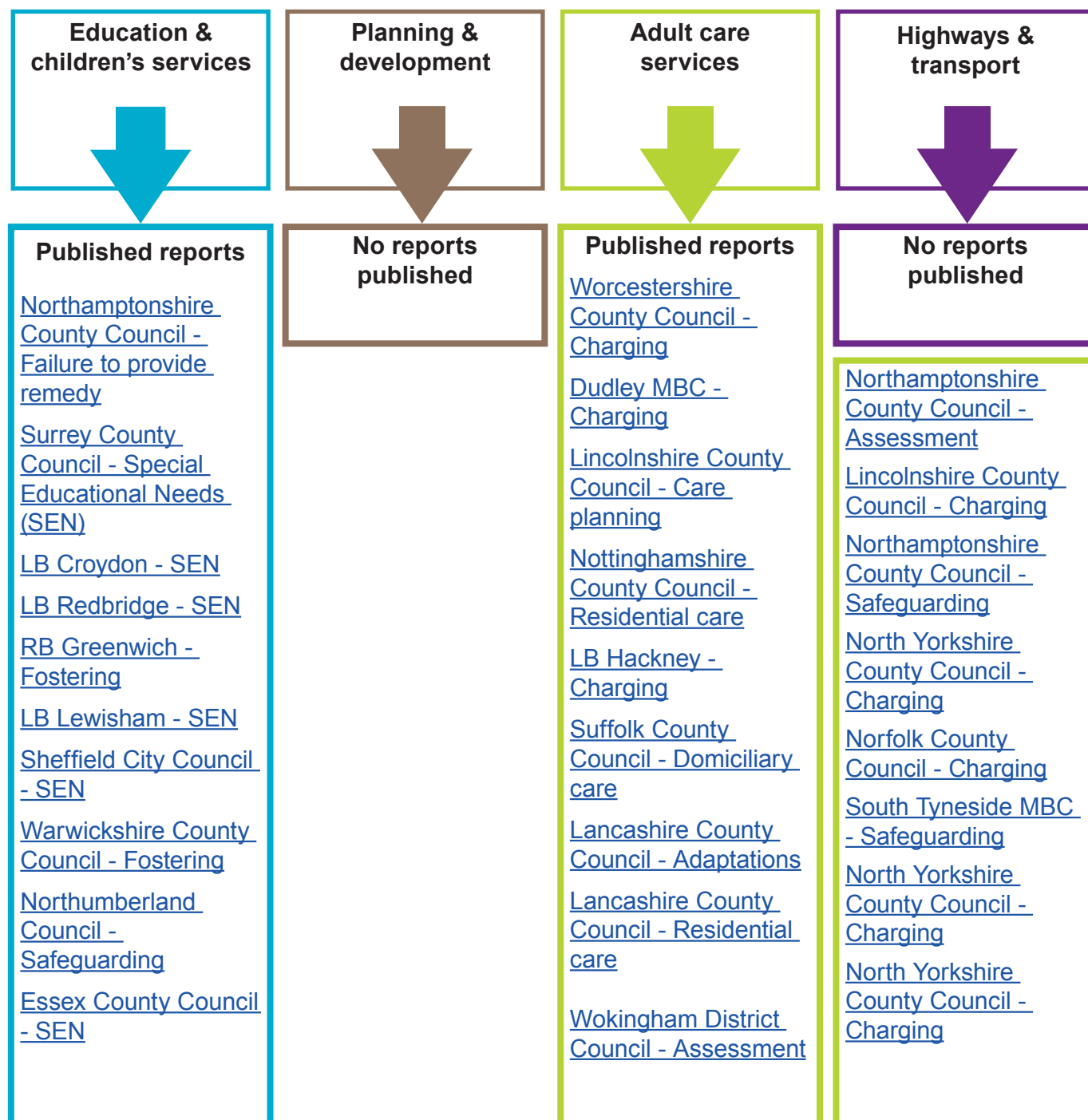
[Still No Place Like Home: councils' continuing use of unsuitable bed and breakfast accommodation for families](#)

