

## **APPENDIX A – Analysis of Local Government and Social Care Ombudsman Annual Review Letter 2018/19**

### **I. BACKGROUND INFORMATION**

The Local Government and Social Care Ombudsman (LGSCO) publishes annual complaint statistics for councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. Plymouth's Annual Review Letter is found in Appendix H. This report in part provides an analysis of those statistics for Plymouth for 2018/19. This report also attempts to capture the lessons learned from the complaints.

#### **Complaint Statistics**

Peer group benchmarking is provided for each of the service areas. However, care is required in interpreting the data information 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.

#### **Organisational Learning**

Currently, the LGSCO sends complaints via the link officer, the Customer Liaison Manager, within the Customer Services Department. The complaint is then 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 disseminated into the relevant service area, where an investigation takes place and a response is formulated as well as remedial action undertaken. Once the LGSCO has concluded its involvement, responsibility for remedial action is held locally within each team/service where the complaint was upheld.

## 2 SUMMARY OF COMPLAINTS UPHELD, KEY MESSAGES AND RECOMMENDATIONS

### 2.1 Complaints upheld summary

The table below provides summarised details for all LGSCO upheld complaints

Service	Complaint Description	Remedial Action	Changes and Learning	
<b>Adult Social Care</b>	1	Complaint received that the Council had failed to deal properly with charges for care (relating to deferred payment agreement).	Apology. Financial Redress £250. Offer a discretionary DPA. Procedure change in line with the guidance.	Relevant working practices have been updated.
	2	Complaint that the care provider (acting on behalf of the Council) did not follow its procedure properly. There was conflicting information in the Council's response to the complainant.	Apology. Financial Redress £500. Review procedures with the Care agency.	Meeting took place with the care agency to review the application of policy and communicate it to all staff. Learning was also shared across commissioned domiciliary care providers.
	3	Complaint that the Council is at fault as it failed to explain how an increase to payments was sufficient to meet their needs, underpaid direct payments and delayed in responding to requests for backdating of the increase in payments.	Apology. Financial Redress £100. Written explanation of Council's decision. Reimbursement for underpayment of direct payments. Correspondence and complaints procedures review.	A decision was made in April 2018 for all social care complaints to be investigated and responded to under the Livewell South West complaints process. This was implemented in May 2018. As the Council hold the statutory duty for social care functions it continues to monitor on a monthly basis and review learning from complaints regularly.
	4	Complaint received about the Council and its agent Livewell Southwest, care and support planning.	Apology. Financial Redress £150.	Letter with an apology has been sent to the complainant and redress payment has been made.
<b>Planning &amp; Development</b>	5	Complaint received that the Council has failed to properly enforce a planning obligation. The Council is at fault as it did not pay proper attention to the terms of the agreement.	Reconsider the case. Apology. Enforce the agreement if compliance does not occur. Update the sign erected on the site.	1. The Council's Enforcement Team is actively reviewing the case and the department are now also actively applying the new protocol of acting on dismissed appeals for retrospective developments within 28 days of the decision being received. 2. An apology was sent to the customer. 3. A letter has been sent advising the site management of the requirements of the agreement and reminding them that failing to comply will result in the Council's Legal

				Service being instructed to formally enforce it. 4. A sign has been requested to be erected. Regular visits will be made to the site by members of the Enforcement Team to ensure that this is being complied with.
<b>Highways and Transport</b>	6	Complaint received about the Council's decision to refuse a blue badge. The Council's assessments did not properly address the variable nature of complainant's condition or its impact.	Reconsider an application for a blue badge. Review assessment process.	Assessment process was reviewed and a new style assessment tool and assessment guidance for applicants has been implemented.
<b>Benefits and Tax</b>	7	Complaint received that the Council charged business rates on two units complainant rented. The Council was at fault in failing to contact the complainant to clarify the situation.	Apology. Cancel liability.	Letter with an apology has been sent to the complainant and they were advised that the account has been withdrawn. The balance for the period has been written off.
	8	Complaint about the way the Council dealt with the council tax account for a rental property the complainant owns, in particular its failure to use an address the complainant had provided for correspondence purposes.	Financial Redress £150. Review the learning from this complaint in terms of complaint handling and arrange to meet any identified training needs for relevant staff.	Training needs addressed. Website updated in relation to Council Tax appeals and complaints. Internal Council Tax Reference Guide has also been updated.
	9	The Council should not have passed the complainant's council tax debt to enforcement agents because it did not communicate with complainant's representative as directed.	Apology. Refund £309.31 enforcement and summons fees.	Apology and refund issued.
	10	Complaint received that the Council wrongly advised the complainant they could move from Universal Credit to Housing Benefit, this led to them losing benefit.	Financial Redress £100. Payment for lost housing costs £343.	Payments have been issued.
	11	The Council was at fault to send correspondence to the liable person about a Council Tax debt rather than to their representative who was authorised to handle their account.	Apology. Financial Redress £250. Update records.	Council Tax records have been updated with the correct information. Apology and payment issued.

<b>Environmental Services &amp; Public Protection &amp; Regulation</b>	12	Complaint received that the Council was wrong to charge the complainant to leave their waste at a recycling facility when its website said it could be done for free.	Apology. Financial Redress £100. Repayment of costs of the disposal £97.63. Policy review.	Waste Policy has been reviewed and website has been updated.
	13	Complaint received about the condition of a footpath.	None	Work requested by the complainant had been carried out before the Ombudsman had a chance to consider complaint.
<b>Housing</b>	14	Complaint received that the Council refused to use its discretion to release the complainant from a Disabled Facilities Grant agreement.	None	PCC has agreed the complainant does not have to repay the 2015 grant to allow them to move.
	15	Complaint received about the Council's handling of works carried out under a Disabled Facilities Grant. The Council was at fault as there was significant delay in completing the work.	Financial Redress £250	Payment has been issued. New working practices were already put in place.
<b>Corporate and Other Services</b>	16	Complaint received re: a single point of contact. The Council failed to follow its draft policy and did not properly explain how the complainant could appeal its decision.	None	Single point of contact processes to be communicated as part of the review of an Acceptable Behaviour Policy re: unreasonable and unreasonably persistent complainants.
<b>Education and Children's Services</b>	17	Complaint received that the Council was wrong to decide it should not fund transport to school. There was fault in how the Council considered both appeals from the complainant.	Arrange a new appeal hearing with new panel members. Amend the appeal section of School Transport Policy and its decision letter templates to reflect the guidance by the Department for Education.	School Transport Policy has been revised, letter templates and School Transport web-page have been updated.
	18	Complaint received that the Council refused to provide free home to school transport. The Council is at fault as it did not properly consider if circumstances.	Apology. Pay the cost of the bus fares. Review procedures.	Apology and payment of £139.74 has been made. Procedures have been reviewed.

## 2.2 Key Messages

The key messages from the analysis of the 2018/19 LGSCO Annual Review data are as follows:

- The Council implemented a two stage complaints process on 1<sup>st</sup> April 2018. One of the aims was to reduce the number of complaints being escalated to the LGSCO and a reduction has been achieved; 103 complaints in 18/19 compared to 127 complaints in 17/18.
- A decrease has also occurred in the number of complaints that required a detailed investigation by the LGSCO; 20 complaints in 18/19 compared to 26 in 17/18.
- There has been a significant increase in the upheld rate; only 20 complaints required a detailed investigation but of these 18 were upheld, giving an upheld rate of 90%. This compares with an upheld rate in 17/18 of 58%, when 15 complaints were upheld following 26 detailed investigations.
- 15 of the 18 complaints upheld had recommended remedial action from the LGSCO. PCC has achieved 100% compliance with the recommendations.
- Benefits & Tax saw a significant decrease in the total number of complaints received from 36 complaints escalated in 17/18 to 18 complaints escalated in 18/19. Environmental Services & Public Protection and Regulation, Housing and Planning & Development also experienced a decrease in the total number of complaints received in comparison to 2017/18.
- There has been a significant increase in complaints received about Corporate & Other Services: from four complaints in 17/18 to nine in 18/19, although, only one required a detailed investigation.

## 2.3 Recommendations

The majority of complaints that were upheld were due to the LGSCO finding fault in policy content or the application of policy. As a result the majority of lessons learned from these complaints, as identified in Section 2.1, included updating policy and/or procedure, how these are implemented by staff and how these are communicated with customers. 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.

In addition to policy updates and communications, the following recommendations have been put together to ensure that PCC continues to learn from customer feedback and improve the customer experience. These recommendations all centre on improving service delivery, reducing failure demand and improving internal complaints handling:

1. Monitor performance against Service Standards
2. Provide guidance and training for staff undertaking investigations (Stage 1 and Stage 2)
3. Review, approve and communicate the Acceptable Behaviour Policy.

## 2.4 Progress update

The following activity has occurred to support delivery of the recommendations:

### **Recommendation 1 – Monitor performance against Service Standards**

Customer feedback is monitored regularly following recommendations from last years annual report (see Appendix G). CMT are provided with a monthly performance flash report and will now also be undertaking a quarterly 'deep dive' into the Top 3 complaints as part of quarterly performance monitoring.

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. An internal audit exercise has been undertaken to review the accuracy and integrity of these ten service standard measures; the outcome of this exercise is expected later this month.

There were more than 170 service standards included in business plans across the Council in the latest business planning cycle. The Customer Liaison Manager is undertaking a piece of work, working closely with the Performance and Risk Team, to identify how service areas are managing these services and whether their current systems are able to produce data to measure the standard of service. Service standards and customer feedback will also be a key data set for end to end service reviews as part of The Way We Work programme.

The Customer Liaison Team will continue to focus on improving the management of Statutory Complaints processes and will work with Adult Social Care and Childrens Services to ensure that lessons learned from customer feedback are used to support service improvements. These services are highlighted because:

- the volume of complaints escalated to the LGSCO for Adult Social Care and Education and Childrens Services has slowly been increasing in recent years, albeit the volumes are in line with, or below, the average numbers received by Council's in the CIPFA family group (see Sections 4.1 and 4.2)
- the upheld rate for statutory Childrens Social Care complaints has increased significantly this year despite a reduction in the volume of complaints received; the upheld rate for 18/19 was 62% (see Appendix E) in comparison to 40% in 17/18
- the upheld rate for statutory Adult Social Care complaints remains high (62%, see Appendix E) although recent improvements made to the complaints handling processes are still being embedded following recommendations from the LGSCO Annual Review 17/18 (see Appendix G).

