

APPENDIX A – Analysis of Local Government and Social Care Ombudsman Annual Review Letter 2019/20

I. INTRODUCTION

I.1 Background Information

The Local Government and Social Care Ombudsman (LGSCO) publishes annual complaint statistics in the format of an Annual Review Letter (Appendix B). This report provides an analysis of the statistics for Plymouth City Council for 2019/20 as published by the LGSCO. This report captures the lessons learned from complaints upheld and uses benchmarking data, published by the LGSCO, to allow comparisons to be made in respect of Plymouth's performance against that of other Local Government organisations. The report also makes recommendations as a result of lessons learned in order to improve the customer experience.

Care is required in interpreting the data in this report as the volume of complaints against an authority do not prove that it is a 'poor' or 'good' performing council. The LGSCO suggests that high volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. They also suggest that 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.

Complaints handling process and organisational learning

Currently, the LGSCO sends complaints via the Link Officer, the Customer Liaison Manager, within the Customer Services Department. Complaints are monitored centrally to ensure that the LGSCO receives the required responses in the timescales set with each case. Once a complaint is received it is allocated to the relevant service area, where an investigation takes place and a response is formulated as well as remedial action considered. Once the LGSCO has concluded its involvement, responsibility for remedial action is held locally within the service and is monitored by the LGSCO via the Link Officer.

I.2 Key Messages

The key messages from the analysis of the 2019/20 LGSCO Annual Review data are as follows:

- A small increase in the volume of complaints received; 109 complaints received in 19/20 compared to 103 complaints in 18/19.
- A small increase in the number of complaints that required a detailed investigation by the LGSCO; 23 complaints in 19/20 compared to 20 complaints in 18/19.
- There has been a significant decrease in the Council's upheld rate; 23 complaints required a detailed investigation and 12 were upheld, giving an upheld rate of 52%. This compares with an upheld rate in 18/19 of 90%, when 18 complaints were upheld following 20 detailed investigations.
- Benchmarking (Section 3) shows that Plymouth City Council now has a lower upheld rate (52%) than both the comparator group of other unitary authorities (56%) and Local Government organisations covered by the LGSCO's jurisdiction nationally (61%).
- Eight of the complaints upheld had recommended remedial action from the LGSCO. PCC has achieved 100% compliance with the recommendations.
- 25% of the complaints upheld were found to have already provided a satisfactory remedy before the complaint reached the Ombudsman. This is a significant improvement from 18/19, where the reported figure was 0%, and is higher than the national average of 13% as reported in the LGSCO Review of Local Government Complaints 2019/20 (Appendix C).

1.3 Progress since 2018/19

The 2018/19 review included recommendations, set by the Customer Liaison Manager, focused on improving service delivery, reducing failure demand and improving internal complaints handling. A lot of work has been done to make improvements and the data reported in the 2019/20 review by the LGSCO shows that significant progress has been made.

Monitor performance against Service Standards

A customer experience performance measure has been included in quarterly Corporate Plan performance monitoring. The measure provides a summary of performance against ten key service standards from across the Council, including processing a housing benefit claim, planning application or picking up a missed bin. The latest monitoring report published shows a positive trend in performance.

Provide guidance and training for staff undertaking investigations

The Customer Liaison Manager created a Council wide network of Feedback Coordinators who meet on a quarterly basis to share system and process updates, as well as case studies of best practice. The meeting is also used to share trends and insights from data, make recommendations and set the focus of action for the next quarter, as well as celebrate successes.

The Customer Liaison Manager held refresher workshops with teams across both Adults and Childrens Social Care to share processes, roles and responsibilities and statistics.

Review, approve and communicate the Acceptable Behaviour Policy

A review of the draft policy has been undertaken and a period of testing is underway.

Improve the management of statutory complaints

Significant improvements have been made to the reporting and monitoring of statutory complaints which will enable the identification of areas to target for improvement. Action taken includes;

- Quarterly meetings set up for Head of Adult Social Care and Retained Functions, Livewell Southwest and Statutory Complaints Team to review customer feedback data and lessons learned
- Livewell Southwest complaints data and lessons learned reported to People DMT quarterly
- ASC complaints upheld rate added to balanced scorecard in line with all other services performance metrics
- Open cases reported weekly during COVID-19 response
- Single point of contact in place in each service for queries and chasing open complaints during COVID-19 response.

2. COMPLAINT STATISTICS 2019/20 OVERALL PLYMOUTH RESULTS

2.1 Complaints received

It is important to note that not all complaints are decided in the same year that they are received. The number of complaints and enquiries received by the LGSCO for Plymouth in 2019/20 was 109. Table 1, below, shows the total number of complaints received by the LGSCO, about Plymouth, in the last five years.