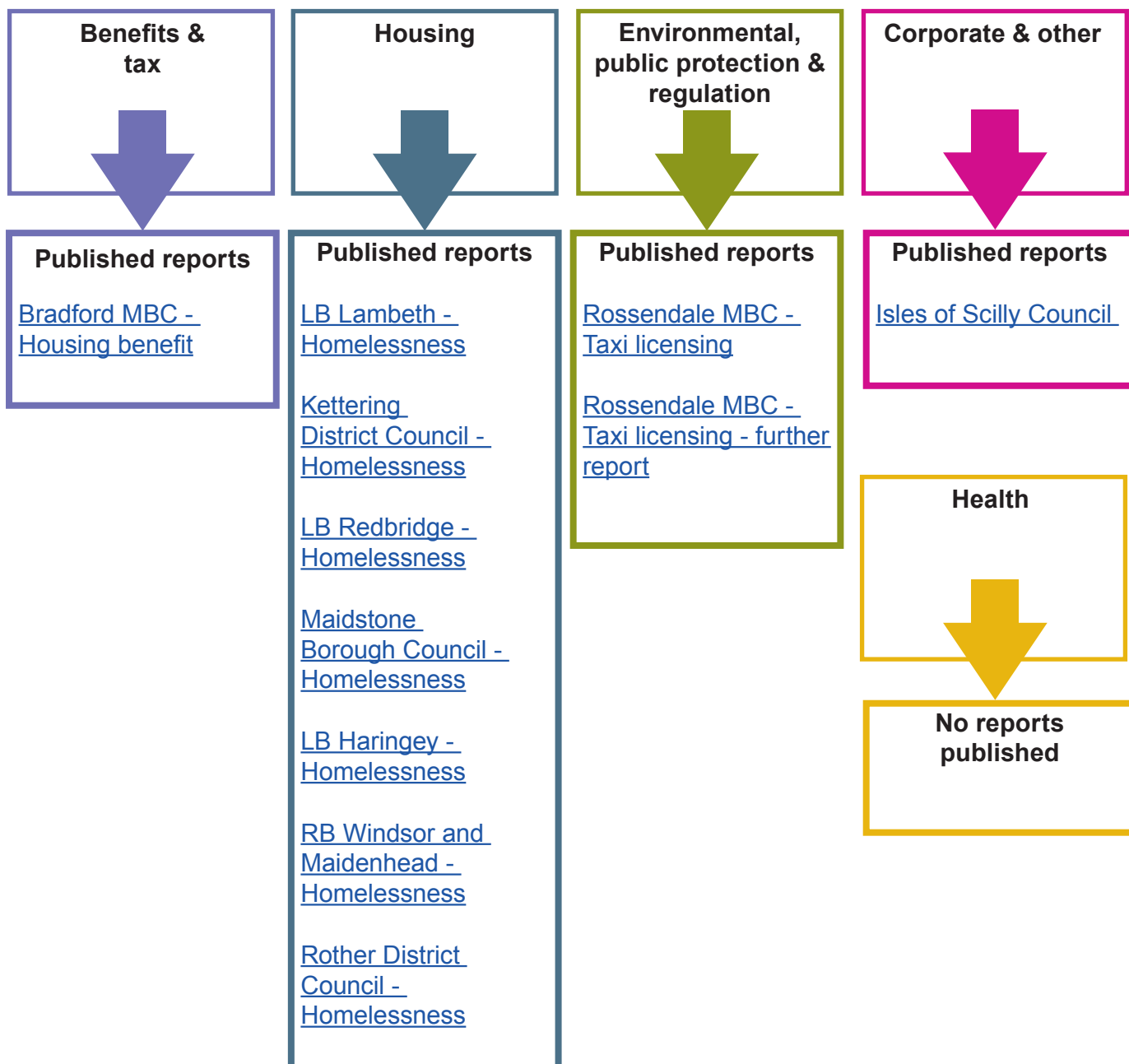
We showed that homelessness is increasingly affecting families outside of the capital, and from professions who previously may never expected to face problems finding somewhere to live. Worryingly, many of the problems highlighted in our similar report on this topic in 2013 still persist today. We also said there are signs the problems are becoming more acute, with an increase in the length of time families are having to stay in unsuitable temporary accommodation.

Public interest reports

Our decisions are published at www.lgo.org.uk/decisions and can be searched by theme, key word, category, decision outcome, date and organisation.

Our press releases to highlight our public interest reports can be found at www.lgo.org.uk/information-centre/news





Landmark cases

Last year we published a number of cases that demonstrate the power of a single complaint to make a difference to many people, when combined with a constructive attitude by councils to remedy the injustice and make improvements. By highlighting them, we are giving all councils the opportunity to learn and check their own practice in these areas. Below are the case summaries, and full details can be found by clicking on the links, or you can search the case reference numbers at www.lgo.org.uk/decisions

School transport for foster children

Case reference: [16006379](#)

Our investigation found Warwickshire County Council's school transport policy required foster carers, whose children had to attend schools beyond statutory walking distance, to pay for school transport out of their fostering allowance. This is despite them being entitled to free school transport. This put those children at a disadvantage compared to their peers. We urged all councils to check their approach. We also wrote to a number of councils to highlight our findings, where we became aware were taking the same incorrect approach. Warwickshire changed its school transport policy to explain it will treat looked after children the same way as it treats those living with their families.