**Recommendation 2** – Provide guidance and training for staff undertaking investigations (Stage 1 and Stage 2)

Improving the way we investigate complaints internally should lead to a decrease in the volume of complaints escalated to the LGSCO. Actions taken and ongoing work include;

- Council departments identified a Feedback Coordinator in 18/19 to facilitate the administration of customer feedback. A review of the impact of this role is being planned by the Customer Liaison Manager.
- The digital process for submitting customer feedback has been updated to include some validation; the customer is now required to submit their Stage 1 complaint case reference number. Departments have been reminded to check the validity of all Stage 2 complaints received but formal guidance will also be published and training offered where required. The Customer Liaison Manager has already started work to support departments who receive high volumes of Stage 2 complaints.
  - A community of practice across the Feedback Coordinator roles will be reinforced by establishing regular catch ups with the Customer Liaison Manager on a quarterly basis.
  - Programmes of change promote the importance of customer feedback in driving improvements to service delivery.

**Recommendation 3** – Review, approve and communicate the Acceptable Behaviour Policy.

A review of the Acceptable Behaviour Policy has been on hold so that it can be joined up as part of the community engagement developments within The Way We Work programme (the 'deal'). As the programme is still in development it is proposed to progress with the Acceptable Behaviour Policy review as an isolated piece of work following the LGSCO recommendation. A first draft will be put together in accordance with the guidance published by the LGSCO.

### **Other recommendations**

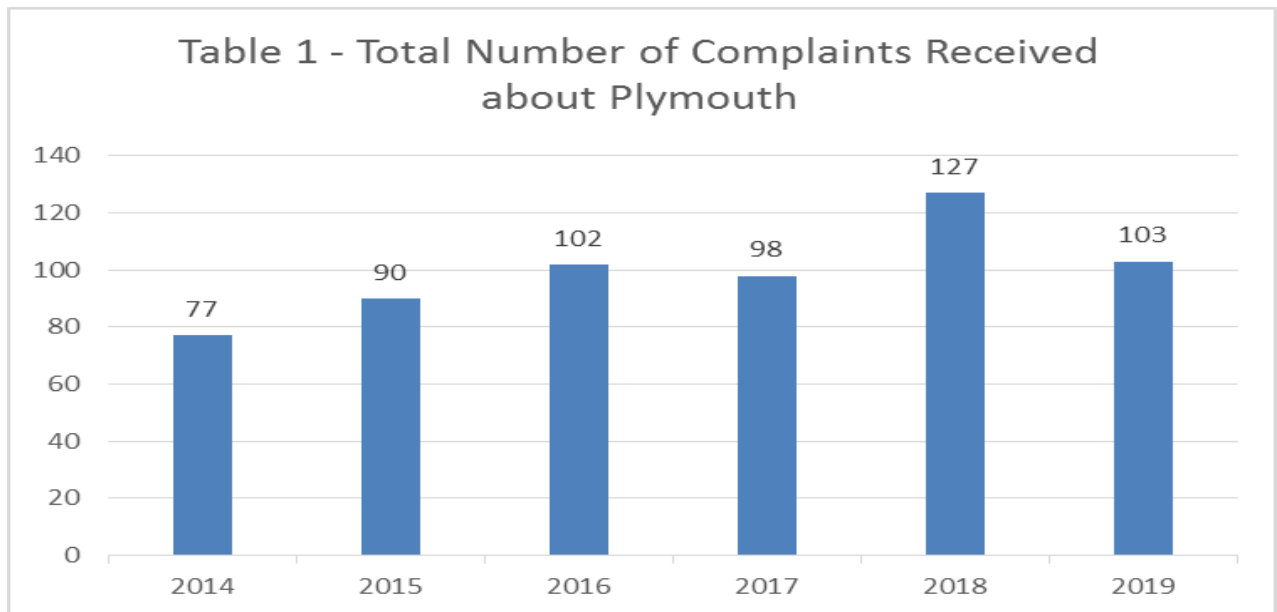
The Analysis of Local Government and Social Care Ombudsman Annual Review 2017/18 is included in Appendix F and a report on progress with the recommendations from 2017/18 is included at Appendix G.

### 3. COMPLAINT STATISTICS 2018/19 OVERALL PLYMOUTH RESULTS

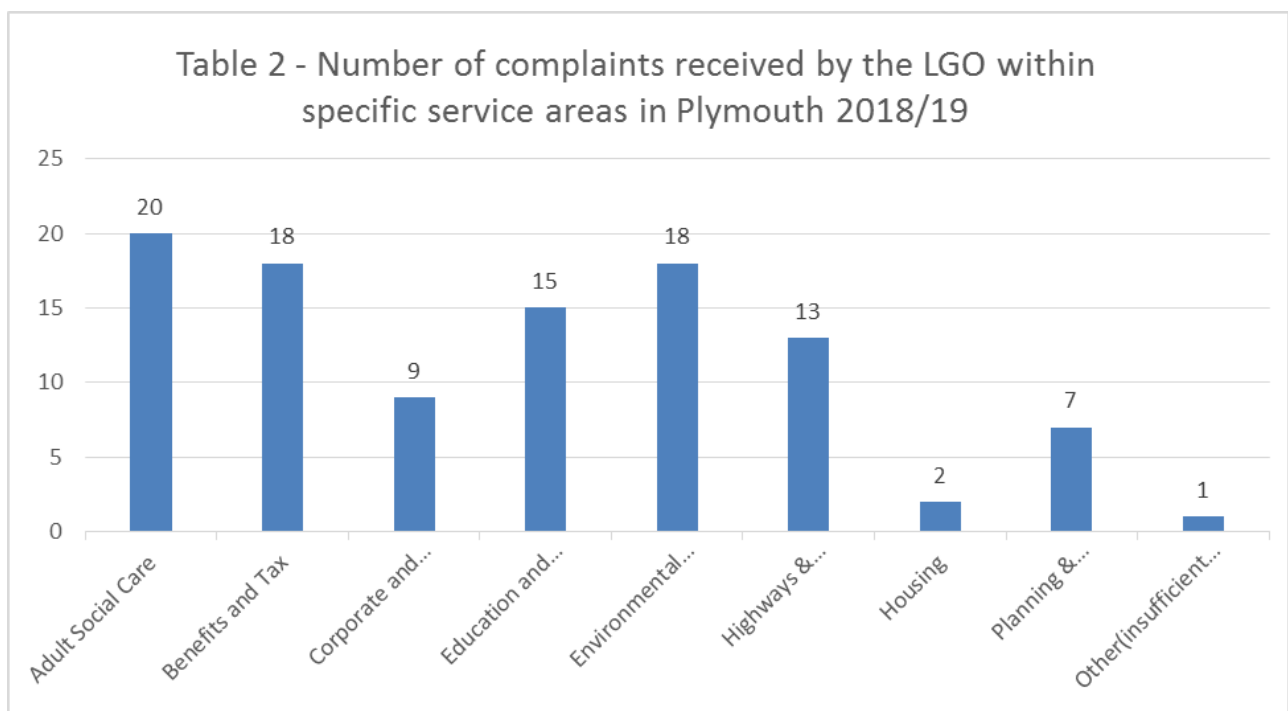
#### 3.1 Complaints received

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 2018/19 was 103. The figures in this report mainly reflect the decisions made during 18/19 which totalled 107.

The table below shows the total number of complaints received by the LGSCO about Plymouth since 2014.

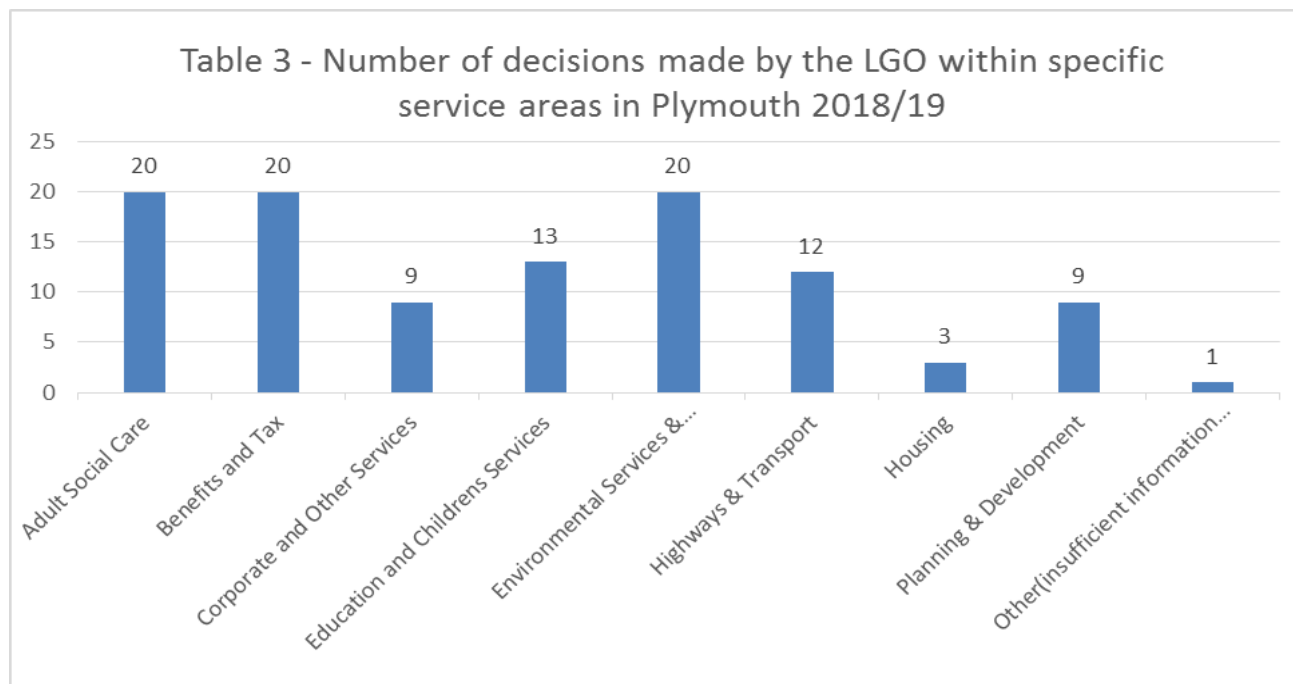


The table below shows the distribution of the complaints received within each of the specific service areas in 2018/19, totalling 103.