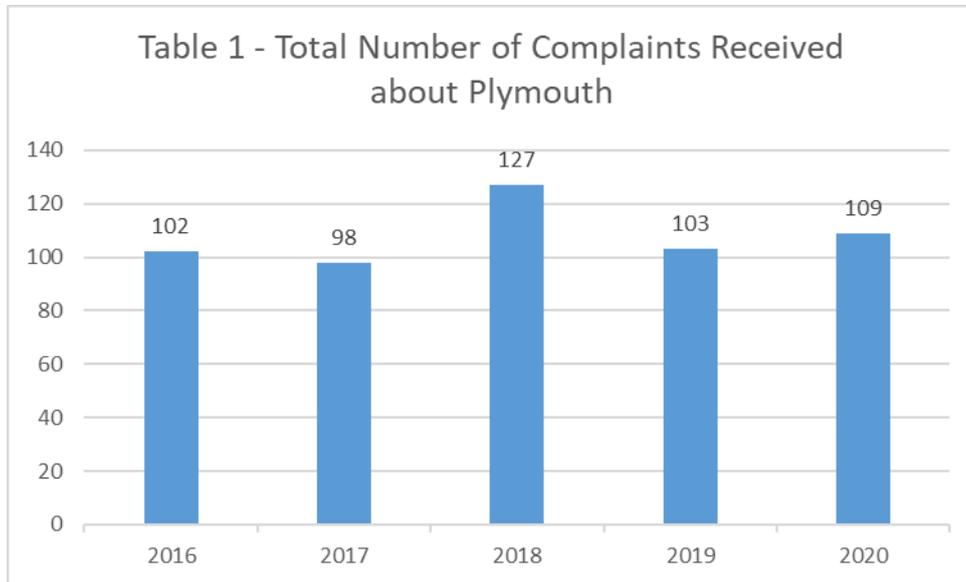
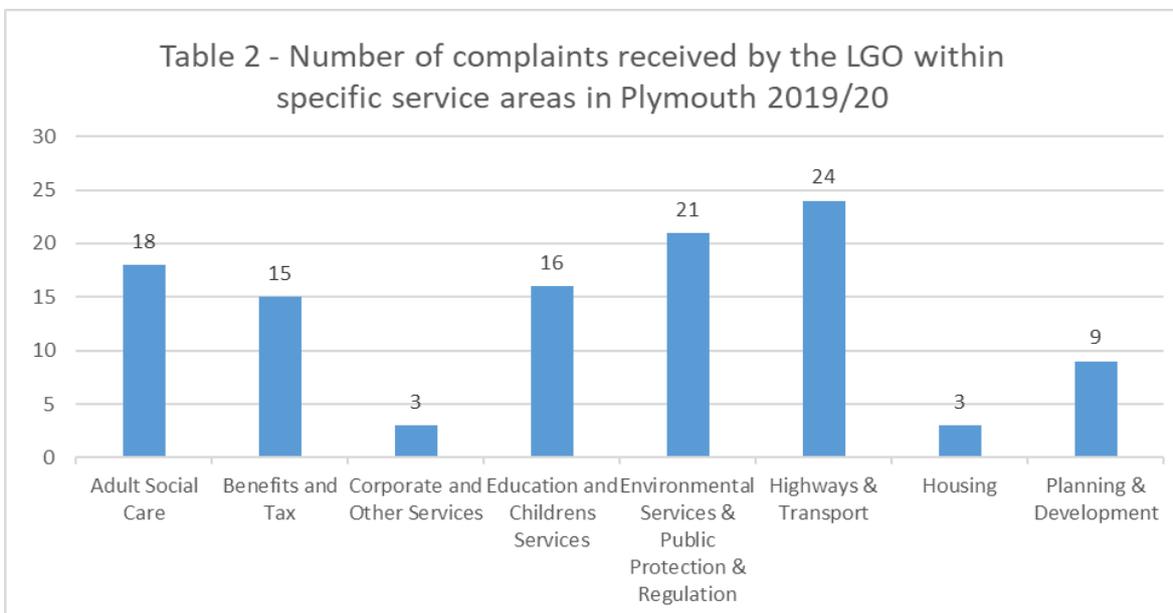
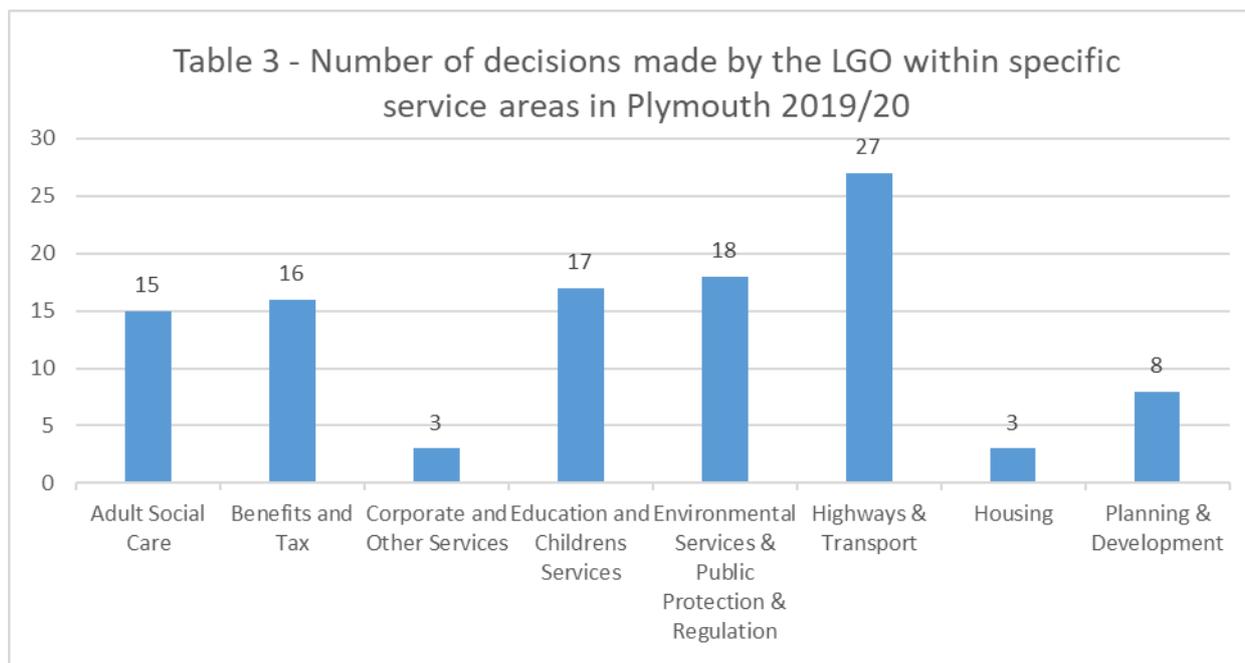


