

A councillor's workbook on handling complaints for service improvement



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This councillor workbook includes references to materials published by the Local Government Association (LGA) and the Local Government Ombudsmen (LGO). Further information can be found on www.lga.gov.uk and www.lgo.org.uk

Introduction

This workbook has been designed as a learning aid for elected councillors. It makes no judgement about whether you have been a councillor for some time, or whether you have been elected more recently. If you fall into the former category the workbook should serve as a useful reminder of some of the key skills, approaches and tactics that make for an effective ward councillor - it may even challenge you to reconsider how you have approached aspects of the role to date.

Those councillors who are new to local government will recognise that they have much to learn. The workbook will help you to get up to speed with key aspects of the ward councillor role that require focus and attention. In effect, it should provide you with some pointers on how to develop a style and approach that you are comfortable with, and that enables you to be most effective in your day to day duties.

The workbook can be used as a standalone learning aid or as an adjunct to other material you may cover. It offers few firm rules for councillors as it is recognised that each individual must decide how best to use and develop their influencing skills, based on individual preference and confidence. As such, the workbook should serve more as a direction marker rather than a road map. In practical terms, the document will take between two to three hours to work through.

You do not need to complete it all in one session and may prefer to work through the material at your own pace. The key requirement is to think about your own approach in influencing other people – how the material relates to your local situation, the people you serve and the council you represent.

In working through the material contained in this workbook you will encounter a number of features designed to help you think about the ward councillor role. These features are represented by the symbols shown below:



Guidance – this is used to indicate research, quotations, explanations and definitions that you may find helpful.



Challenges – these are questions or queries raised in the text which ask you to reflect on your role or approach – in essence, they are designed to be thought-provokers.



Case studies – these are ‘pen pictures’ of approaches used by other people or organisations.



Hints and tips – these represent a selection of good practices which you may find useful.



Useful links – these are signposts to sources of further information and support, outside the workbook, which may help with principles, processes, methods and approaches.

Handling complaints for service improvement

Why complaints are important

Councils provide services and make decisions which affect the lives of local residents.

It is inevitable that sometimes people will feel that a council has made a wrong decision, or has not fulfilled its duty in the services it provides; in some cases, the local authority may have made a mistake, or need to make improvements to its services or the way it goes about providing them.

When an individual has concerns, it is important that they feel they can raise these with the council and that their complaint will be treated with respect and responded to accordingly. It is also important that if a mistake has been made, the council has the opportunity to rectify it and take measures to ensure that it does not happen again.

Having a dedicated complaints team and formal complaints procedures in place ensures that all complaints can be directed to the appropriate service area within the council and investigated thoroughly. It also speeds up the complaints process.

For the public, making a complaint can be a daunting task, especially if the reason for their complaint has already caused them particular distress or upset. Part of your role, as a ward councillor, is to support your residents by directing them to the appropriate complaints channels and resources, and providing representation where appropriate. To do this effectively, you must be familiar with the services your council provides, its complaints procedures and where to signpost people if their complaint is not about a service provided by the council.

Ward councillors also have a role in holding local authorities to account, improving services and optimising health and wellbeing outcomes for their residents. Data about complaints provides you with an important source of intelligence about what is going on in your ward, which you can use as a means of seeking service improvement.

This workbook will:

- take you through the complaints process and your role in it
- provide an overview of the ombudsman and what type of complaints they deal with
- direct you to sources of information for monitoring complaints
- explain how to use complaints to drive service improvement
- signpost sources of information for complaints that are outside your council's remit.

Being equipped to handle complaints

As a councillor, you will receive all kinds of complaints, from all kinds of people. To be able to handle the complaints effectively you need to equip yourself with information that will help you to decide what the next steps should be. You need to know:

Your council's remit

What services your council does and does not provide, so that you can decide whether the complaint is one that your council needs to handle.



Guidance

	Shire areas			Met areas	London	
	Unitary	County	District	Met district	Borough	LGA
Education	✓	✓		✓	✓	
Highways	✓	✓		✓	✓	✓
Transport planning	✓	✓		✓	✓	✓
Passenger transport	✓	✓		✓		✓
Social care	✓	✓		✓	✓	
Housing	✓		✓	✓	✓	
Libraries	✓	✓		✓	✓	
Leisure	✓		✓	✓	✓	
Environmental health	✓		✓	✓	✓	
Trading standards	✓	✓		✓	✓	
Waste collection	✓		✓	✓	✓	
Waste disposal	✓	✓		✓	✓	
Planning apps	✓		✓	✓	✓	
Strategic planning	✓	✓		✓	✓	✓
Local tax collection	✓		✓	✓	✓	

Councillors' Guide, LGA

Your council's structure

Be aware of how the council works, who is responsible for what and how decisions are made. Knowing this will help you to raise issues around service improvement at the appropriate forums or direct them to the relevant people or departments.