Commissioning adult social care services

Case reference: [16007469](#)

Our investigation found problems in commissioning suitable homecare provision meant a married couple had to spend 10 months apart because the woman couldn't come home after a routine operation. In an effort to improve stability in the local market, Lincolnshire County Council had agreed contracts with a smaller number of preferred care providers, each solely responsible for delivering homecare services in their area. However, the newly contracted

provider didn't have capacity to provide the care to meet the woman's needs. The council agreed to identify which other families may have suffered an injustice and put things right.

Restricting appeal rights for benefit claimants

Case reference: [16016533](#)

After a single complaint, our investigation found that Bradford Metropolitan District Council had left more than 500 people waiting while it considered whether to forward their housing benefit appeals to the First Tier Tribunal. This left these people without their right to appeal, some dating back more than two years. The council agreed to clear its backlog promptly, keep us updated on progress, and review its procedures to ensure they comply with tribunal rules.

Using complaint insight to resource services

Case reference: [17000317](#)

In a sad case, where a man spent the last month of his life in bed because of delays in providing him with a specialist chair, Lancashire County Council agreed to a number of steps improve services for everybody. Amongst these, was to look at how it resourced occupational therapy services, resulting in the council completing an action plan to fill existing vacancies and recruit a significant number of new therapists.

Compliance with recommendations

Last year there were a few occasions where councils resisted following the correct process for public interest reports. This required us in three cases to follow the unusual practice of publishing a further report calling on the council to properly discharge its duties. The councils concerned were:

- > Luton Borough Council (report not published)
- > [The Council of the Isles of Scilly \(case reference: 15019440\)](#)
- > [Rossendale Borough Council \(case reference: 15011613\)](#)

While it is regrettable we had to resort to such measures, I welcome that all three councils have now agreed to fully implement our recommendations.

Clarity on financial assessments

We also had an application for a judicial review of our decision by a council thrown out at the High Court. We issued a public interest report to Wokingham Borough Council about a woman who had approached it for social care support and she had received a personal injury award for medical negligence at birth. The council disputed our view that the law required the personal injury award to be disregarded, and so funding should be provided from when she approached it.

The council challenged our report through judicial review. It felt we should take a 'purposive' approach to the law, and consider its resources when making our decisions. It also argued we should suspend investigations if any of the principles are subject to general litigation in the courts. The court dismissed the council's case as being 'totally without merit' and we published our report in early 2018. The judgment provides clarity for all councils on how we will investigate complaints about personal injury awards. It also confirms that we will hold councils to account on the established law, rights and standards, not based on local funding pressures.

Using the statistics

How to view complaint statistics

When viewing data for individual councils, it is important to understand the volume of complaints does not, in itself, indicate the quality of a council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well.

Complaint figures should be used as the start of a conversation, rather than an absolute measure of corporate health of an authority.

The figures in this report are correct at the time of publication but may be subject to change to correct any errors in how cases have been categorised. We do not expect any adjustment to significantly alter the overall figures.

Data tables and annual letters

You can download the [data tables for our local government complaints 2017-18](#), which provides information at a local authority level.

You can view individual council [annual letters](#).

How councillors can use our data to support scrutiny

Many local authorities already use our annual letters and complaint statistics to report to scrutiny committees and other oversight functions.

As a councillor, you can use information about complaints to help identify issues affecting local people. We suggest some ways you could use our data to inform scrutiny of local services:

Complaints received

- > Does the Ombudsman receive particularly high or low numbers of complaints in particular service areas?

Remember that a high number of complaints could indicate a council open to receiving feedback, not just be indicative of problems with services. Despite that, discrepancies across service areas could indicate good or bad complaint handling, or good or bad signposting to the Ombudsman in certain departments.

You could compare the number of complaints to us against the number of complaints made to the council, or against other similar authorities, to build up a better picture.

Uphold rates

- > Are there any service areas where there are particularly high or low uphold rates?

Uphold rates show the proportion of investigations in which we find some fault, and can indicate problems with services. Compare these with the national averages in our report or against other authorities.

Recommendations

- > How does your council remedy injustices and learn from complaints to improve things for local people?

Look at the number of service improvement recommendations your council agrees to make following our investigations – what does this say about the council's willingness to learn from complaints.

The number of investigations with a satisfactory remedy indicates that, while we found it had been at fault, the council had followed the right steps to put things right in its complaint response.

General complaint handling

There are some questions you could ask about your council's approach to complaint handling.