Table 2, below, shows the distribution of complaints received within each of the service areas in 2019/20, totalling 109.



It is important to note that the majority of the figures contained in the remainder of this report reflect the total number of decisions made by the LGSCO during 19/20, which totalled 107, rather than the total number of complaints received, which totalled 109.

Table 3, below, shows the distribution of the complaint decisions made in 2019/20, totalling 107, by department/category.



2.2 Complaint Decisions

A total of 107 decisions were made by the LGSCO for Plymouth in 2019/20; this is the same number of decisions made in the previous year.

In 2019/20, the LGSCO conducted a detailed investigation into 23 complaints and of those 12 were upheld, so the Councils upheld rate is reported as 52%. The upheld rate is calculated by dividing the total number of complaints upheld by the total number of detailed investigations undertaken and is provided as a percentage.

In comparison to 2018/19 data, where the Council's upheld rate was reported at 90%, the upheld rate has decreased significantly whilst the volume of complaints and decisions has hardly changed. This clearly shows that progress has been made in complaints handling processes and that recommendations, implemented as a result of last years review, are working to resolve complaints.

The LGSCO has provided an average upheld rate for 'similar authorities' (see Appendix B, page 4). Plymouth is included in a comparator group where the average upheld rate is 56%; meaning PCC is performing slightly better than its comparators. The comparator group set by the LGSCO is listed in Appendix C.

In 18/19, Plymouth had the second highest upheld rate in comparison with other unitary authorities. In 19/20, 38 other authorities from the comparator group had higher upheld rates. In addition, the LGSCO has published an Review of Local Government Complaints 19/20 (Appendix D). This report shows the national upheld rate for complaints was 61%, so Plymouth is performing much better than other Local Government organisations. More detailed benchmarking has been undertaken in Section 3 of this report.

Table 4, below, shows the total numbers of complaints received, decisions made, detailed investigations undertaken and complaints upheld in both 2018/19 and 2019/20.

