

**Local Government Ombudsman (LGO) Advisory Forum &
 Councillor Forum**

Notes from joint meeting held on 5 October 2016

Attendees

| Name | Representing |
|-------------|--|
| CB | LGO Service User |
| VH | LGO Service User |
| KB | LGO Service User |
| DM | National Complaints Managers' Group |
| Cllr JB | Haringey Council |
| Cllr HC | Brent Council |
| Cllr JO | North Tyneside Council |
| Cllr TM | Gloucestershire County Council |
| J Martin | Local Government Ombudsman |
| M King | Chief Executive, LGO (Chair) |
| AF | Professional Practice Co-ordinator, LGO |
| MB | Policy and Research Manager, LGO (secretariat) |

Apologies – RH, JM, NC, ER, SP, MW, Cllr EA, Cllr CC

1) Welcome & Introduction

Members of the Advisory Forum and Councillor Forum were welcomed to the LGO by Mick King (MK) and thanked for attending the final meeting of this membership cycle. Members who had volunteered to be filmed describing their experience of the service were thanked. It is planned to show the management team those videos at a conference in November, to ensure that future developments are rooted in the real experience of our customers. MK explained that the LGO's two forums had come together for this final meeting and introductions were made.

MK provided an update on the Government's plans for creating a single ombudsman body made up of both the LGO and the Parliamentary and Health Service Ombudsman (PHSO), and potentially other areas not currently covered by a scheme. It is expected that a draft bill will be published in November for scrutiny, and will need parliamentary time after that. There remains a commitment from Government to move forward with the reform.

[Annual letters](#) to councils were issued in July and have received good local press coverage over the summer months. Members asked who the annual letter is now

sent to. MK confirmed that chief executives, leaders and chairs of scrutiny boards receive the letter. While this is a positive step forward, it is still largely unknown how much the letters are being used by scrutiny boards as a tool to scrutinise complaints.

Our annual [Review of Local Government Complaints](#) was also published in July and showed an increase in the uphold rate of complaints we investigate and a 13% increase in complaints about children's and education services. Members asked if this increase was linked to the Children and Families Act. MK explained that this link has not been identified; however, the introduction of Education, Health and Care Plans (replacing Special Educational Needs (SEN) Statements) is showing that some of the same mistakes identified in our [2014 SEN](#) report are being repeated under the new system.

A review of adult social care complaints will be published in November and shows a 6% increase in complaints, including a 19% increase in complaints about care arranged and funded privately. Members asked if the Ombudsman has the same powers to investigate an independent care provider as it does a council. MK explained that the powers are replicated but the challenge is to reach 26,000 care providers. Providers are required to have complaints procedures in place as part of the regulatory registration process. How well complaints handling is monitored in commissioning and contract arrangements is a mixed picture.

Members asked how we work with other organisations, such as the Care Quality Commission (CQC), to share information. MK explained that there is an information sharing agreement in place with CQC and another has recently been agreed with Ofsted. We are able to transfer live calls between ourselves and CQC to ensure that people speak to the right organisation about their concern. Around a 1,000 people have been helped in this way in the last year. We also share all of our adult social care decisions with CQC to support them to prioritise their inspections. Investigators use CQC's inspections reports when investigating a complaint to provide a flavour about the provider.

Members asked if CQC has any responsibilities to inspect councils who arrange and commission social care. MK explained there is no regulatory body currently performing this role. Members highlighted that there are a range of ways councils quality assure their practice, including peer reviews.

2) Reflecting on the Forums

Jane Martin (JM) reflected on the value of the forums over the past three years. When the Advisory Forum was established in November 2013, the LGO was considered brave to ask for direct feedback for its customers and for exposing itself to this kind of challenge. The quality of the discussion was so constructive and

challenged us to either defend ourselves or respond with ideas for change and improvement. There was great value in hearing feedback directly from customers.

The Forum's terms of reference intend for it to act as primary driver for service improvement, to act as a critical friend, and advise on user experience and accessibility.

How we responded to the feedback we heard was important to demonstrate we were listening and taking action. We had been criticised publicly for our timescales and heard from the Forum that we were too slow and needed to provide a more timely, fit-for-purpose service. We set targets to complete 50% of our cases in 13 weeks, which we met and increased to 65%. In this year's annual report, we were able to report that 80% of our cases were completed in 13 weeks.

We have been challenged on how we report and share systemic failures and have committed to publishing at least three focus reports a year, reporting common failings back to the sector.

The Forum criticised us for failing to follow up on the recommendations we make, to ensure that the body carries them out as agreed. We have implemented new processes to ensure that we seek evidence that recommendations have been completed, removing the onus on the customer to inform us when things haven't been done.