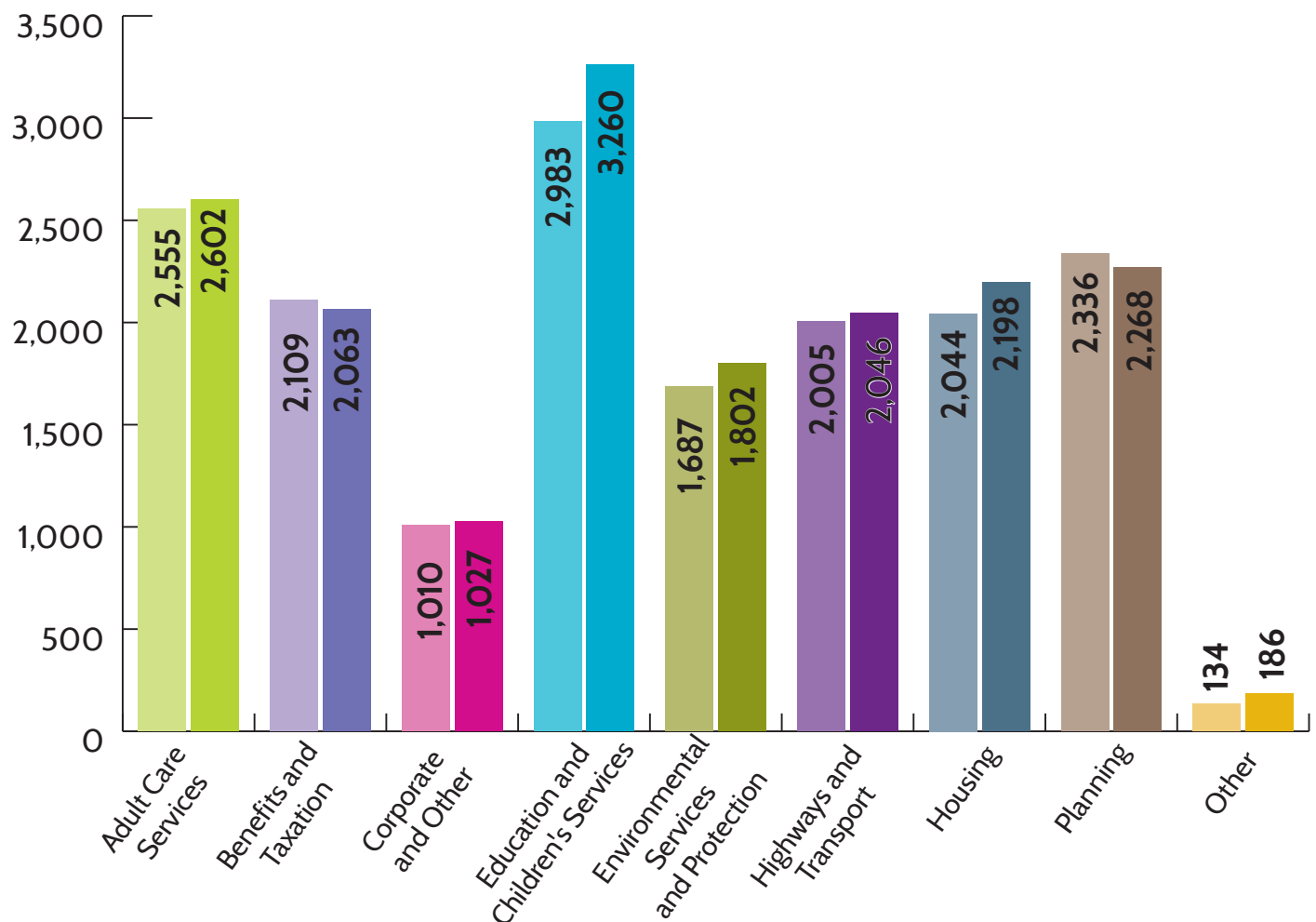
- > How quickly does your council respond to complaints?
- > How quickly does your council look to put things right when there is evidence of fault?
- > How does it make sure all partners it commissions services from also have effective complaint handling processes?

Statistics

The following statistics are an accumulation of the data from individual councils' annual performance. They encompass each English local authority, National Parks Authorities, the Greater London Authority, Transport for London, and the Environment Agency. Where available, we have provided a comparison with the previous year.

The last section of this report explains the changes we are making to further enhance how we report in the future on how our recommendations are implemented.