How are decisions made?

Councils operate one of the following models:

- a leader and cabinet
- a committee system
- executive arrangements with a directly elected mayor
- arrangements prescribed by the Secretary of State.

Councillors' Guide, LGA

Your council's complaints procedures

Your council will have corporate complaints procedures and statutory complaints procedures for Adult Social Care and Children's Social Care (Children Act 1989). These are published on the council's website. You need to understand how these work and where to find them, so that they can be implemented properly by your complaints team and you can give appropriate advice to the complainant.

What to do with complaints that you receive

Establish your own process for handling complaints, so that you record information properly, refer complaints to the right place and can monitor complaints information to help improve services in the future.

What happens when a complaint is not resolved

If a complainant is not satisfied with a local authority's response, they may challenge it via court proceedings or an ombudsman scheme. A complaint would be referred to one of three ombudsman schemes, which deal with different types of complaints. You need to be aware of what these are so that you can provide information and support to the complainant.

All of the ombudsmen listed below will normally only look at complaints that have first been referred to the organisation involved and responded to by them. This gives the organisation a chance to try and put things right locally, without an ombudsman's involvement. The thinking behind addressing issues locally is that local authorities are often best placed to make decisions and implement changes more quickly.

If it is not possible to resolve a complaint on a local level, the complainant can take the issue up with the relevant ombudsman.



The ombudsmen

Local Government Ombudsman (LGO)

The Local Government Ombudsman looks at complaints about most council services, including:

- planning
- education
- adults' and children's social care
- housing benefit
- council tax
- transport and highways
- environment and waste
- neighbour nuisance and antisocial behaviour
- some housing services (homelessness applications, housing allocations and transfers).

The LGO also considers complaints about adult social care when the service is provided by a private care provider.

The Local Government Act 1974 states that councils should have an opportunity to consider and respond to complaints before they are referred to the LGO, and they will not consider a complaint unless this has happened. They consider a complaint if someone has suffered a significant personal injustice or if the council has not taken, or is unwilling to take, satisfactory action to resolve it.

The LGO carries out joint investigations with the other ombudsmen. For example, a complaint about a council's social services department and the NHS would be jointly investigated with the Parliamentary and Health Service Ombudsman. These complaints would need to be directed to the LGO, who would manage the joint investigation with investigators from the PHSO who are based in the LGO's offices.

Parliamentary and Health Service Ombudsman (PHSO)

The Parliamentary and Health Service Ombudsman fulfils the two statutory roles of Parliamentary Commissioner for Administration (the Parliamentary Ombudsman) and the Health Service Commissioner for England (Health Service Ombudsman).

The PHSO's role is to investigate unfair treatment and poor service in relation to government departments, other public organisations and NHS-funded healthcare services.

Complaints about a government department or service need to be referred by a Member of Parliament.

Housing Ombudsman Service (HOS)

The Housing Ombudsman Scheme is approved by the Secretary of State under section 51 of and Schedule 2 to the Housing Act 1996. Social landlords (such as housing associations and councils) are required to be members of the Scheme. Private landlords may also join the scheme on a voluntary basis.

The Housing Ombudsman Service investigates complaints and resolves disputes involving members of the Scheme. The Localism Act 2011 provides that tenants of member landlords will be able to ask for their complaints to be considered by a 'designated person' once the complaint has been through their landlord's complaints procedure.

As a councillor, you may be asked to be a designated person. You can try and resolve the complaint yourself or refer it straight to the HOS for them to determine. By law the complaint and referral need to be in writing. Further information about the designated person role, including guidance on resolving a complaint and referring a complaint to the Housing Ombudsman can be found at www.housing-ombudsman.org.uk/designated-persons/

A standard template letter can help designated persons fast track complaints to the Ombudsman to determine. The letter can be downloaded at www.housing-ombudsman.org.uk/dp-referral-letter-template/

Advice on good practice for designated persons and/or guidance can be found at: www.housing-ombudsman.org.uk or by emailing info@housing-ombudsman.org.uk



Challenge 1 - how well-equipped are you for handling complaints?