The table below shows the distribution of the complaint decisions made by the LGSCO for Plymouth within each of the specific service areas in 2018/19, totalling 107.



### 3.2 Complaint Decisions

A total of 107 decisions were made by the LGSCO for Plymouth in 2018/19; this is a decrease in comparison to the previous year when 121 decisions were made.

In 2018/19, of the complaints received for England where the LGSCO decided that a detailed investigation was required, 58% were upheld – this is known as the upheld rate. In Plymouth, the LGSCO conducted a detailed investigation into 20 complaints and of those 18 were upheld so the upheld rate is 90%. In comparison to 2017/18 data, where the upheld rate was 58%, PCC's upheld rate has increased significantly and is much higher than the national upheld rate.

The LGSCO also provide an average upheld rate for similar authorities. Plymouth is included with other unitary authorities where the average upheld rate is 55%; meaning PCC has a much higher upheld rate than other unitary authorities. In fact, Plymouth has the second highest upheld rate in comparison with other unitary authorities. Plymouth has the sixth highest volume of decisions made and is placed 50<sup>th</sup> of all organisations in terms of overall volume of complaints received by the LGSCO.

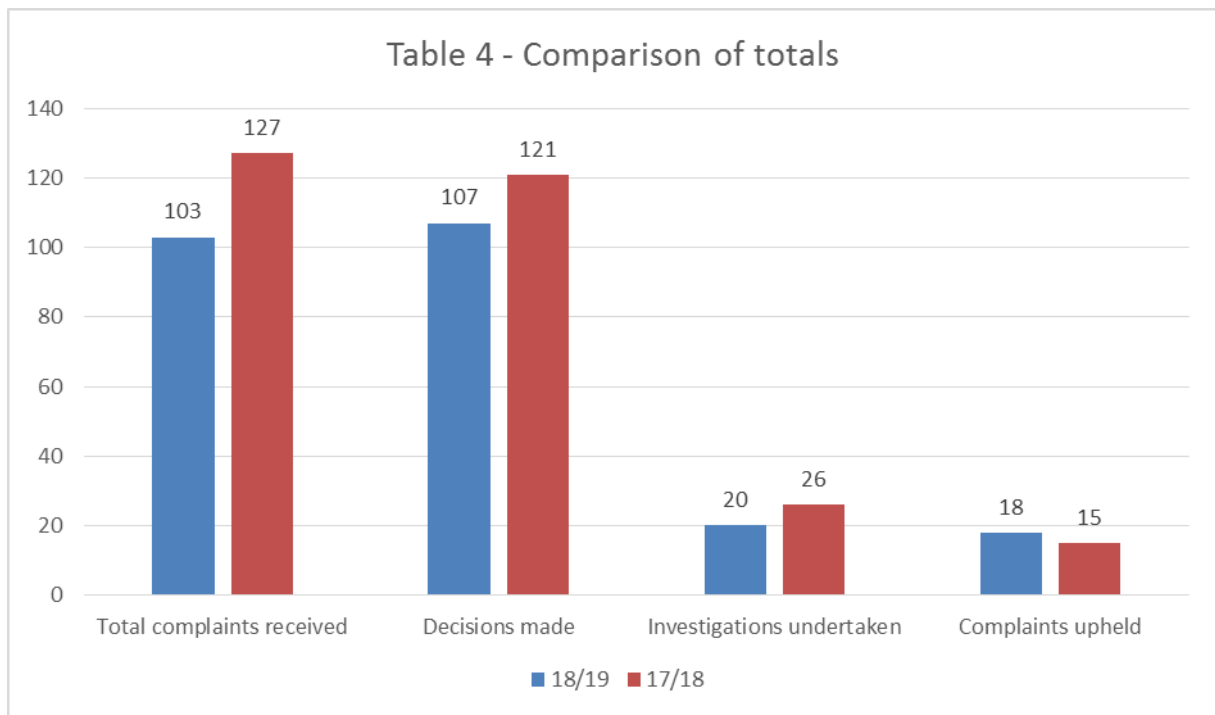
More detailed benchmarking has been undertaken and is covered in more detail in section 4 of this report.

If the upheld volume is compared to the total number of decisions made, the increase is much smaller;

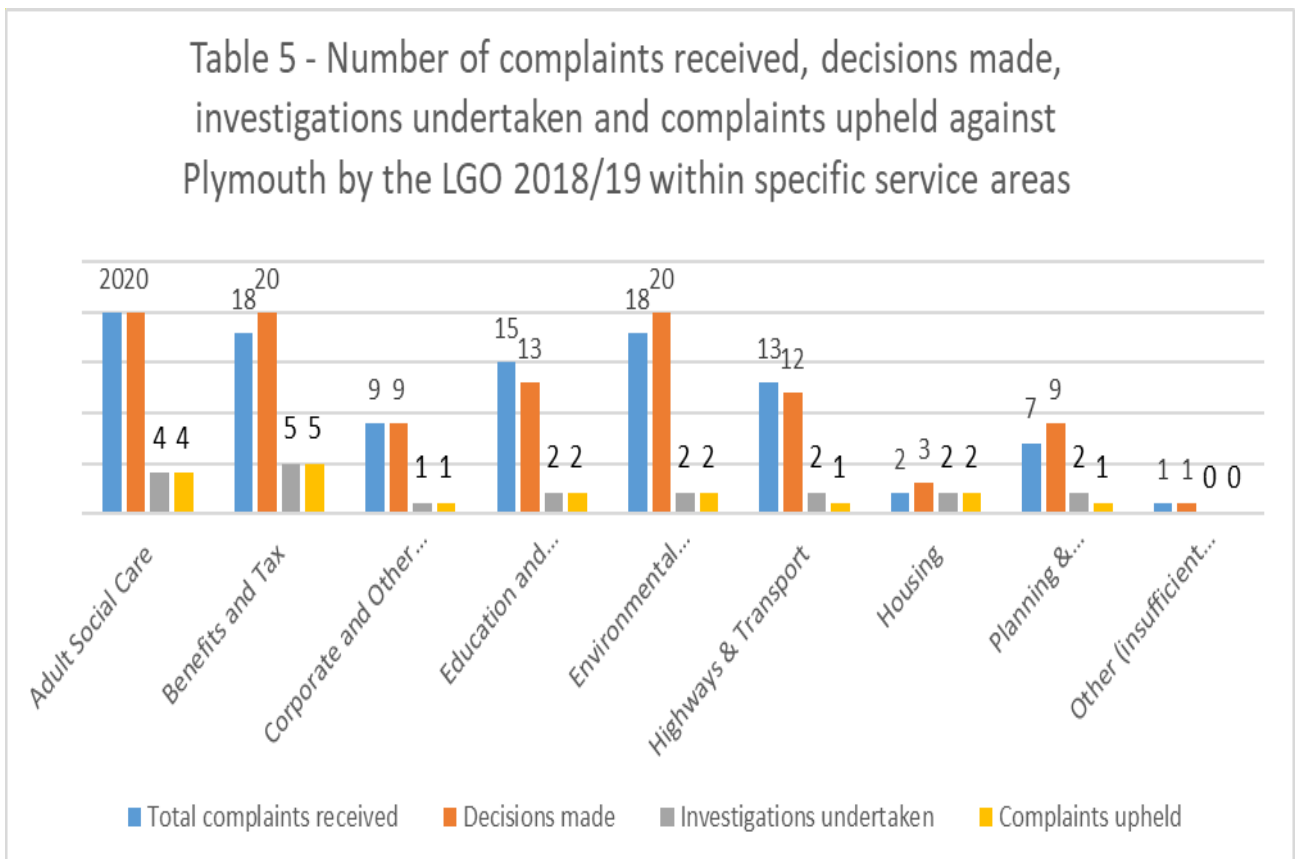
2018/19 18 complaints upheld of 107 decisions made (16.8%)

2017/18 15 complaints upheld of 121 decisions made (12.4%).

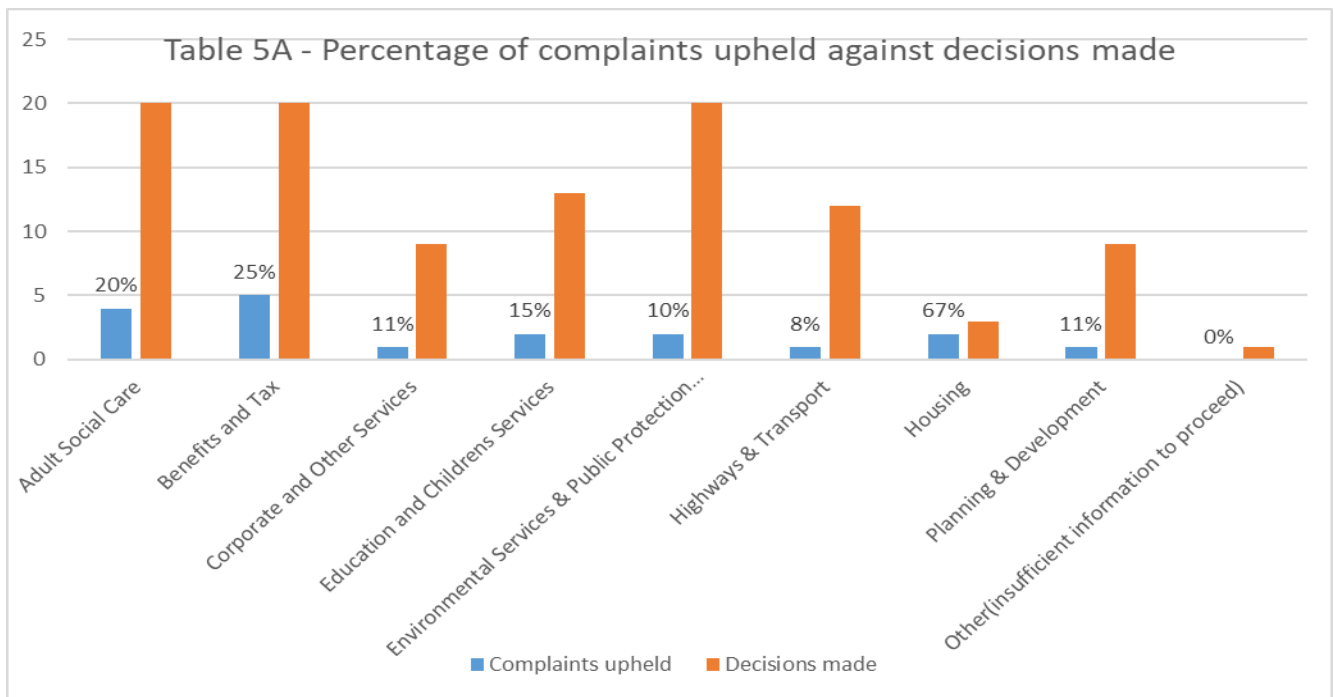
The table below shows the total numbers of complaints received, decisions made, detailed investigations undertaken and complaints upheld in both 2017/18 and 2018/19.