Complaints and enquiries received 2016-17 (left column) compared with 2017-18



Decisions made and investigations completed

2016-17

7,793
cases dealt with by initial
check

2017-18

8,135
cases dealt with by initial
check

- > We were not the right organisation to help
- > People had not completed the council or care provider's complaints process

4,650
cases dealt with by
assessment

4,808
cases dealt with by
assessment

- > We started making enquiries but decided there were good reasons why we could not, or should not, investigate fully

4,279
cases dealt with by
investigation

4,020
cases dealt with by
investigation

- > We made a decision on whether there was fault and/or injustice
- > We made recommendations to put things right, or provided assurance the body acted correctly

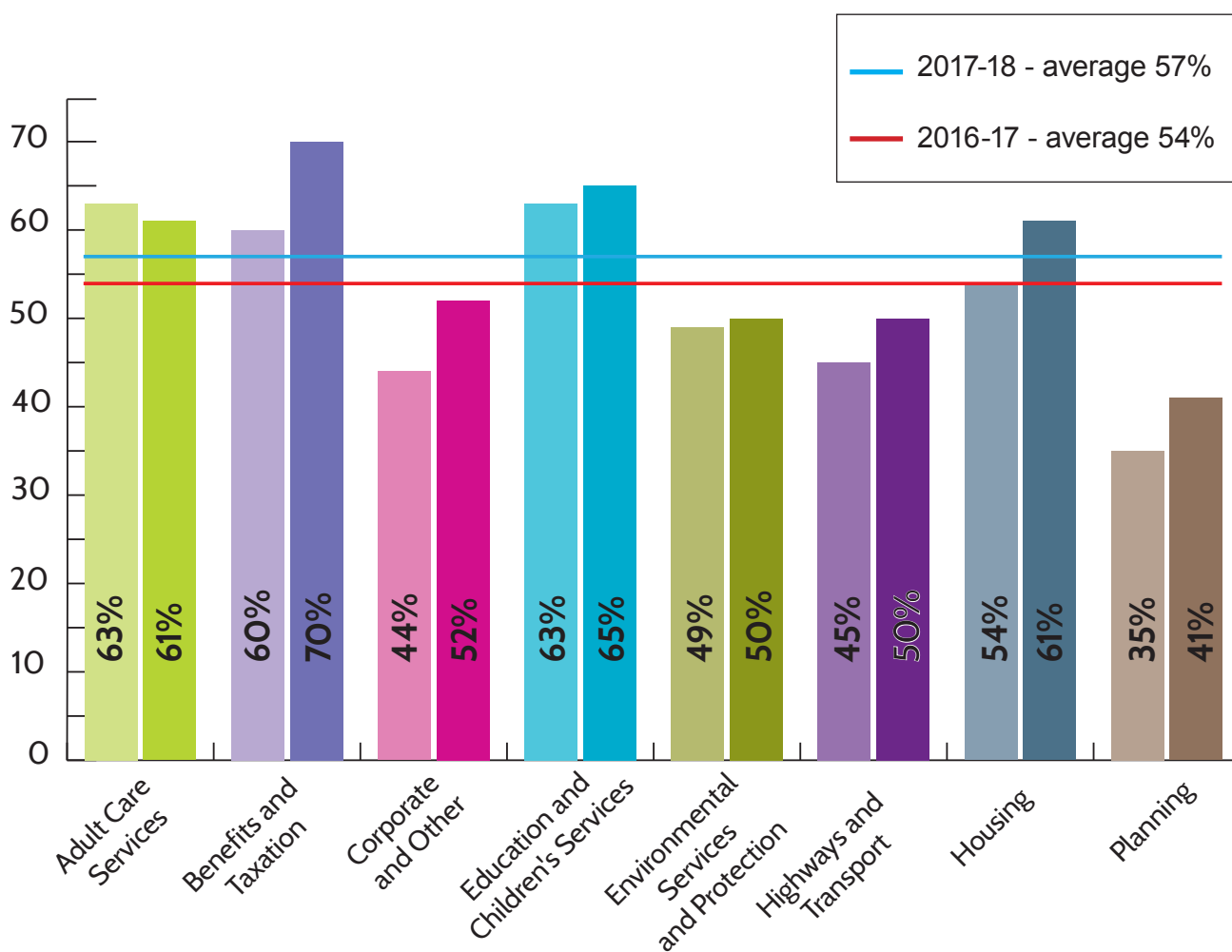
1,982
investigations
not upheld

2,297
investigations
upheld

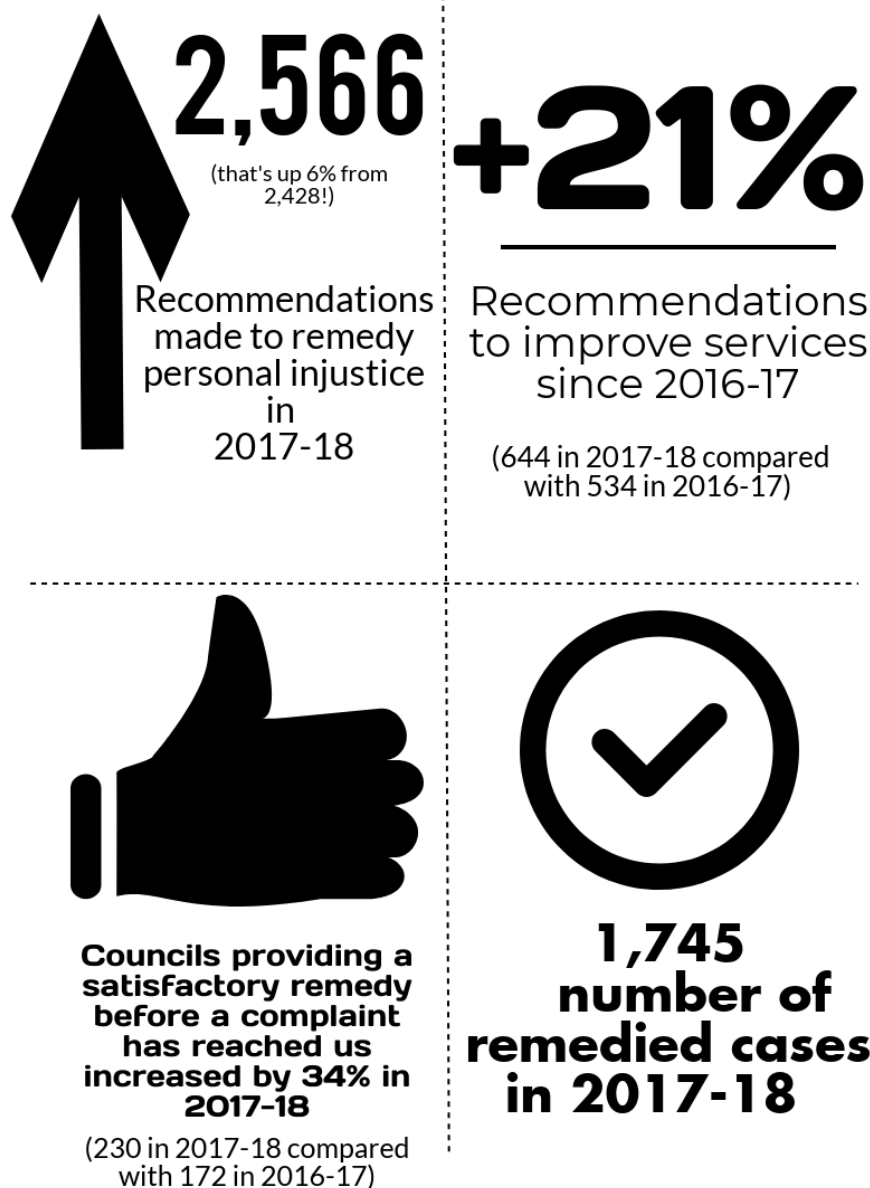
1,745
investigations
not upheld

2,275
investigations
upheld

Investigation uphold rates (in percentages) 2016-17 (left column) v 2017-18



Recommendations



Types of recommendations

Recommendations to remedy personal injustice typically include things like: an apology, financial redress, provision of services, writing off a debt, or a new appeal or review of a case. They can also encompass creative recommendations to fix things based on the person's circumstances.

Recommendations to improve services typically include things like: a review of policies, change to practices, training staff, and raising awareness of issues within the authority and to the public. We can also ask authorities to put things right specifically for others that did not directly complain to us, but may have been affected by the issues found within an investigation.

Satisfactory remedy shows the number of cases where the authority was at fault, but we decided it had done all that it could to put things right by offering a satisfactory remedy during the local complaints process.

Future reporting on remedies

We made a lot of changes to our processes last year to lay the groundwork for us to improve the way we record and publish data about how complaints are remedied.

We are doing this to move away from a simplistic focus on complaint volumes and turn the focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many.

A small number of councils are taking part in a pilot project this year to more systematically record our recommendations and how these are implemented. The aim is to report fully against all councils from 2019-20, with the data visualised through an interactive map. We will be making changes to the format of our annual letters as a result and will be engaging with councils on this early next year.

This new reporting will provide local authorities with a powerful suite of data to track progress against actions they have agreed to remedy injustices, and provide evidence of the outcomes they've improved for their citizens by responding positively to our recommendations.