Do you know all the information you need to handle complaints effectively?

Consider these statements to identify any gaps. If you answer 'no' to any of them, take some time to find the answers from your council's website or your work colleagues.

I know in detail which services my council does and does not provide.	Yes / No
I can describe the structure of my council.	Yes / No
I can describe how decisions made by my council are scrutinised.	Yes / No
I can name the people in my council responsible for making decisions about a) planning applications, b) environmental health and c) adult social care.	Yes / No
I can go straight to my council's complaints web page.	Yes / No
I can give examples of three things that my council's standard complaints procedure does not cover.	Yes / No
I can state how many days within which my council promises to fully respond to a complaint.	Yes / No
If you answer 'no' to any of the following statements, there is more information later in this workbook.	
I have a formal process for recording all the complaints that I receive.	Yes / No
I can quickly and easily retrieve information about complaints I have received in the past six months.	Yes / No
I feel confident referring complaints to the ombudsmen and know when to do this.	Yes / No
I know where to find information about complaints made regarding my council.	Yes / No
I can describe what information is provided in an LGO focus report.	Yes / No

Your role in the complaints process

As a councillor, you need to find out as much as possible about any complaint you receive and then decide the most appropriate way to respond to it.

Being familiar with your council's complaints procedures will help you to advise the complainant on how to go about submitting their complaint.

You can also support them by making sure they understand the procedures and by keeping in touch with them as their complaint is processed.

A crucial part of your role is to identify any reasonable adjustments that need to be made, so that you can ensure these are accounted for when the complaint is processed. For example,

if a complainant does not speak English, or have access to a computer; you can make sure they are still able to submit their complaint and receive any information they require in an appropriate format. A child or young person may need an advocate to act on their behalf, and you can advise the complaints team if this is the case.



Complaints involving children

Councils will assess whether a child is mature enough to make a complaint and understand its implications. This is undertaken by Children's Services, who often ask an independent qualified person, from organisations such as Barnardo's or the NSPCC, to do a Gillick competency and Fraser guidelines assessment for them. This provides a recognised benchmark for balancing children's rights and wishes with an authority's responsibility to keep them safe from harm.

You can find out more at:
www.nspcc.org.uk

You will not be involved in this assessment, but you should be aware of it so that you can provide information and advice.

You must also be alert for potential issues the complainant may talk about that require other action. For example, you have a responsibility to report any concerns you have that care being provided is causing abuse, harm or neglect, or that vulnerable adults and children are being exploited in any way, for example by web/phone scams or hate crimes.

Your council will have an emergency duty officer/help desk for Adults' and Children's Services whose phone number should be on the council's website. Your local police service may also have a vulnerable adults' and/or children's unit; the receptionist answering the phone will know who to contact. You should call the police if you have any concerns or suspicions that a crime has been committed.



About your role

DO...