The table below shows the breakdown of the total numbers of complaints received, decisions made, detailed investigations undertaken and complaints upheld by service area for 18/19.



The upheld rate for PCC overall has already been identified as 90%. To consider this by department, the table above shows that all departments had 100% upheld rate except Highways and Transport and Planning and Development; these departments had 50% upheld rate. When the number of upheld complaints is compared to those where a decision was made the figures show a different picture; see the tables below.



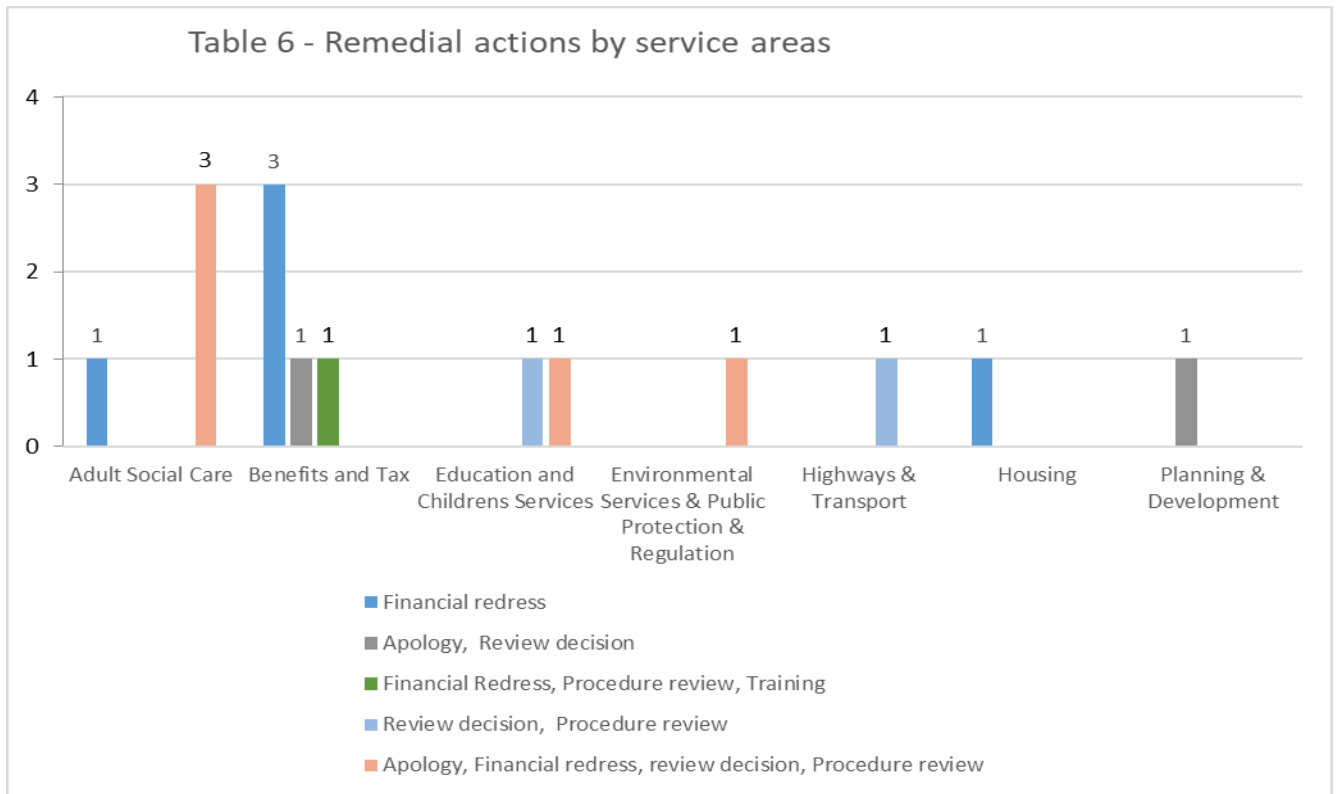
The table below benchmarks Plymouth's upheld rate against the upheld rate of Council's in the CIPFA benchmarking group.

Authority Name	Total complaints received	Volume of detailed investigations undertaken	Volume upheld	Upheld rate
Bolton	75	29	24	83%
Bury	65	16	6	38%
Calderdale	66	19	9	47%
Derby City	68	18	10	56%
Dudley	75	17	13	76%
Leeds	180	47	21	45%
Medway	76	26	13	50%
North East Lincolnshire UA	30	6	1	17%
North Tyneside	56	12	6	50%
Plymouth	107	20	18	90%
Rotherham	60	14	6	43%
St Helens	40	11	5	45%
Stockton-on-Tees	43	13	5	38%
Torbay	52	17	12	71%
Trafford	79	26	20	77%
Warrington	34	9	5	56%

The LGSCO publish upheld information by Council and do not provide a breakdown of the upheld complaints by department so we are unable to benchmark our upheld complaints in any more detail at this stage. Contact will be made with the LGSCO to request a breakdown by department in order for a benchmarking exercise to be undertaken. Benchmarking by complaint volumes is provided with the next section of this report (section 4).

The table below summarises the remedial action by service area as recommended by the LGSCO.

Table 6 - Remedial actions by service areas



Appendix B provides more information around the 107 decisions made and outcomes of detailed investigations. Clarification of the categories of decisions made, as well as the remedies and outcomes, can be found in Appendix C.

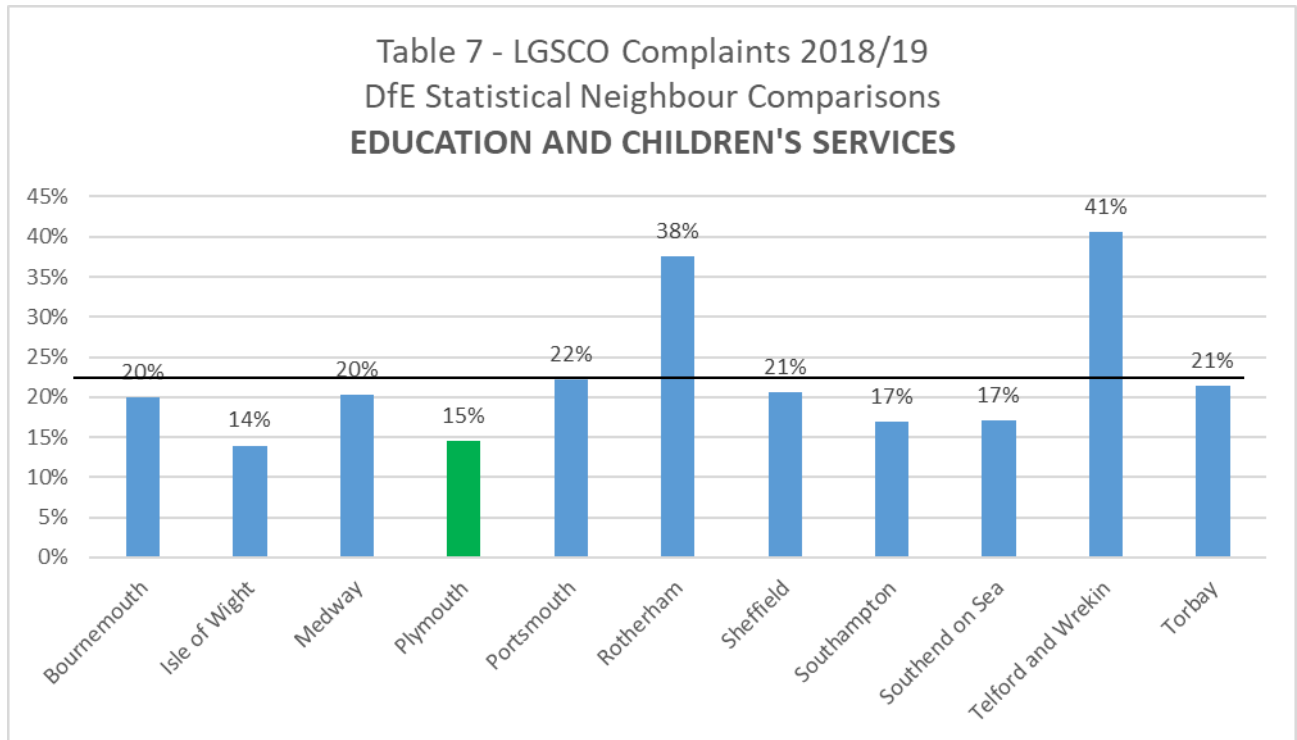
Appendix D illustrates more detail on the remedial action recommended by the LGSCO following their detailed investigations. Lessons learned from each of the upheld complaints can be found in Section 2.1 and within Section 4 by each of the service area's.

Appendix E shows the volumes and upheld rates of corporate and statutory complaints in comparison with LGSCO complaints.