Local Government and Social Care Ombudsman

PO Box 4771

Coventry

CV4 0EH

Phone: 0300 061 0614

Web: www.lgo.org.uk

Twitter: [@LGOmbudsman](https://twitter.com/LGOmbudsman)

Department: Community and Housing

Date: October 2018

Subject: Adult Social Care Complaints Annual Review

1. Report & executive summary

- 1.1 It is a statutory requirement under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, to produce an annual report about complaints made by, or on behalf of, people who receive support or services from Adult Social Care. This annual report also provides a mechanism by which the council can monitor the quality and effectiveness of services and of its complaints procedure.
 - 1.2 Complaints are recognised as a valuable tool in helping officers to understand the concerns of residents in the delivery of services and have an important role in both supporting the improvement of those services and holding services to account.
 - 1.3 This report provides an overview and analysis of all complaints received during the reporting period 1 April 2017 to 31 March 2018, including a summary of identified issues, examples of service improvement and details of future objectives for 2018/19. The report shows a fall in the number of complaints over the last three years.
 - 1.4 The report will be published on the council's website, and made available on request, to managers and staff, elected members, residents and inspection bodies.
-

2. Details

- 2.1 Complaints, including Local Government and Social Care Ombudsman (LGSCO) complaints are monitored by the Complaints team. Performance for the number of complaints dealt with in time, the number of complaints escalated to Stage 2 and LGSCO complaints answered in time are corporate performance indicators.
- 2.2 In line with the Local Authority Social Services and NHS Complaints Regulations 2009, the council has a one stage process for Adult Social Care complaints. The timescale for responding is 25 working days, which can be extended by 40 working days to a maximum of 65 working days.
- 2.3 The council will provide advice and support and work with complainants and social care providers to find an effective and swift resolution to complaints.

3. Stage One Complaints received

- 3.1 The total number of stage one Adult Social Care complaints received in 2017/18 was 30; this is comparable to 31 the year before 2016/17 and lower than 2015/16 where it was 40.

Stage 1	2017/18	2016/17	2015/16
Access and Assessment*	22	21	28
Commissioning	4	7	8
Direct Provision	0	1	1
Split between teams	4	2	3
Total	30	31	40

*Access & Assessment is the service's social work function

- 3.2 Complaints broken down by section for 2017/18 are as follows, with only 56% of all Adult Social Care complaints responded to in time against the target of 90%.

Section	% responded in time
Access and Assessment	59%
Commissioning	0%
Direct Provision	
Split between teams Commissioning / Transactions Access & Assessment / Benefits) Access & Assessment / Legal Learning Disabilities / SEN	0%
Total	56%

- 3.3 The types of complaints received are as follows:-

Access and Assessment

- Failures around care, support, professional conduct and delivery of service.
- Level, costs and communication of care package following hospital admission.
- Unhappy with the level of service provided by Social Worker.
- Unhappy with placement in residential.
- Level and communication regarding 'Shared Lives' scheme.
- Care package assessment (reassessment / cost).
- Unhappy with placements due to distance from family.
- Lack of planning for care assessments.

Commissioning

- Inadequate level of service provided by provider. Visits not made.
- Inadequate level of service provided by provider. Not following care plan.
- Unhappy with services from provider. Not ensuring medication is taken.

Split between two or more teams

- Concerned with the delay in sending an invoice which could not be tallied with the care provided.
- Long delay in provision of care assessment and how benefit officers provided assistance.
- Unhappy with funding decision and associated administration of care package.
- Unhappy with transition to Adult Social Care. No assurances that adequate provision will be available.

These can be put into the below themes:-

- **Policy and Decision** – usually relates to an outcome of an assessment or a service request that has not been agreed
- **Staff Attitude** – primarily around customer service issues, or where a worker said they would do something; but did not
- **Poor Quality** – mainly about the quality of reports and administration of case management
- **No Provision** – where a service was agreed; but not provided
- **Communication** – usually about calls, messages, emails, etc. not being responded to in a timely manner
- **Delay** – where a formal or informal deadline is set to provide a service; but is missed and provided much later

- 3.4 Of the 30 complaints received in 2017/18, 10 of these were upheld and 10 were partially upheld, totalling 67% of all complaints received. This is comparable to 2016/17 (70%) and 2015/16 (65%).

Section	Upheld	Partially Upheld	Not Upheld	Total
Access and Assessment	6	7	9	22
Commissioning	3	1	0	4
Direct Provision				
Split	1	2	1	4
	10	10	10	30

- 3.5 Reasons why complaints were upheld are as follows:-

Access and Assessment

- Paperwork not being issued.
- Missed opportunity to work collaboratively.
- Poor administration regarding care package.
- Failure of social worker to attend a pre-planned meeting and no notification.
- Poor communication leading to confusion about care payment.

Commissioning

- Poor behaviour and practice of a care worker.
- Inconsistencies in timings logged by care worker / actual care.
- Errors in medication given.

Split between teams

- A decision relating to assessed care needs was incorrect.

3.6 Reasons why complaints were partially upheld are as follows:-

Access and Assessment

- Parts of a complaint regarding delays in recording and failures of communication were upheld, but other aspects relating to the assessment were not upheld.
- Poor communication between client, family and carer was accepted but the issues around hospital discharge were not.
- Failure to provide the support plan was upheld, but not the part of the complaint about the substance of the plan.
- Part of a complaint in relation to delays in an assessment and failure to respond to correspondence were upheld, but other parts relating to the timeliness of response and taking into account the contents of the correspondence were not.
- Concerns regarding a provider were upheld, but a challenge over capacity assessments were not.
- Poor communication and a delay in care assessment were upheld but not complaints relating to direct payments.
- Difficulties at care placement were upheld, but the complaints about the current availability of support were not.