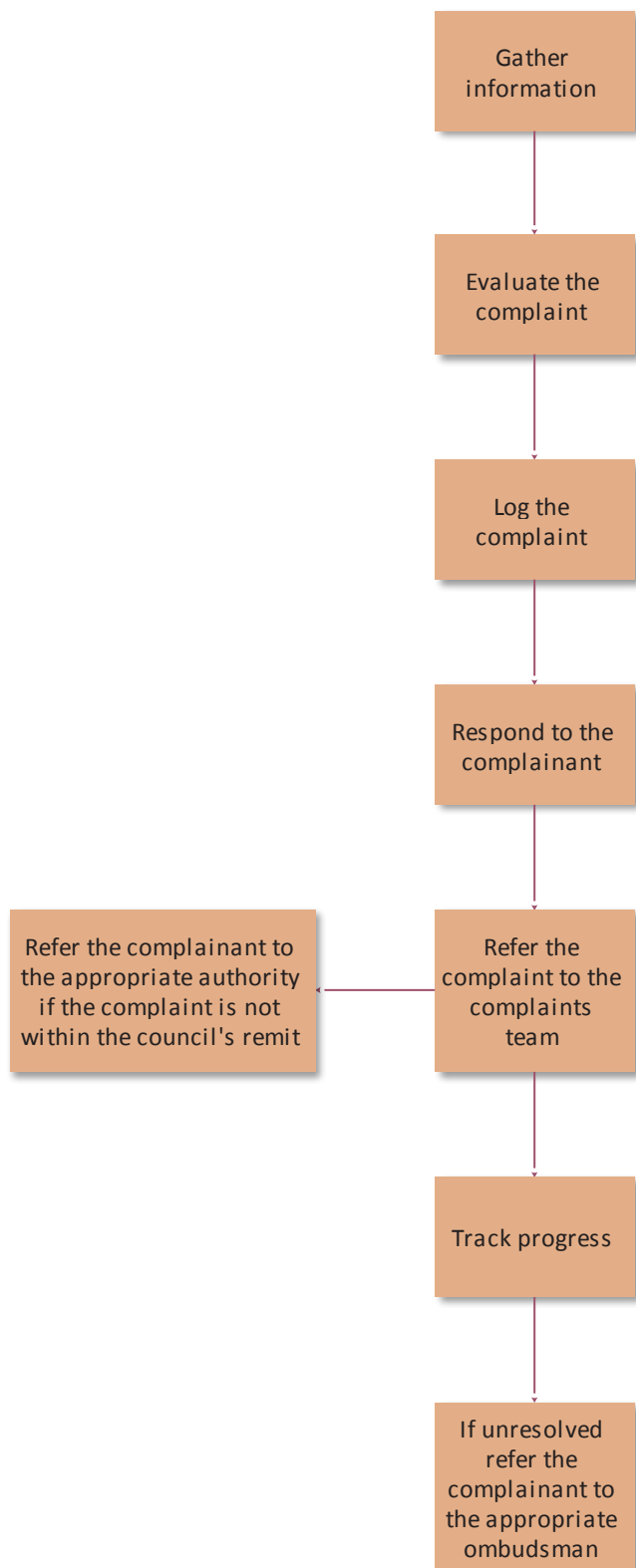
- support the complainant by helping them to resolve the problem at a local level and directing their complaint to the appropriate service area or complaints team
- signpost the complainant to useful information and organisations, even if the complaint will not be dealt with by the council
- facilitate communication, meetings and enquiries within the council on the complainant's behalf
- ensure reasonable adjustments are made, if necessary
- follow the complaint through to its resolution and keep in touch with the complainant
- raise any service improvement issues that you identify.

DON'T...

- make promises you cannot keep
- guarantee a particular outcome for the complainant
- attempt to influence a complaints procedure
- assume that stages of a complaints procedure can be omitted because you are involved
- give legal advice
- make decisions for the complainant.

How to handle a complaint

The diagram below shows you the steps in the process for handling any complaints you receive.



Gather information

At this point you want to gather as much information as possible so that you fully understand the complaint and are able to decide if anyone else needs to be involved and what should happen next. Here is an information checklist of things to find out:

- ✓ **Details of the complainant** – full name, age, contact details
- ✓ **What went wrong** – exact and concise details of the problem, including dates and times if appropriate
- ✓ **What the effect was** – the LGO calls this 'injustice'. Knowing this will make it easier for you to express empathy, and will aid the complaints team in establishing more about the complaint and a potential remedy
- ✓ **Evidence** – find out what supporting documentation or other evidence exists to support the complaint
- ✓ **Desired outcome** – identify what the complainant would like the outcome of the complaint to be. Some complainants have unrealistic expectations; for example, it is unlikely that the council will be able to give them large sums of financial compensation such as those awarded by the courts
- ✓ **Reasonable adjustments** – find out whether any reasonable adjustments need to be made, and whether an advocate is required
- ✓ **Safeguarding issues** – be alert for any other action that may need to be taken in relation to a vulnerable adult or child.



Questioning techniques for gathering information

An effective questioning technique for gathering information is to use open and closed questions.

Closed questions – where there is only one answer, which will usually be a fact and is often ‘yes’ or ‘no’. They are:

- easy and quick to answer
- good for putting people at ease early in the conversation
- good for gathering and expanding on factual information
- good for receiving confirmation of an outcome.

Open questions - require more information in the response and give the person answering an opportunity to explain their opinions, ideas and feelings in their own words. They:

- make people feel that you believe they are worth listening to
- help to clarify a person’s issues, needs and perspectives
- start with words like ‘what’, ‘how’, ‘why’, and ‘describe’.
- make decisions for the complainant.

Evaluate the complaint

Once you have all the information, you can decide whether the complaint is something that should be dealt with by your council’s complaints team. A valid complaint is about services provided by the council, whether those services are provided directly by the council or by a third party, private company or volunteer group on their behalf. It could be about:

- the way a service has been delivered
- a service that hasn’t been delivered
- the way a decision has been made that has caused problems for the complainant.