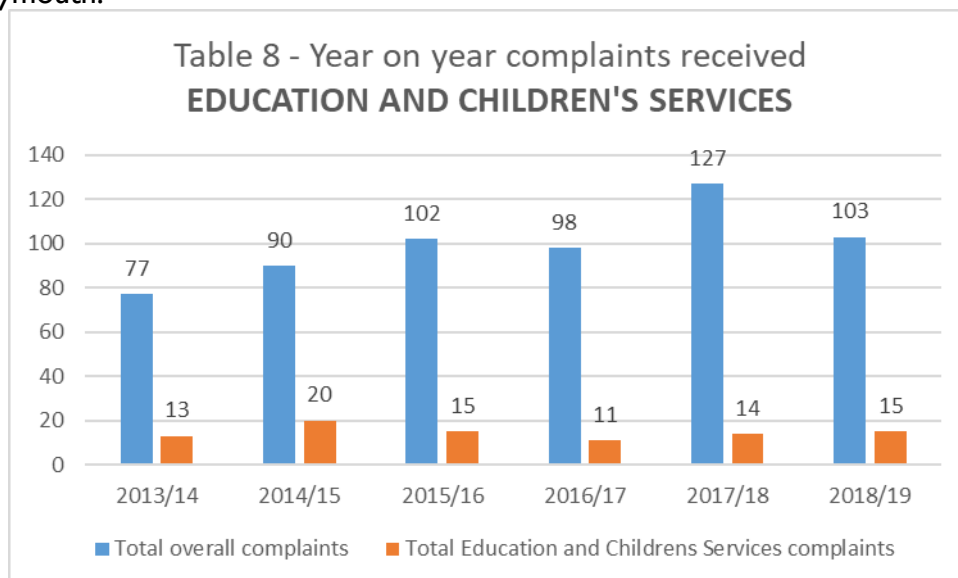
## 4. ANALYSIS OF COMPLAINTS RECEIVED FOR PLYMOUTH BY THE LGSCO

### 4.1 Education and Children’s Services

The average amount of complaints received about Education and Children’s Services within the DfE benchmarking group is 14 (22% of total overall complaints received). Plymouth performs favourably with less complaints received than the statistical neighbour average.



In total the LGSCO received 15 complaints and enquiries relating to Education and Children’s Services in Plymouth.

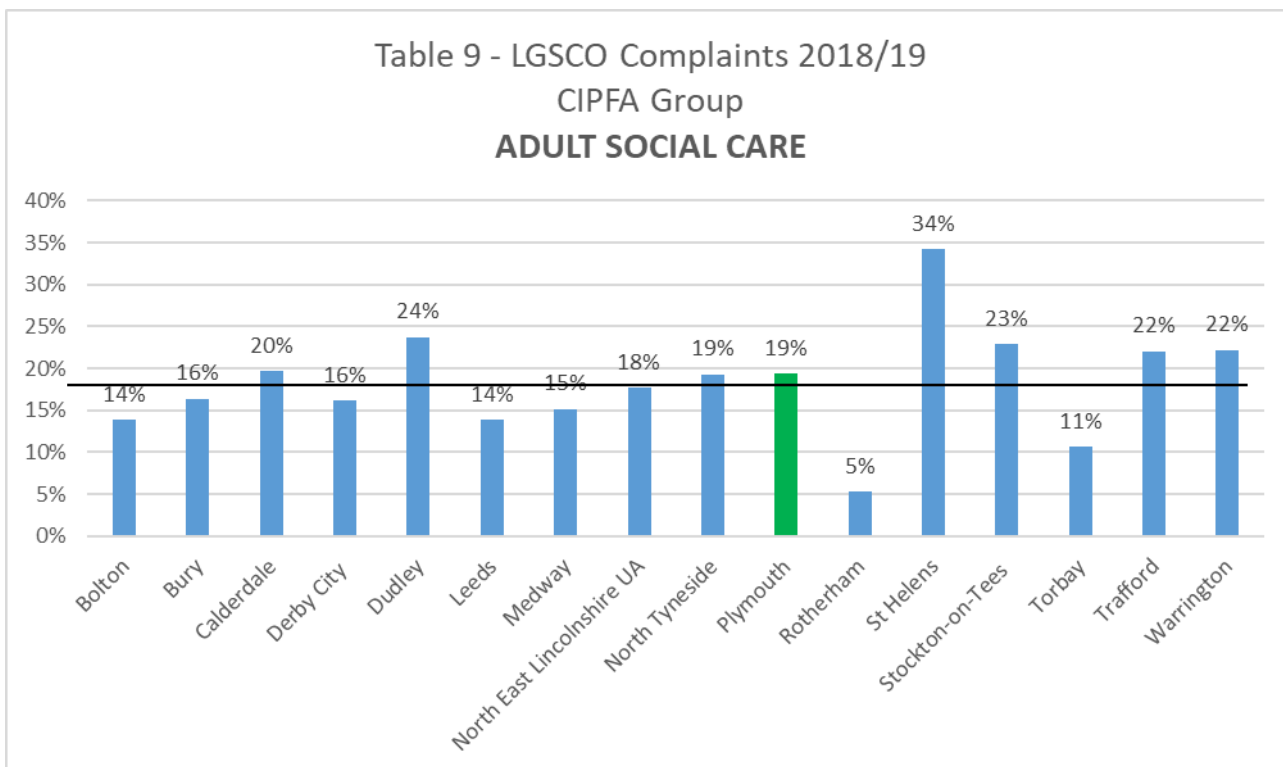


### UPHELD COMPLAINTS AND LESSONS LEARNED

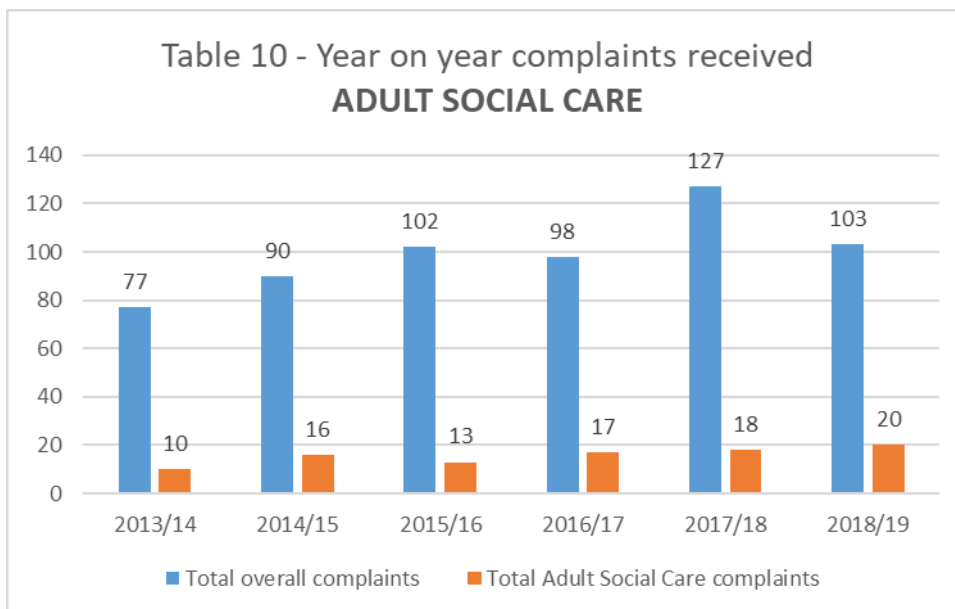
Of the 15 complaints received by the LGSCO, two were upheld. These two complaints were about School Transport and as a result policies and procedures have been updated.

## 4.2 Adult Social Care Services

The average complaints received about Adult Social Care Services within the CIPFA Family Group is 18% of total overall complaints received. Plymouth performs around the average against the family group.



In total Plymouth received 20 complaints and enquiries relating to Adult Social Care Services. This is the highest seen over recent years.