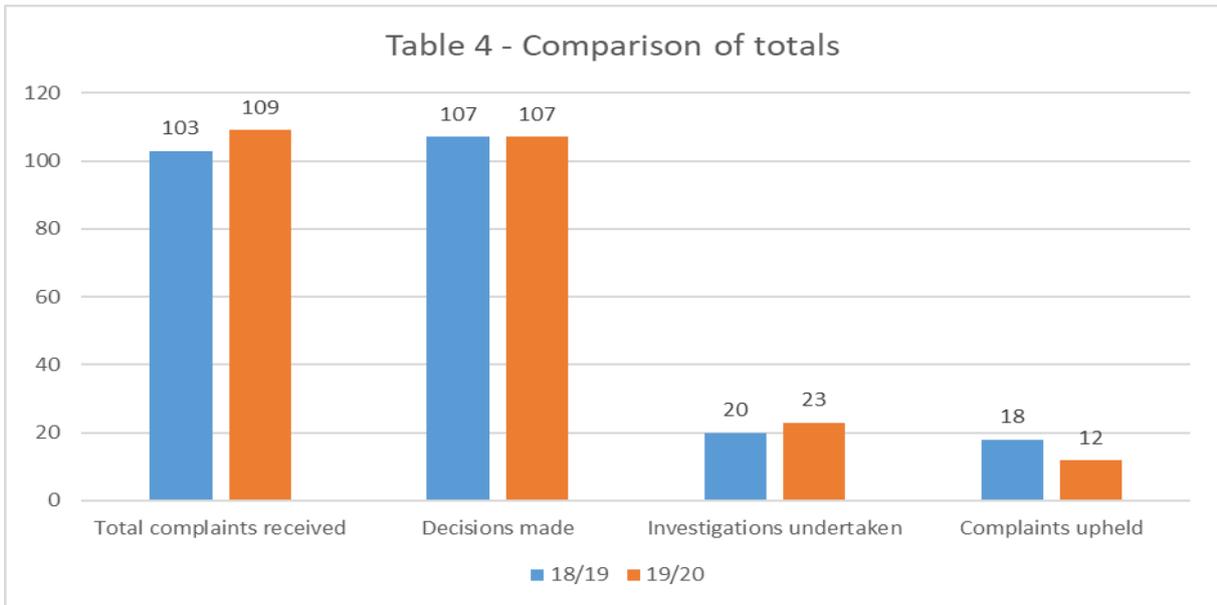
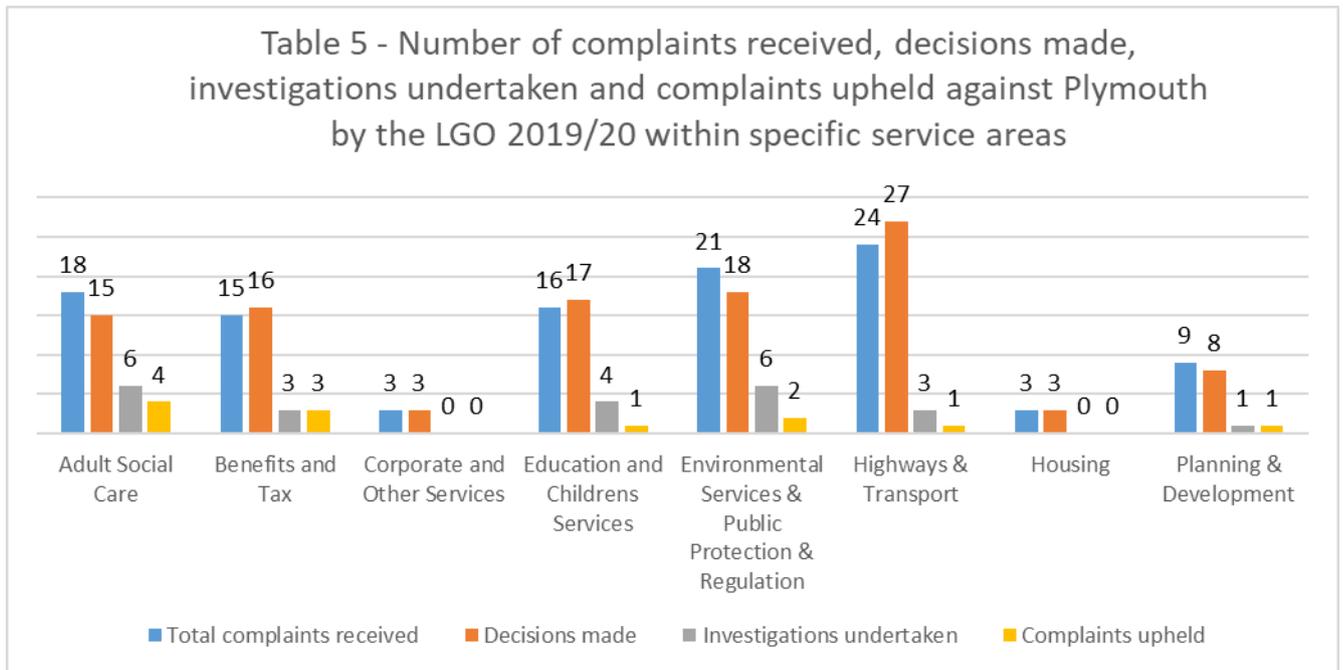


Table 5, below, shows the breakdown of the total numbers of complaints received, decisions made, detailed investigations undertaken and complaints upheld by service area for 19/20.



Departmental performance has been benchmarked with upheld rate data across Local Government, as provided in the LGSCO Review of Local Government Complaints 19/20 (Appendix D), in Section 3 Table 10.

2.3 Lessons Learned from Complaints Upheld

Table 5, above, shows 12 complaints were upheld and the service areas where upheld outcomes were found. Table 6, below, provides summary detail of each of these complaints.

Eight of the complaints upheld included a proposal for remedial action within the decision made by the LGSCO. Table 6, below, shows what remedial action was proposed and the action taken by the service area as a result. The Council achieved 100% compliance with these recommendations

and is performing better than its comparator group where the average compliance was reported as 99% (Appendix B, page 4).