We are now quicker at saying if we will investigate a complaint or not. Our assessment team will say within 20 days if it is something we can or will investigate or not.

JM explained that she has been leading a project looking at the LGO's values and purpose. A new values statement will be launched tomorrow at an all staff event, and focuses on how we do things, not what we do. The feedback these forums have given us has often focused on how we do things and have told us we should:

- Listen to the complaint
- Be clear in our communication
- Show empathy and not be defensive
- Understand that emotive and personal matters are not always communicated to in a clear and concise way
- Show kindness and personal care
- Be aware that the process is easier for articulate people to access and use.

The values that will be launched with staff tomorrow are: *Listen, Understand, Communicate and Learn*. They apply to how we deal with customers, colleagues and bodies in our jurisdiction and we hope they will have a positive impact on how we do things in the organisation.

JM explained that the forums have been a real priority in her diary. It is difficult for the Ombudsman to have a lot of contact with people who use the service and these forums have been an invaluable and practical way to do so. The feedback from meetings is shared internally, with Leadership Team, Executive Team and Commission. It can be challenging to follow up on all of the feedback we hear, but these groups have had an important role in changing the organisation.

Members were asked what they considered had worked well and what could be improved from their experience of the forums. Comments included:

- It has been a useful as a new councillor and has better equipped me to support and signpost the people I represent.
- The LGO is crucial to the democratic process; I will use my experience and knowledge to influence others to use the service.
- Being a member of the Forum has heightened my personal awareness and I've shared this knowledge with colleagues, encouraging them to take a more critical and scrutinising approach to complaints information.
- There should be more 'flag-waving' about the Forum and the approach to user-involvement.
- Identify any reasons for the drop-off in attendance by members.
- It has provided an insight into the difficult job the Ombudsman does.

Members noted that awareness of the LGO's role amongst elected members is poor. Signposting to the LGO can be seen as a threat or 'trouble-making'. Members asked what actions could be taken to raise awareness with councillors. MK explained that prior to government spending controls, the LGO would exhibit at the Local Government Association (LGA) conference. An e-learning course was developed with LGA and articles are regularly placed in *First* magazine.

Members asked how we identify councils who have systemic issues with their complaint handling and MK highlighted the training course in effective complaint handling offered to council officers and care providers. MK outlined that steps are being taken to improve what we report to bodies in jurisdiction, focusing on cases where we find fault and recommend remedy, rather than simply the volume of complaints received.

Members discussed the importance of chasing recommendations and advised that when seeking evidence of implementation, evidence should demonstrate that the spirit of the recommendations has been followed and not simply the letter. Members also suggested that the effect of remedies should be tracked. MK outlined that we are looking to put in the public domain the remedies we have recommended so that interested people and campaign groups can challenge bodies and hold them to account.

Members challenged the 20 day assessment timescale and queried whether this should be shorter, especially where people are being told that the LGO won't

investigate their complaint, so they can access alternative routes in a timely way. AF explained that where a statutory right of appeal exists we will identify this and advise the customer quickly and usually well within 20 days.

3) Remediating Injustice

AF led the group in an exercise looking at appropriate remedies. AF explained the LGO's approach is to put the complainant back in the position they were in before the fault occurred. Investigators will look not just at what went wrong, but at the consequences and the impact; the same problem, can have very different impacts on people, depending on their personal circumstances.

When determining a remedy to recommend, the investigator will speak with the customer to find out what they want and to manage expectations. The approach is not about being punitive, but appropriate and proportionate. Investigators will also speak with colleagues and will use other case examples to determine the right recommendation. Often an apology will be recommended; they should be genuine and heartfelt and are not an admission of negligence.

The Forum was split into two groups to discuss the case studies provided. The groups fed back their comments and selected the remedy they would recommend from the options provided.

Members were keen that remedies should take account of both the practical and emotional impact of fault and that individuals' emotional resilience will vary greatly and should be understood.

Members discussed how financial remedies for children and young people are used. AF explained that financial payments intended for children will be given to parents or carers, where appropriate, or will be put into a Trust.

AF thanked members for their input. The exercise has allowed us to test ourselves for consistency and the range of views, from former customers, elected members, and staff, will be analysed to determine if we are getting the balance right.

4) Closing remarks

JM noted that while the end of her term as Ombudsman was approaching, she considers the role more important than ever. With fewer resources, it is essential that citizens have their say and entitlement. Reflecting on the wide range of work the office deals with, JM highlighted recent reports on respite care and safeguarding, homelessness, benefits, direct payments, charging for care, a planning decision on green belt land, a school admissions appeal and financial support for special guardians.

Members were thanked for attending and for their valuable input.

October 2016