

# Local Government & Social Care OMBUDSMAN

18 July 2018

*By email*

John Mothersole  
Chief Executive  
Sheffield City Council

Dear John Mothersole,

## **Annual Review letter 2018**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

### **Complaint statistics**

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. 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. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

During the year, we issued a public report against your council about the delay in a Year 8 child's Education, Health and Care (EHC) plan. The Council took more than six months longer than it should have to complete the ECH plan. It then changed the content without

agreement. Further, it failed to ensure the educational provision in the EHC plan was in place leading to the child missing 18 months of provision named in his EHC plan that he was entitled to receive. This created uncertainty for the child and his mother about how he would have progressed differently were it not for the faults, especially given he was at a critical period in his education during his GCSE years. We also found the Council's complaint handling in this case to be below standard leading to frustration, time and trouble for the complainant.

The Council had received complaints about similar issues from others and we were pleased to see it had already taken some action including monitoring the performance of its case management system, keeping timescales under regular review, ensuring Special Educational Needs and Disability (SEND) officers know how to manage cross-border funding policies and providing training on the complaints process to the SEND team.

To remedy the injustice caused to the child and his mother, the Council agreed to arrange a review of the EHC plan; make a payment of £500 to the complainant for his educational benefit and pay her £300 to acknowledge the frustration, time and trouble and uncertainty its faults caused her. We also recommended and the Council agreed to:

- measure the impact of the steps it has taken to meet the timescales required to finalise EHC Plans and annual reviews;
- put in place measures to identify when annual reviews are outstanding and act to ensure they are completed within 12 months of the last review; and
- monitor whether young people are receiving the support specified in their EHC plans

I am pleased that all the recommendations have now been actioned.

### **Future development of annual review letters**

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new [corporate strategy](#) for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

I would like to take this opportunity to express my thanks for your Council volunteering to be involved with this project which seeks to improve the way we record and publish data about remedies. This is an important area of our work, which will help highlight the positive impact complaints can have on improving the way public services are delivered. We very much appreciate the time you have offered to help make this project a success. We will also be making changes to the format of our annual letters as a result and will be engaging with councils on this early next year.

### **Supporting local scrutiny**

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at [www.lgo.org.uk/scrutiny](http://www.lgo.org.uk/scrutiny). I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

### **Learning from complaints to improve services**

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the

[reports](#) and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

### **Complaint handling training**

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

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

**Local Authority Report:** Sheffield City Council  
**For the Period Ending:** 31/03/2018

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
32	17	11	46	17	33	16	11	3	186

## Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
9	3	62	65	11	22	67%	172

### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.  
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
18	2