The Council paid £1700 in financial redress in 19/20 as a result of the remedial action for upheld complaints, in comparison with £1850 paid in 18/19.

The annual review letter (Appendix B) reports that in the case of three (which accounts for 25%) of the upheld complaints, the LGSCO investigation found that the service had already provided a satisfactory remedy before the complaint reached the Ombudsman. Table 6, below, shows the detail of these cases. The Council is performing significantly better than the previous year in this respect, when the reported figure was 0%, and clearly shows that the processes and learning implemented as a result of last years review are working to resolve complaints. The Council is performing better than the comparator group, where an average of 11% of cases had provided a satisfactory remedy, and better than Local Government organisations nationally, where performance is reported as 13% (Appendix D).

The LGSCO noted in the annual review letter (Appendix B) that in two cases, remedies, whilst completed, were not completed within the agreed timescales. The LGSCO has invited the Council to consider how it might make improvements to reduce delays in the remedy process and to ensure it tells us promptly when it completes a remedy. See the detail of these cases in Table 6, below, and the recommendations for improvement in Section 2.3.

Table 6 - summary details for upheld complaints 19/20

Service	Upheld complaint summary		Remedial action proposed by LGSCO	Changes and Learning undertaken by the Team/Department/Service
Adult Social Care	1	Complaint about the care provided and the consideration of extra care housing. The LGSCO investigation found fault with the Council's handling of care provision, that there were delays in its consideration of suitability for extra care housing, the handling of a respite placement and a delay in complaint handling.	Financial redress: Avoidable distress/time and trouble £750	Livewell Southwest confirmed the implementation of new processes that mean discharges into the service are seen within 48hours. Statutory Complaints Team now meet quarterly with the service area to review complaint data and share weekly open case data in attempt to ensure timely responses. This complaint was highlighted by the LGSCO as not completing remedial action on time; the financial redress payment was paid four days late. Steps have been taken to enable the Statutory Complaints Team to monitor remedial action and timescales for completion in the future.
	2	Complaint about the Council's handling of safeguarding issues. The LGSCO investigation found fault in that there was evidence of poor and mis-communication and that the Council's records of the assessment of care and support needs was brief and not in line with best practice (clear and detailed).	Apology	A leaflet has been produced to detail the safeguarding process.
	3	Complaint about section 117 aftercare. The LGSCO investigation found miscommunication and delays regarding the provision of care.	Apology, Financial redress : Loss of service £750 (paid by Livewell Southwest)	Livewell Southwest confirmed the process for approving respite requests has been amended. This complaint was highlighted by the LGSCO as not completing remedial action on time; Livewell Southwest confirmed this was as a result of the impact of COVID-19 on the service. The monitoring of remedial action and

				timescales for completion in the future will be monitored at regular meetings between the Statutory Complaints Team, ASC and Livewell.
	4	Complaint about mis-communication of care charges. The LGSCO investigation found that neither the Council nor Livewell Southwest made clear to the complainant, the cost implications of care passing from the Intermediate Care Team to ASC.	No further action – the LGSCO found the Council had already remedied the complaint in identifying a suitable placement in accordance with statutory guidance.	Livewell Southwest have introduced a letter for service users leaving the Intermediate Care process that includes clarity of the financial assessment calculation.
Planning & Development	5	Complaint about a planning application and the lack of notification for residents with mobility issues. The LGSCO investigation found fault in the Council's neighbour notification policy and a failure to adequately consider the impact of a planning application.	The LGSCO found there was no injustice but recommended procedure or policy change/review (re: neighbour notification policy).	The Publicity code for planning applications was changed and the website wording was updated to reflect this.
Highways and Transport	6	Complaint about response to a report of overgrown vegetation. The LGSCO investigation found the Council's contact with the land owner was delayed but that as a result it completed the works direct.	No further action – the LGSCO found the Council had already remedied the complaint.	
Benefits and Tax	7	Complaint about enforcement agent. The LGSCO investigation found the Council was at fault not to undertake an internal review of complaints about an enforcement agent.	Apology, New appeal/review or reconsidered decision, Procedure or policy change/review, Reassessment	Amendment to the complaints handling process for complaints relating to Enforcement Agent. Complaint category also added to Firmstep.
	8	Complaint about enforcement agent. The LGSCO investigation found the Council was at fault not to undertake an internal review of complaints about an enforcement agent.	Apology, New appeal/review or reconsidered decision, Procedure or policy change/review, Reassessment	Amendment to the complaints handling process for complaints relating to Enforcement Agent. Complaint category also added to Firmstep.