Commissioning

- There was poor communication between the provider, council and family but a part of the complaint relating to medication was not upheld because it was a problem with the medication not fault on behalf of the care provider.

Split between departments

- Some failures on part of care workers were upheld, but not those about tasks relating to health which are not their responsibility.
- Delays in assessment and provision were upheld, but complaints regarding benefits support were not.

3.7 Reasons why complaints were not upheld are as follows:-

Access and Assessment

- Complaints about inadequate funding. All these decisions were made properly and following the correct processes.
- Disagreements with assessed care needs were not upheld because processes were followed properly.
- Several requests relating to care were not upheld because the requests were outside the remit of the package.
- Complaints about options given to them regarding care funding. Not upheld as no errors made.

Split between teams

- Concerns about transition to adulthood. Although concerns are understandable, there were no errors in care planning or level of support.

Outcomes

3.8 Where complaints are being upheld or partially upheld, it is required that the response will state the outcome and what actions will be taken to rectify the matter. Examples of the remedies Adult Social Care have put in place are as follows:-

- Apologies given.
- Correction of errors.
- Reallocation to a new social worker.
- Speaking with involved professionals to agree on clear roles for each profession.
- Support plan and assessment information to be revisited by the allocated social worker.
- Documentation to be forwarded in a timely manner and this monitored.
- All future correspondence to be acknowledged even if no response was required.
- Reviewing our processes and protocols to ensure that we are consistent and fair, despite our limited resources.

- Refresher training regarding 'ordinary residence' and relocation in particular.
- Complaint discussed with provider and it will be treated as an area of improvement and also included in our current tendering process for new providers.
- Improving communication between organisations and with vulnerable people and their families.
- Compensation given.

4. Local Government and Social Care Ombudsman (LGSCO) Enquiries

- 4.1 In 2017/18, the LGSCO contacted the council about 9 different Adult Social Care complaints, 10% of the total number received by the council.
- 4.2 The LGSCO may contact the council with a 'Final Decision' without investigation on cases that upon initial review are outside the LGSCO's jurisdiction.
- 4.3 Three out of seven Final Decisions were 'Upheld' in some way, this shows us that we need to do more work on resolving complaints locally.
- 4.4 Where fault has been found the council has worked to correct, remedy and change its procedures to ensure it does not happen again.
- 4.5 The LGSCO publish data on complaints that have been upheld.

5. Next steps

- 5.1 Learning from complaints, needs to be more rigorous and evidenced in the response and in our revised procedures.
- 5.2 A refresh on the information available on how to complain on the council's website will be undertaken, to ensure it is accessible to all.

London Complaints Managers Group
Social Care Complaints comparative, benchmarking data
1 April 2017 to 31 March 2018
Adults

Borough	No. of Compliments received	Total no. of Adult complaints received	No. of statutory complaints	No. of corporate complaints	No. of complaints resolved at point of contact	Total LGO Enquiries	No. of LGO Investigations	No. of LGO Investigations Upheld	No. of LGO Premature
A									
B									
C									
D									
E									
F									
G									
H									
I									
J									
K									
L	34	178	0	134	44	0	0	0	0
M									
N									
O									
Merton	17	41	31	10	N/A	34	6	4	2
Q	32	41	41	0	Not recorded	2	2	1	0
R									
S									
T									
U									
V	185	52	37	15	46 (initial feedback)	3	2 (1 discontinued)	0	0

London Complaints Managers Group
Social Care Complaints comparative, benchmarking data
1 April 2016 to 31 March 2017
Children's

Borough	No. of Compliments received	Total no. of Children complaints received at Stage 1	No. of corporate complaints Stage 1	No. of statutory complaints Stage 1	No. of statutory Stage 2's	No. of corporate Stage 2	No. of Stage 3's	Total LGO Enquiries	No. of LGO Investigation	No. LGO Investigations Upheld	No. of LGO Premature
A											
B											
C											
D											
E											
F											
G											
H											
I											
J											
K											
L	71	81	55	26	2	1	1	2	2	1	2
M	10	149	53	96	6	0	0	12	4	4	4
N											
O											
P											
Merton	21	64	52	12	0	7	0	14	4	2	1
R	Not recorded	88	23	65	10	Not recorded	7	5	5	Not recorded	8
S											
T											
U											
V											
A	46	54	6	48	0	15	1	1	0	0	0