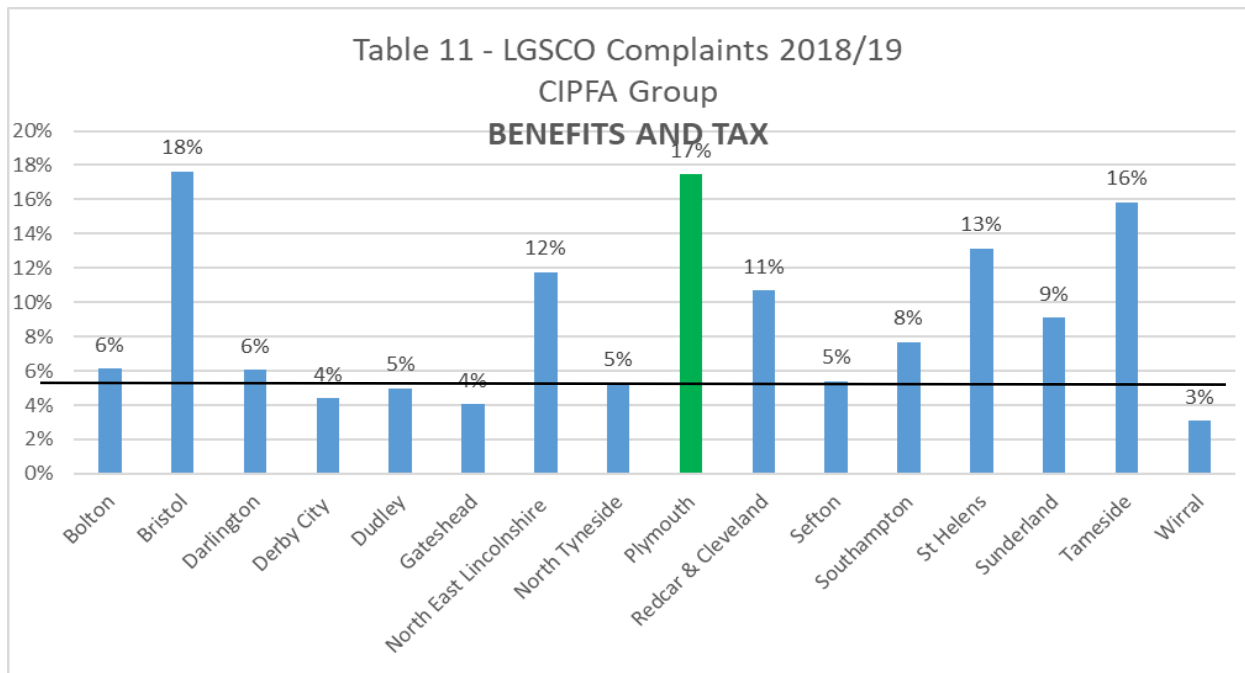


## UPHELD COMPLAINTS AND LESSONS LEARNED

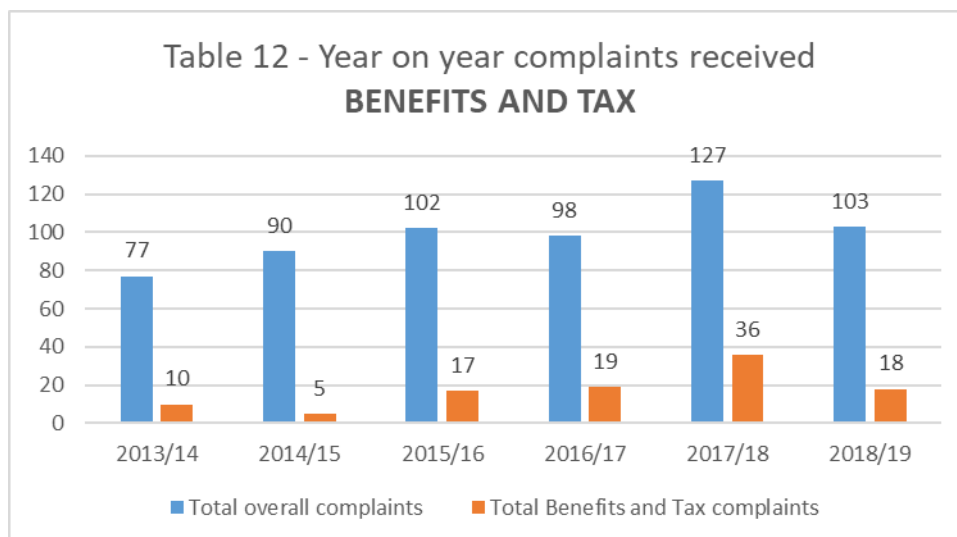
Of the 20 complaints received by the LGSCO, 4 were upheld. Following these cases Adult Social Care complaints handling, and the relevant policies and processes, have been reviewed and communicated to staff. Learning has also been shared across commissioned providers. Livewell South West now also share data on a monthly basis to ensure complaints handling processes are optimised.

### 4.3 Benefits and Tax Services

The average complaints received about Benefits and Tax Services within the CIPFA Family Group is 9% of total overall complaints. Plymouth does not perform favourably against the family group average, with 17% of all complaints received relating to Benefits and Tax.



In total Plymouth received 18 complaints and enquiries relating to Benefits and Tax Services. This is a significant reduction in complaints escalated in comparison to last year which totalled 36.



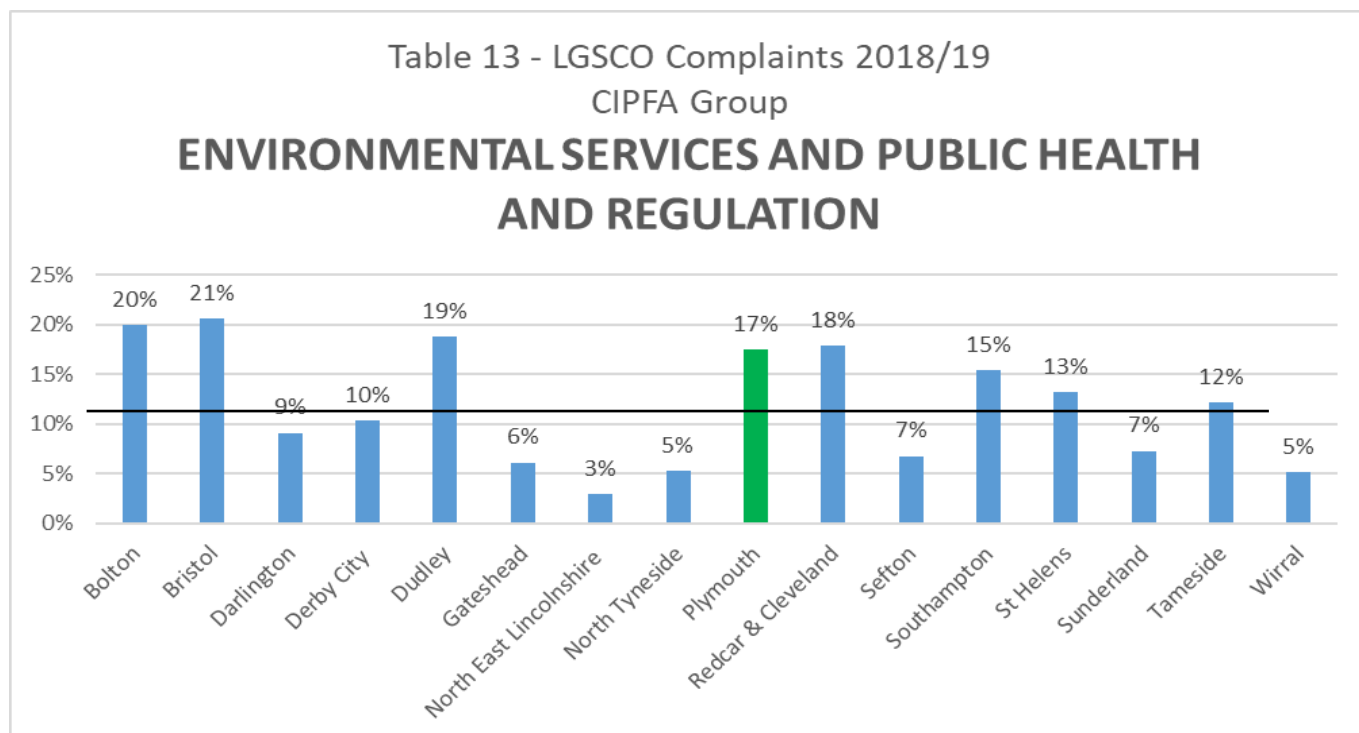
### UPHELD COMPLAINTS AND LESSONS LEARNED

The upheld rate for complaints about Benefits and Tax Services is 25% which is higher than the average upheld rate across the CIPFA family group which stands at 13%.

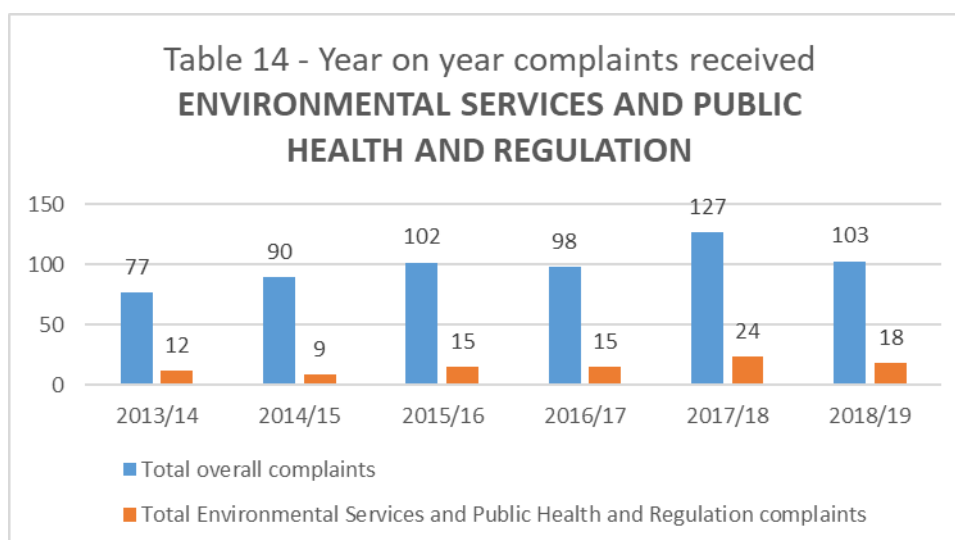
Of the 18 complaints received, five complaints were upheld by the LGSCO. Systems and information for customers have been updated as a result of these complaints as well as staff training being undertaken and guidance notes being updated.

#### 4.4 Environmental Services and Public Health and Regulation

The average complaints received about Environmental Services and Public Health and Regulation Services within the CIPFA Family Group is 13% of total overall complaints received. Plymouth does not perform favourably against the family group average.



In total Plymouth received 18 complaints and enquiries relating to Environmental Services, Public Protection and Regulation Services. This is a reduction in comparison with the number of complaints escalated to the LGSCO last year which totalled 24.