	9	Complaint about failure to apply Council Tax discount. The LGSCO investigation found that the Council failed to apply on two accounts.	No further action – the LGSCO found we had already remedied the complaint; the account was adjusted.	
Education & Children's Services	10	Complaint about Special Guardianship payment. The LGSCO investigation found that the Council was not at fault in how it dealt with payments but that it did not follow the statutory complaint process fully in respect of timescales and application for Stage 2.	None. The LGSCO found there was no injustice.	Statutory Complaints process has been reviewed.
Environmental Services & Public Protection & Regulation	11	Complaint about the regular missed collection of a bin registered for an assisted collection. The LGSCO found fault in that the bin was missed on at least one occasion and that complaints were only followed up verbally.	Apology, Financial redress: Avoidable distress/time and trouble, Other Remedy £100	A 10 week monitoring programme was put in place with the crew.
	12	Complaint about the non-return of a bin registered for an assisted collection after collection. The LGSCO found fault in that the bin was not returned to the agreed location on several occasions meaning that the complainant could not access it.	Apology, Financial redress: Avoidable distress/time and trouble £100	Assisted collections process and in cab alerts to crew were updated.

2.4 Recommendations

Table 6, above, shows that a number of complaints that were upheld were due to the LGSCO finding fault in communication. As a result the majority of lessons learned from these complaints included the development of communications or amendments to policy and process. Updates and improvements have been made in all cases and this has been recognised by the LGSCO as PCC achieved 100% compliance with the LGSCO's recommendations.

The analysis undertaken within this report only relates to the complaints that reach the Local Government and Social Care Ombudsman. It is important to incorporate the intelligence available from complaints management processes, operated within the Council, into the recommendations for action so as to reduce the volume of complaints being escalated to, or being upheld by, the LGSCO. Headline data from Council complaints processes are included in Appendix E and, in summary, show;

- a significant decrease in complaint volumes in comparison with 18/19
- a decrease in upheld rate in comparison with 18/19
- the highest upheld rates are in;
 - Place (Street Services)
 - Children's Services (Children's Social Care - Statutory Complaints)
 - Adult Social Care (Statutory Complaints).

The following recommendations have been put together to ensure that PCC continues to learn from customer feedback and focus on improving service delivery, reducing failure demand and improving internal complaints handling:

1. Continue to improve performance against service standards

Detailed quarterly reporting is provided to the Street Services Management Team to enable monitoring of performance. Significant improvements have been made in some areas and has resulted in reductions of complaint volumes and upheld rates. An audit has taken place and an outcome of this is to review all service standards within the department to enable further improvements.

Further developments are required to enable the quarterly reporting, in both Adults and Childrens Social Care, to compare complaint outcomes with service standard performance. Reporting should include more detail on remedial action and lessons learned to ensure improvements to services delivery in future.

2. Provide guidance and training for staff undertaking investigations within the Statutory Complaints Process

Further training will be developed to build on the refresher workshops held with teams across both Adults and Childrens Social Care as detailed in section 1.3. Quarterly reporting is now provided to both services as well as Livewell Southwest. In Childrens Social Care commitment has been made to improve the quality of complaint responses and further training will enable this.

3. Continue to improve the reporting capability for the Statutory Complaints Process

The re-tendering of the Statutory Complaints system has led to the approval to migrate complaints logging to Firmstep. This will include a digital form for capturing complaints, automated allocation of complaints and automated reporting and will bring the Statutory Complaints handling processes and reporting in line with corporate complaints.

4. Improve processing of remedial action as notified by the LGSCO

The Customer Liaison Team now monitor the remedial action for all complaints upheld by the LGSCO and reporting will be added to quarterly reports.

