

# Annual Report Ombudsman Report 2020-2021

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## **1.0 INTRODUCTION**

- 1.1 The effective handling of customer complaints across the organisation enables the Council to be open and transparent, respond in the right way, make the best use of resources and make well-informed decisions.
- 1.2 As part of our 2021/22 commitment to Sheffield City Council’s One Year Corporate Plan, we will become a more listening and learning organisation. We have overhauled our complaints process so that customers are able to challenge and help us drive improvement in all our services. From 1 November 2021, this has included, not only the replacement of our complaints case management system but will also focus on our culture and behaviours when handling complaints.
- 1.3 We aim become better at listening to complainants; learning from complaints and improving the customer’s experience when they make a complaint.
- 1.4 We welcome complaints as an opportunity to improve our services. Indeed, our definition of a complaint is “any expression of dissatisfaction whether justified or not”, which is deliberately wide to ensure that complaints are recognised and are properly addressed. We also encourage positive feedback on the services we provide.
- 1.5 The Feedback & Complaints Team in Customer Services is responsible for the development and implementation of policy and procedures on complaints. In addition, the Team acts as the Council’s liaison point with the Local Government & Social Care Ombudsman (LGSCO), Housing Ombudsman (HO) and Parliamentary & Health Service Ombudsman (PHSO).
- 1.6 The Ombudsmen provide a free, independent and impartial service. They consider complaints about the administrative actions of local authorities. They cannot question what a council has done simply because someone does not agree with it.

However, if they find something has gone wrong, such as poor service or service failure, and that a person has suffered as a result, they recommend a suitable remedy.

- 1.7 The LGSCO's powers are set out in the Local Government Act 1974, as amended. The HO's powers are set out in the Housing Act 1996, as amended. The PHSO's powers are set out in the Parliamentary Commissioner Act 1967, as amended, and the Health Service Commissioners Act 1993, as amended.
- 1.8 Overall, the Council and its strategic delivery partners (Amey and Veolia) dealt with 2463 complaints through the formal complaints process in 2021/22.
- 1.9 The LGSCO received 114 complaints and enquiries about Sheffield City Council and its strategic delivery partners during 2021/22.
- 1.10 The Housing Ombudsman does not publish the number of complaints/enquiries received about Sheffield City Council during 2021/22, but the Council's Feedback and Complaints Team has recorded 19 complaint referrals/enquiries from the HO during 2021/22.

## **2.0 SUMMARY**

- 2.1 This report provides an overview of the complaints received, and formally referred and determined by the Ombudsmen during the twelve months from 1 April 2021 to 31 March 2022.
- 2.2 The report also identifies future developments and areas for improvement in complaint management.
- 2.3 The report is jointly presented by the Monitoring Officer and the Director of HR and Customer Services who is responsible for managing the Complaints Service.

## **3.0 COMPLAINTS OVERVIEW 2021/22**

- 3.1 In 2021/22, there were 1051 'formal' complaints about Council Portfolios, compared with 434 the previous year. The highest number of complaints received were in relation to Resources 'other' (8%), Children's social care (6%) and Council Housing Repairs (5%).

Complaint numbers across the Council's Portfolios are significantly higher than in previous year and this is likely due to the implementation of a new Complaints Case Management Recording System, which encouraged more accurate recording of feedback and complaints. A separate annual complaints report looking at the Council's overall complaint handling during 2021/22 provides more detailed commentary on this.

There was a total of 1412 complaints about highways maintenance and waste management services delivered by our Strategic Partners. Amey and Veolia account for 57% of the total numbers of complaints received 2021/22 compared with 78% previous year.

	2020/21	2021/22
<b>People</b>	227	330
<b>Place</b>	148	348
<b>Resources (incl. PPC)</b>	59	373
<b>Total Portfolios</b>	<b>434</b>	<b>1051</b>
<b>Amey</b>	1119	1115
<b>Veolia</b>	461	297
<b>Total incl. partners</b>	<b>2014</b>	<b>2463</b>

- 3.2 The Council’s Feedback & Complaints Team recorded a total of 117 complaints received by the LGSCO and HO during 2021/22, this is a significant increase on the 95 complaints received the previous year where numbers were undoubtedly influenced by the LGSCO closing its door to new complaints in early 2020 to assist local authorities in dealing with the pandemic. A breakdown by service area is provided at **Appendix A (Table 1)**.