#### UPHELD COMPLAINTS AND LESSONS LEARNED

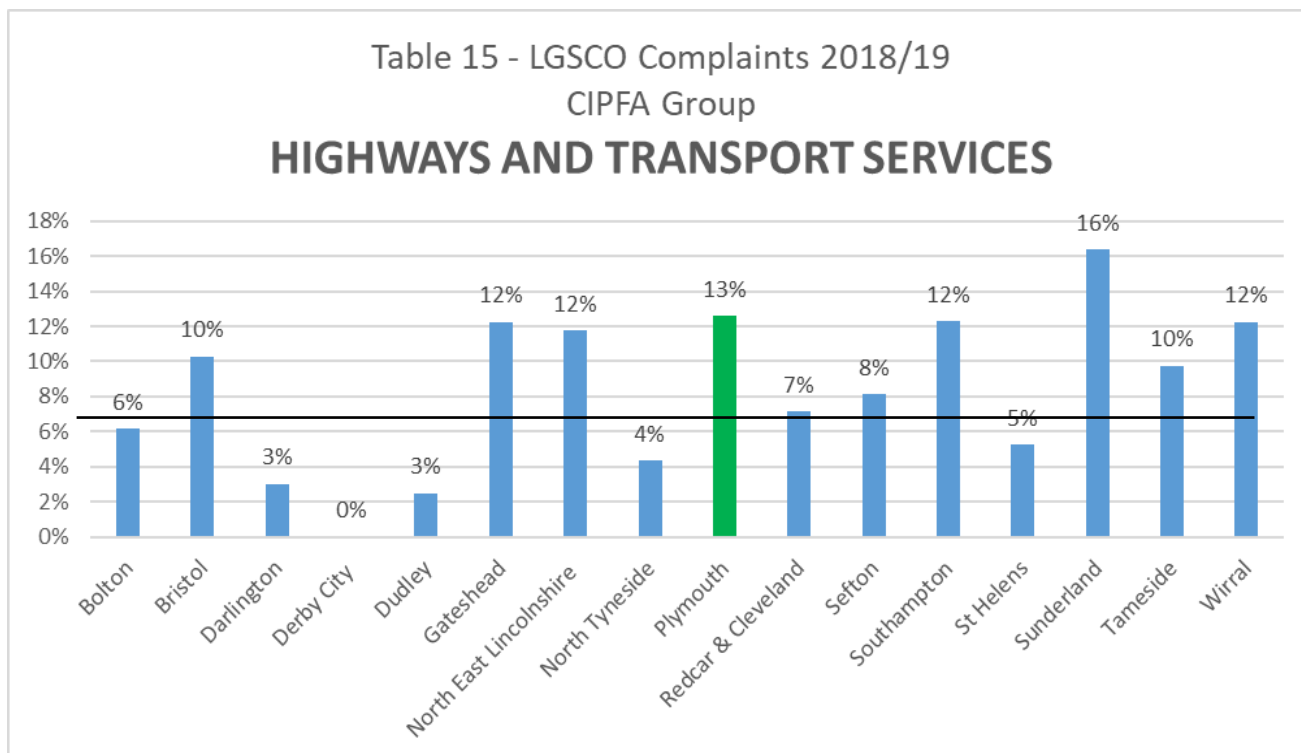
The upheld rate for complaints about Environmental Services and Public Health and Regulation complaints is 11% which is slightly higher than the average upheld rate across the group which is 8%.

Of the 18 complaints received, two were upheld and related to a delay in service delivery and incorrect information on the website. The policy and website were updated as a result and works were completed by the relevant team.

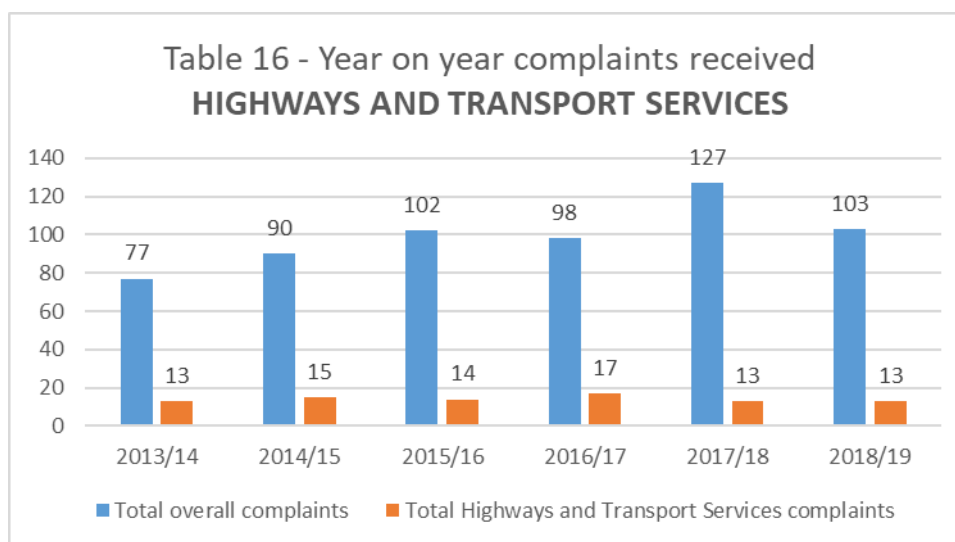


## 4.5 Highways and Transport Services

The average complaints received about Highways and Transport Services within the CIPFA Family Group is 7% of total overall complaints received. Plymouth does not perform favourably against the family group average.



In total Plymouth received 13 complaints and enquiries relating to Highways and Transport Services.



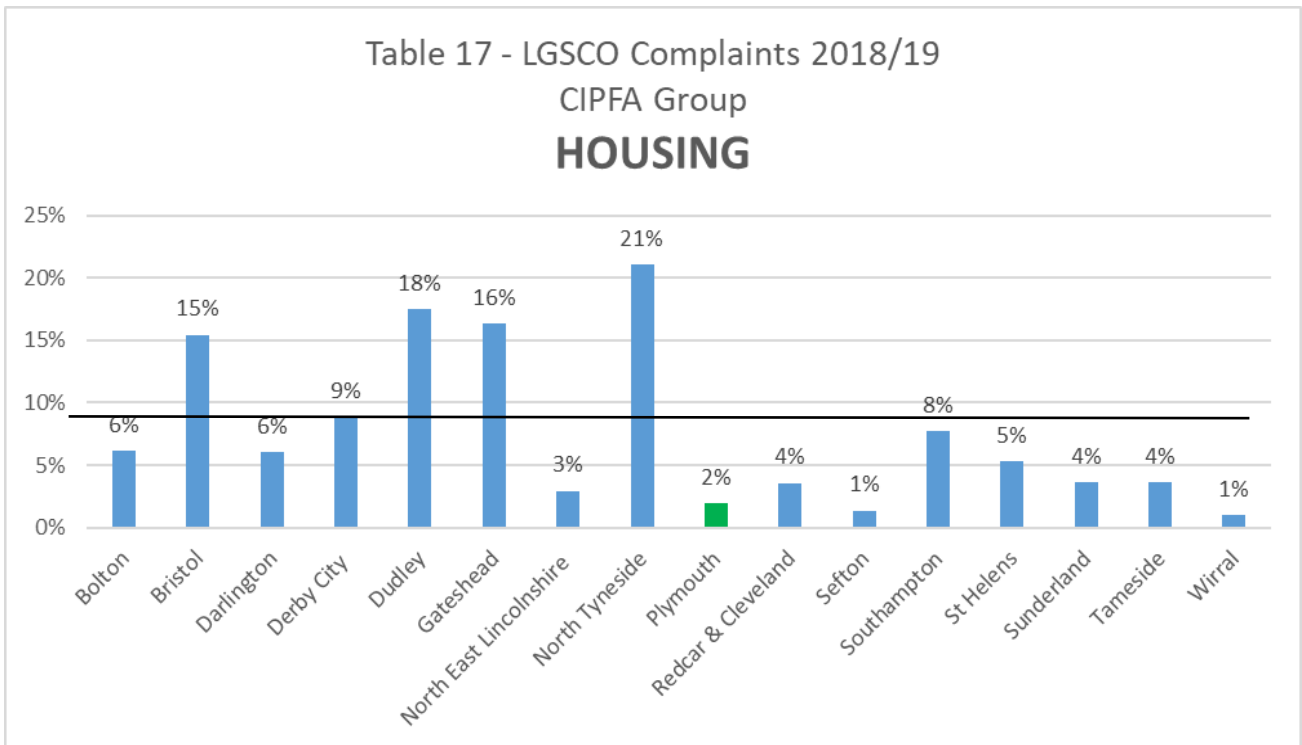
## UPHELD COMPLAINTS AND LESSONS LEARNED

The upheld rate is 8% which is slightly higher than the average upheld rate across the group which is 6%.

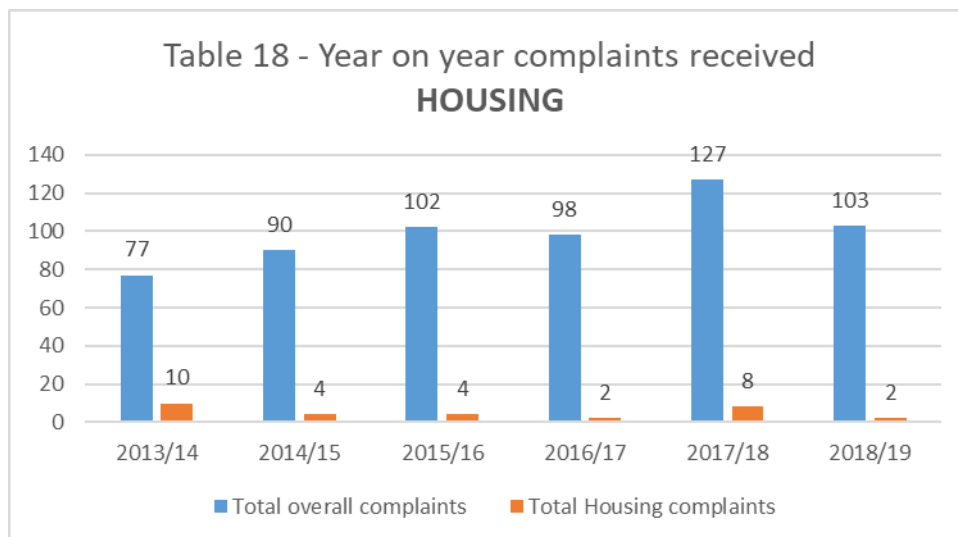
Of the 13 complaints received, one complaint was upheld by the LGSCO and related to the Blue Badge scheme. Lessons learned from the case have meant that the assessment process was reviewed and a new style assessment tool and assessment guidance for applicants has been implemented.

## 4.6 Housing Services

The average complaints received about Housing Services within the CIPFA Family Group is 9% of total overall complaints received. Plymouth performs favourably against the family group average.



In total Plymouth received two complaints and enquiries relating to Housing Services in 2018/19.

