

Local Government & Social Care OMBUDSMAN

22 July 2020

By email

Mr Flaherty
Chief Executive
Somerset County Council

Dear Mr Flaherty

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to resolving complaints. We recognise cases where an authority has taken steps to put things

right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

This year, I issued two public reports about your Council and its adult care services. The first highlighted its failure to do what it had agreed to resolve a previous complaint. The Council had agreed to reassess the person's needs and eligibility for care and support under the Care Act 2014 and to ensure assessors considered all required outcomes, providing reasons for the decisions made. It failed to do so, leaving doubt over the outcome of the complainant's needs assessment.

I asked the Council to apologise, make a payment for the time and trouble it had put the complainant to, and update a needs assessment to include a clear decision on eligibility, as required by law. I also asked the Council to ensure all its assessments include clear decisions on eligibility. The Council agreed to do this. Unfortunately, it was unable to update the complainant's assessment as she did not engage with its attempts to do so. I am, however, pleased the Council has been able to provide evidence of compliance with the remaining recommendations.

The second public report was issued because the Council had taken 21 months to complete a reassessment of a woman's care and support needs. An assessment failed to address arrangements for the woman's care in the absence of her personal assistants (her parents) and failed to address if she had an eligible need for short breaks or holidays. The investigation also found the Council at fault for not properly administering the woman's direct payment. As a result, the woman's personal assistants provided unpaid additional care and support.

I asked the Council to apologise to the woman and her parents and make a payment of £200 for the distress and avoidable time and trouble caused. I also recommended several service improvements, including reviewing the Council's direct payment guidance and its procedures to ensure it included arrangements for care when a personal assistant was unavailable in a person's care and support plan.

It is disappointing the Council provided inadequate responses to our enquiries on this case and refused to accept our findings and recommendations without clearly articulating why it disagreed. I am also concerned and disappointed that it did not fully respond to the report within the three-month timescale. This showed a significant lack of consideration of both the complainant and this office. I am, however, pleased to note the Council has now fully complied with the recommendations; I would encourage the Council to ensure it fully engages with our investigations in future.

This year also highlighted more general concerns about your Council's responses to our enquiries. Several investigations were delayed by its failure to respond in a timely way to our

requests for information and, when the information was sent, it was at times vague and referred to attached documents which were not named, in any order or relevant to the investigation. I trust the Council will consider ways to improve its responses to this office to ensure investigations are not unnecessarily delayed.

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

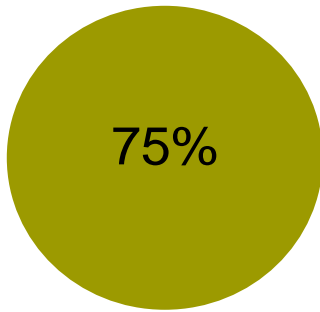
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



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

Complaints upheld



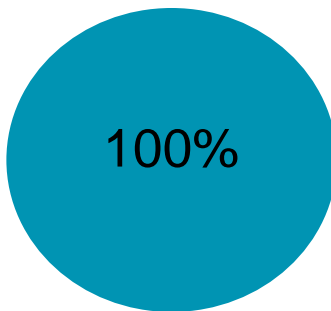
75% of complaints we investigated were upheld.

This compares to an average of **66%** in similar authorities.

21
upheld decisions

Statistics are based on a total of 28 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations



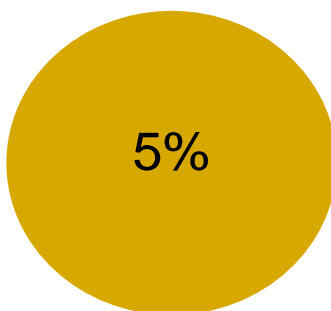
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **100%** in similar authorities.

Statistics are based on a total of 23 compliance outcomes for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority



In **5%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **9%** in similar authorities.

1
satisfactory remedy decision

Statistics are based on a total of 28 detailed investigations for the period between 1 April 2019 to 31 March 2020