The service areas that generated the largest number of Ombudsman enquiries during 2021/22 were Housing and Neighbourhood Services (27), Adult Social Care (20) and Education & Children’s Services (18).

- 3.3 It is important to note that not all Ombudsman enquiries lead to a formal investigation. In fact, of the 117 enquiries recorded by the Council’s Customer Feedback & Complaints Team in 2021/22, 76% were concluded without a formal investigation. Of the 28 (24%) that were formally investigated, the highest numbers were about Housing and Neighbourhood Services (24), Adult Social Care (14) and Repairs & Maintenance (12)

- 3.4 The LGSCO has reported that 114 complaints/enquiries were received about the Council and its strategic delivery partners during 2021/22, compared with 95 in 2020/21 and 143 in 2019/20. More detailed breakdowns by category are provided at **Appendix A (Table 2)**.

The numbers reported by the LGSCO do not match the number recorded by the Council’s Feedback & Complaints Team because they include, for example, people who have made an ‘incomplete or invalid’ complaint or cases where advice was given but details were not shared with the Council.

The Housing Ombudsman’s published data focusses on determined cases and does not include the number of complaints/enquiries received about Sheffield City Council during 2021/22. The Council’s Feedback and Complaints Team recorded 19 complaint referrals/enquiries from the HO during 2021/22.

Complaints/Enquiries Received	2019/20	2020/21	2021/22
LGSCO	143	95	114
HO*	58	13	19

\*numbers recorded by Feedback & Complaints Team

#### 4.0 RESPONSE PERFORMANCE - OMBUDSMAN

- 4.1 The Council's average response time to 100 preliminary ombudsman enquiries in 2021/22 was 10 calendar days (generally 3 working day target but some preliminary enquiries have specific response date on case by case basis).
- 4.2 The average response time to 26 initial formal enquiries made by the LGSCO/HO in 2021/22 was 34 calendar days (24 working days). Although this is an improvement on the average response time of 29 working days reported previous year, the Council only met the original response deadline in 8 (31%) of cases. In the Annual Letter, the LGSCO has raised concern about the number of late responses being received.

	Number of Initial Formal enquiries	Number within original or formally agreed extended timescale	1 - 7 day over timescale	7+ days over timescale	
LGSCO	23	7 (30%)	6 (26%)	10 (44%)	
HO	3	1 (33%)	0 (0%)	2 (67%)	

- 4.3 Delays in responding are mainly due to late/incomplete service comments and information but in one case the deadline was extended to accommodate a further site visit which resolved the issue (Streets Ahead). The 12 responses that exceeded the original by more than 7 days were in relation to Adult Social Care (3); Children's Social Care (2); Housing and Neighbourhoods (2); Repairs and Maintenance (1); Customer Services (1); SENDARS (1); Environmental Protection and Streets Ahead (1).

#### 5.0 OUTCOMES

- 5.1 In resolving complaints, we aim to work with the customer to try to achieve their preferred outcome, and when appropriate we will apologise. When the Council is found to be at fault, we will aim to resolve the complaint by putting the customer back into the position they would have been in had the fault not occurred, or by offering another remedy if this is not possible.
- 5.2 During 2021/22, the LGSCO upheld 15 complaints and the HO upheld 2 complaints. A breakdown of all LGSCO/HO decisions is provided at [Appendix A \(Table 3 and 4\)](#). Further details of the upheld complaints and the remedies and service improvements that were agreed are set out in [Appendix B](#).
- 5.3 The LGSCO did not issue any public reports during 2021/22.

5.4 In total, the Council paid £8445.49 in compensatory payments and other reimbursements following Ombudsman enquiries. This compares with £26,792 paid in 2020/21.

## 6.0 BENCHMARKING

6.1 Looking at LGSCO involvement and how Sheffield City Council compares with other local authorities ([see Appendix A - Table 5 and 6 for core city comparison and Annual Letter at Appendix C for overall averages for similar authorities](#)):

- The LGSCO upheld 75% of the complaints that were formally investigated about Sheffield City Council, which is above the 68% average for similar authorities. Core City upheld rates range from 50% - 78%.
- In 20% of upheld cases the LGSCO found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman, which is above the average of 11% in similar authorities. Core City rates range from 6% - 25%.
- In terms of LGSCO recommendations, Sheffield City Council, like all the other Core Cities during 2021/22, had a 100% compliance rate but we were 'late' in completing agreed actions in 2 complaints ([see Appendix B – complaint 5 and 15](#)).