3. BENCHMARKING

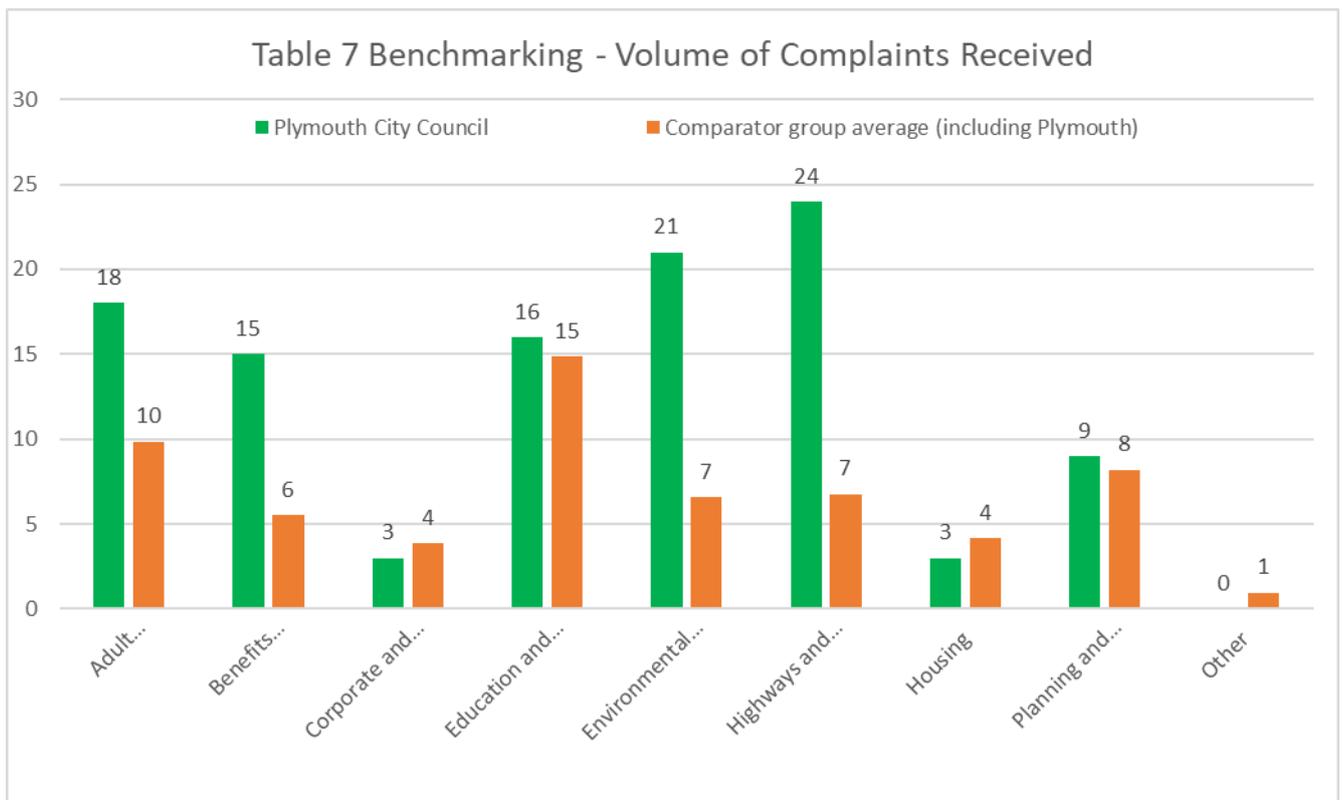
During the analysis of last years annual letter, PCC’s Link Officer (the Customer Liaison Manager) wrote to the LGSCO to request the publication of upheld information, for all other organisations covered by their jurisdiction, to further enhance the capability to benchmark. This request has resulted in information being provided as a published data set with this years annual and the benchmarking outcomes are reported below.

The annual review letter notes that Plymouth is included in a comparator group of other unitary authorities, the list of these authorities in listed in Appendix C.

3.1 Complaints Received

109 complaints were received by the LGSCO regarding Plymouth City Council in 2019/20. On average the LGSCO received 62 complaints for the comparator group of unitary authorities.

Table 7, below, shows how Plymouth City Council’s total complaints received, by service area, compares to the average received in the comparator group.



This shows that the LGSCO receives significantly more complaints about the following service areas for Plymouth City Council than the comparator group average;

- Adult Social Care
- Benefits and Tax
- Environmental Services, Public Protection and Regulation
- Highways and Transport.

The LGSCO has published the total volume of complaints received in 2019/20 by department across Local Government. Table 8, below, shows the rank order from highest to lowest of complaints received for Plymouth compared to those received across Local Government.

Plymouth	Local Government
Highways & Transport	Education and Childrens Services
Environmental Services & Public Protection & Regulation	Adult Social Care
Adult Social Care	Highways & Transport
Education and Childrens Services	Environmental Services & Public Protection & Regulation
Benefits and Tax	Planning & Development
Planning & Development	Housing
Housing	Benefits and Tax
Corporate and Other Services	Corporate and Other Services
Other	Other

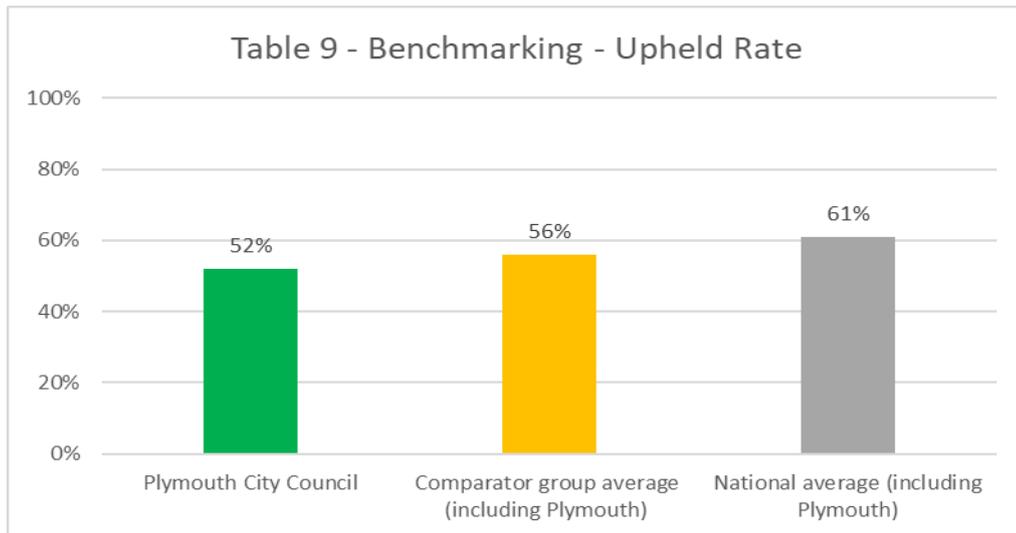
Although the volume of complaints received about Plymouth may be higher than the average volume received about other unitary authorities, 47 (which accounts for 44%) of the complaints closed in 2019/20 about Plymouth, were closed after the LGSCO's initial enquiries and did not require an investigation. 19 of these related to Highways and Transport. The complaints were closed mainly due to the LGSCO finding the complaints were not warranted. 11 complaints were closed because another process of appeal supersedes the LGSCO's power to act eg a tribunal or court proceedings. Consideration has been given to whether the volume of escalations could be reduced, but, in order to comply with the LGSCO's recommendations for signposting their services, the LGSCO's contact details are provided in any Stage 2 complaint responses.