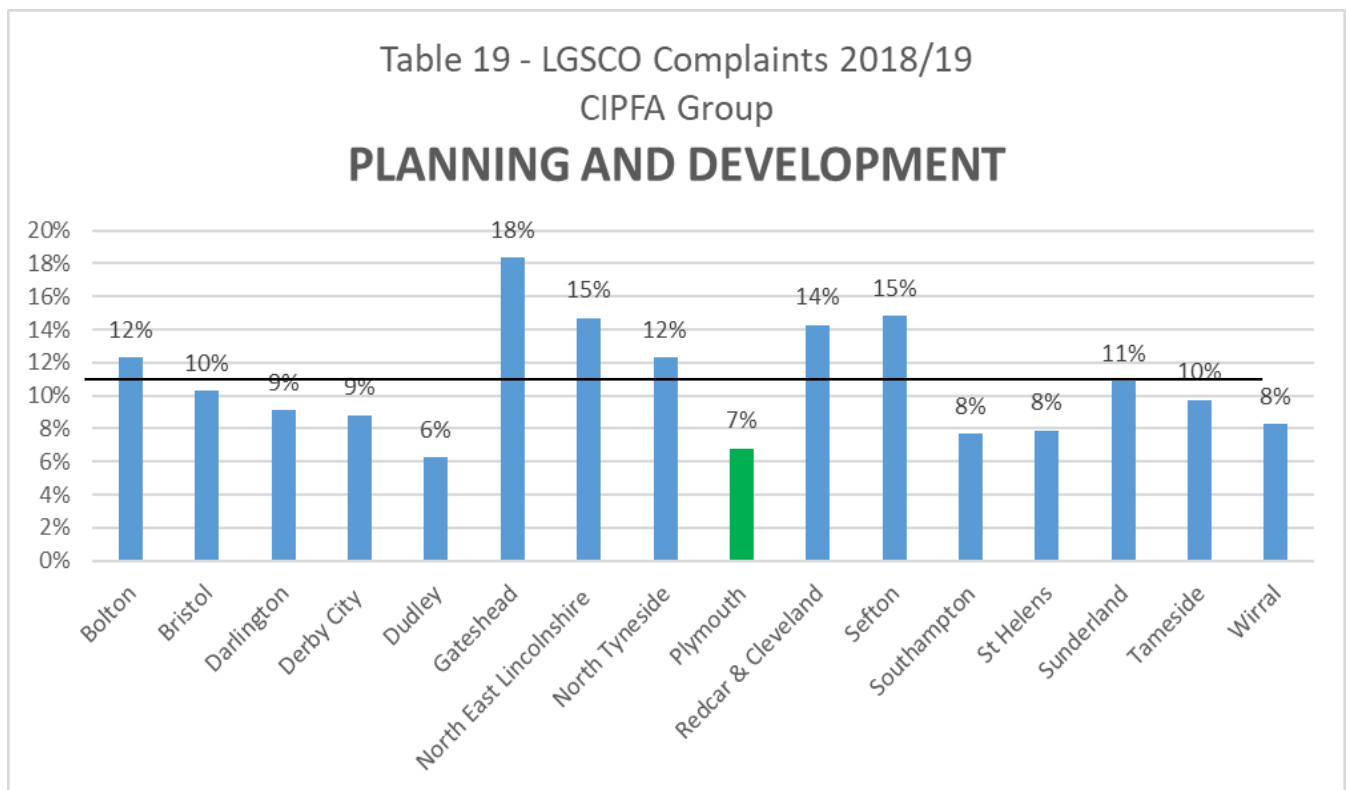


## UPHELD COMPLAINTS AND LESSONS LEARNED

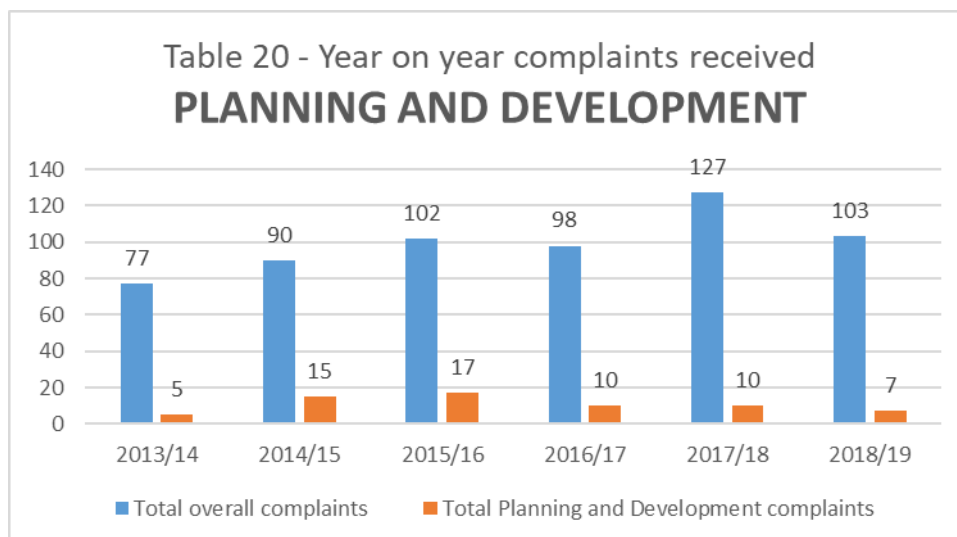
Of the two complaints received, two were upheld. Lessons learned from one of the cases resulted in working practices being updated.

#### 4.7 Planning and Development Services

The average complaints received about Planning and Development Services within the CIPFA Family Group is 11% of total overall complaints received. Plymouth performs favourably against the family group average.



In total Plymouth received seven complaints and enquiries relating to Planning and Development Services in 2018/19. This is the lowest number received over the past five years.

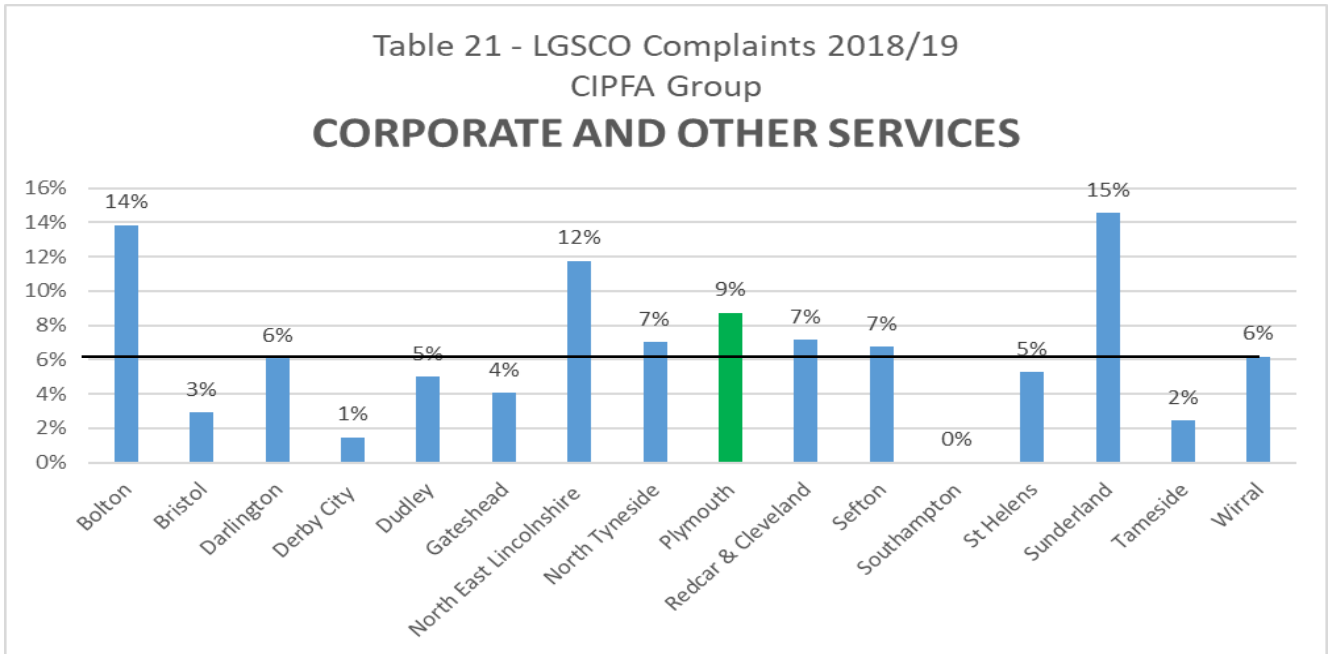


#### UPHELD COMPLAINTS AND LESSONS LEARNED

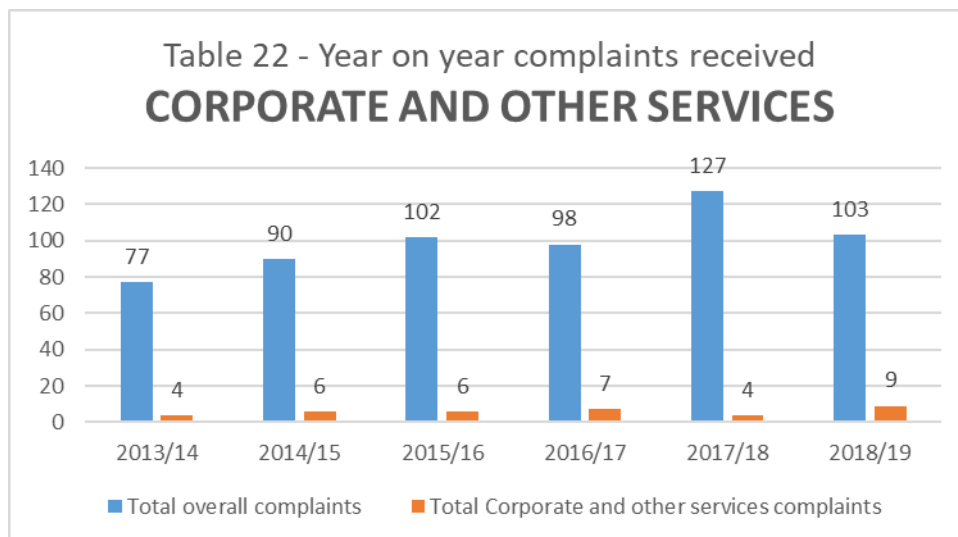
Of the seven complaints received, one was upheld and protocols have been put in place as a result.

## 4.8 Corporate Services

The average complaints received about Corporate and Other Services within the CIPFA Family Group is 6% of total overall complaints received. Plymouth does not perform favourably against the family group average.



In total Plymouth received nine complaints and enquiries relating to Corporate and Other Services in 2018/19. This is an increase on previous years.



## UPHELD COMPLAINTS AND LESSONS LEARNED

The upheld rate is 11% which is lower than the average upheld rate across the group which is 19%. Of the nine complaints received, one was upheld. It is recommended that the Acceptable Behaviour Policy is reviewed, approved and communicated.