6.2 Looking at HO involvement and how Sheffield City Council compares with other local authority landlords ([see Annual Report at Appendix D](#)):

- The HO upheld 40% of the complaints that were considered about Sheffield City Council, which is below the 48% average across local authority landlords.
- In terms of HO orders, Sheffield City Council complied with 10 orders and had 100% compliance rate within 3 months, compared with a 99% compliance rate average across local authority landlords.
- The HO issued 1 Complaint Failure Order during 2021-22. Although the council was able to evidence a response had been sent to the complainant in question the ombudsman still found the Council in breach of section 3.21 of the Complaint Handling Code by not providing the Ombudsman with the evidence as requested in a timely manner.

## 7.0 LEARNING

7.1 We aim to learn from complaints, so that we do not repeat the same problem. [Appendix B](#) includes details of the remedies, improvements and changes that have been made following Ombudsman investigations.

Examples of key learning/service improvements include:

- Regular joint meetings between Repairs & Maintenance and Leasehold Service established to review current leak cases, identify service improvements & procedures (Leasehold/Repairs & Maintenance).
- Review of system around EHCP annual reviews - Information now reviewed by the management group within SENDSARS on a fortnightly process to ensure processes are managed within statutory timescales (*SENDARS*).
- Introduction of a tracking system to children and young people who may be struggling in placements which are at the point of breakdown or have broken down. Information reviewed on a fortnightly basis to ensure there is continuous action and scrutiny on these cases (*SENDARS*).
- Policy on abandoned vehicles updated and now includes police notifications and also the provision of 15 day advanced notice prior to removal of abandoned vehicles on private land (*Waste Management*).
- Interim training delivered around Care Act (assessment of need) pending staff accessing formal training course now being delivered by L&D (*ASC*).

## **8.0 IMPROVEMENTS 2021/22 AND ONGOING DEVELOPMENTS 2022/23**

The following provides an update on actions and areas identified for improvement in 2021/22 and ongoing developments for 2022/23:

- **New Feedback and Complaints Case Management system** – The system went live on the 2 November 2021. The system has been designed to capture all complaints (including those resolved at the Council's 'Problem Solving' stage) in one system. The 'One System One View' approach will ensure consistency in the recording of complaints regardless of the access channel used. The new complaints recording system and more frequent open case reporting reinforces ownership and accountability within services/portfolios.

***Ongoing development:*** Improvements continue to be made to system and associated reporting to address gaps in recording and improve performance analysis.

- **Training** – Training has been completed by Case Coordinators who are responsible for recording complaints on the new Feedback and Case Management System. Complaint handling guides for all roles published on Sharepoint. The online 'Effective Complaints Handling' training course has

been updated and relaunched from November 2021 which provides guidance to those responding to complaints

**Ongoing development:** The Feedback and Complaints Team will continue to track and monitor open cases and provide training and support to Responding Managers across the Council to ensure the transition and improvement in complaint handling.

- **Response times - Ombudsman formal enquiries/investigations** – Although there has been some improvement on the overall average response time to formal ombudsman enquiries, the response timeframes of 20 working days (LGSCO) and 15 working days (HO), continue to be a challenge for the Council.

**Ongoing development:** The Feedback and Complaint Team are working closely with key services to improve the quality and timeliness of service comments/information. Discussions are also ongoing with senior management to delegate 'sign off' of ombudsman responses to relevant Directors to reinforce ownership and improve timeliness.

- **Monitoring, tracking and escalation - Ombudsman formal enquiries/investigations** – The Feedback and Complaints Team have established monitoring/tracking around formal enquiry work and are now actively including senior accountable managers (including Directors) in all chaser communication. Response time data and reasons for delay are provided to performance leads on quarterly basis.

**Ongoing development:** The LGSCO is due to launch a complaint handling code similar to the Housing Ombudsman code. The Feedback and Complaints Team are in the process of embedding improved monitoring and tracking of open complaints across the Council, including those that have been deemed premature by Ombudsman and referred back to the Council to deal with.

## 9.0 RECOMMENDATIONS

- 9.1 The Audit & Standards Committee is asked to consider the Annual Ombudsman Report in order to provide its view on the performance of Ombudsman complaints and the issues raised.