Despite the volumes of complaints received, only 23 complaints about Plymouth required a detailed investigation by the LGSCO in 19/20 which is an investigation rate of 21% (23 detailed investigations of the 107 decisions made). The average investigation rate of our comparator group is 25% meaning that, on average, the LGSCO undertakes less investigations in respect of complaints about Plymouth compared to the comparator group of unitary authorities.

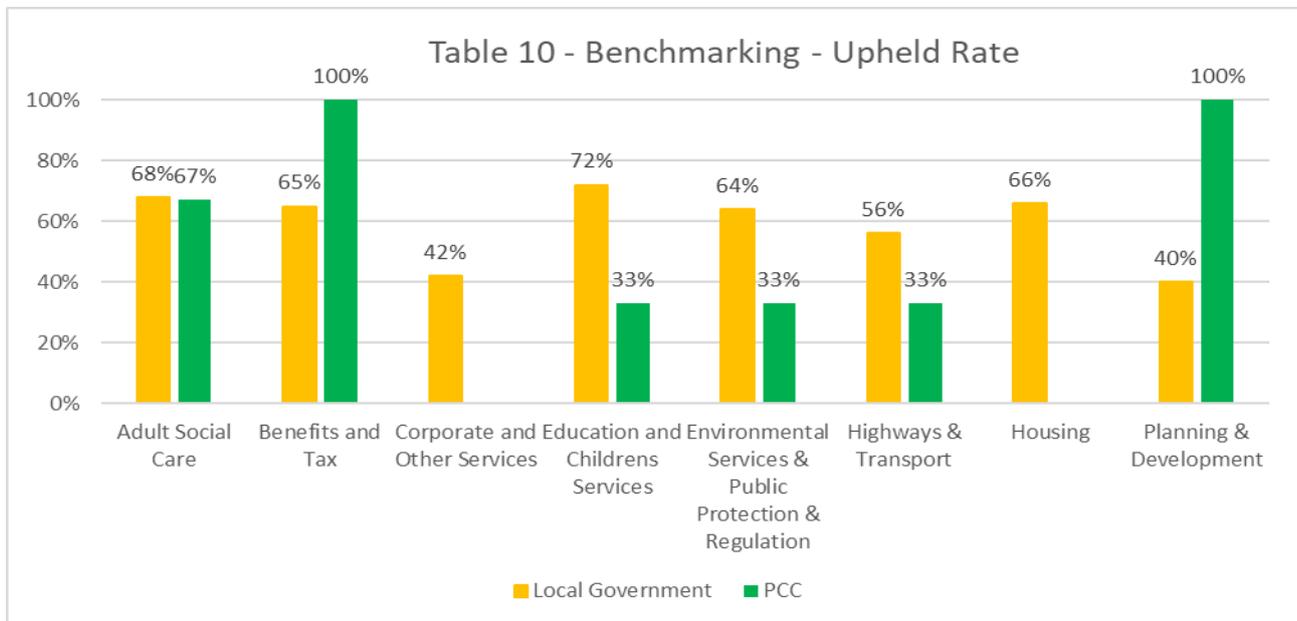
Attention is focused on the outcomes of the complaints that are investigated in detail by the LGSCO. Section 3 provides benchmarking data on complaints upheld.

3.2 Complaints Upheld

Section 2.2 of this report shows that Plymouth is performing well in respect of the upheld rate in comparison with performance in the previous year, the comparator group and other Local Government organisations. This is shown in table 9, below.



The LGSCO Review of Local Government Complaints 2019/20 (Appendix D) shows a detailed breakdown of upheld rates by service. Table 10, below, compares the upheld rate for Plymouth to the upheld rate for Local Government organisations.



This shows that the Plymouth performs better than Local Government organisations for all areas except;

- Benefits and Tax – the Council had three complaints upheld from three detailed investigations in 2019/20 (one of which had already been resolved by the Council before it reached the LGSCO)
- Planning and Development - one complaint upheld from one detailed investigation.

The detail of these complaints is listed in Table 6 above.