For example, the complaint could be that the council took too long to do something, failed to meet expected standards of service or provided wrong information.

Sometimes complaints are made that should either be handled by another organisation or are not appropriate to refer to the council’s complaints team. For example:

- **Service request** – the complaint may actually be a request for a service, but could become a complaint if it is not dealt with properly. Find out more about what the complainant wants and identify the relevant service area to direct them to.
- **Appeal/review** – the complainant may have a right to appeal a council’s decision or to request a review. Your complaints team will be able to advise you on when this is the case, and whether the council or an independent panel would carry out the appeal or review.
- **Ongoing court proceedings** – if you receive a complaint about something that is being considered by the courts, for example in family court proceedings, the council complaints team will not consider the complaint until the court case has finished. However, there may be elements of the complaint that are not covered by the court proceedings, which could be handled by the council. Your complaints team will be able to advise you.
- **About council policy or procedures** – a complaint about incorrect application of council procedure, and therefore a potential fault in its decision-making, would be handled by the complaints procedure. However, if the complaint is about the content or wording of a council’s policy or procedure this cannot be dealt with through the complaints procedure. A more appropriate way of handling this would be for councillors to discuss the issue when the policy is next revised, and for the complainant to express their views when the policy next goes out for public consultation.
- **Unreasonable and persistent** – you may become aware of a complainant who persistently makes unreasonable complaints. Refer these to your complaints team.

If you are in any doubt about any of the above, seek advice from your complaints team, or refer the complaint directly to them.

Log the complaint

The complaints you receive could be made by email, letter, telephone or in person. However a complaint is made, it is important that you keep a documented record of it. This could be in electronic or hard copy format, although electronic records stored on your computer are easier and less time-consuming to store and retrieve.

You need to record the information you gathered earlier, as listed in the checklist, as well as any actions you have taken or are planning to take, with dates and times. To make sure you record the appropriate information each time, create a document template with headings based on the checklist. Advise the complainant to keep their own records of whom they speak to and when.

How you store complaints records, and any associated documentation, is as important as the actual records you create. It is worth taking some time to consider your requirements, particularly in the context of service improvement. For example, you might want to be able to:

- see how many complaints you have received about a particular service area
- check which complaints have yet to be resolved
- review similar complaints made by different people, for comparison

- sort the complaints by service area, complaint, complainant, date, status, etc.
- view all the documented evidence that supports a complaint
- update information or add documentation.

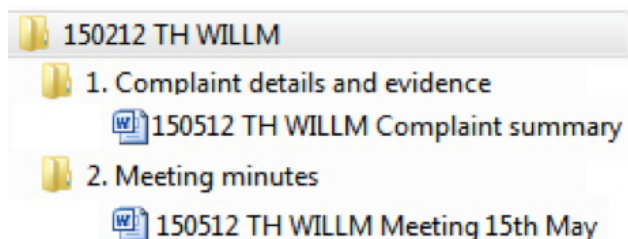
Be mindful that information you record could be subject to Freedom of Information (FOI) requests, and could potentially be seen by the complainant. Keep the information factual and non-judgemental, avoiding personal comments.

A good way of keeping track of records is to have a spreadsheet with quick-reference information, which you can use to sort information, update progress/actions and reference where you have saved associated documentation, such as a detailed summary of the complaint. This doesn't need to be complicated, keep it as simple as you need it to be or make it as complicated as you like!

The table below shows you an example. Notice how:

- a code has been used for the service area: TH = Transport and Highways; EW = Environment and Waste
- the status has been colour coded for quick reference
- a reference code has been created from the date (YYMMDD format), service area and surname. This can be used to prefix any folder or file names, as shown by the image below.

Ref.	Date	Surname	First name	Service	Complaint summary	Status	Action
150512 TH WILLM	12/05/2015	Williams	Martin	TH	Potholes still not repaired.	In progress	Call complaints to check they received complaint.
150519 EW WOodd	19/05/2015	Woods	David	EW	Rubbish dumped at side of road needs clearing.	Closed	Resolved - rubbish cleared 26/05/15.





Challenge 2 – what are your complaints record requirements?

Think about how you want to use information about the complaints you receive, and any ideas you have for keeping your records. Use this space to make notes.



File/folder naming tips

- If you prefix electronic file or folder names with the date in the format YYYYMMDD, they will appear in date order if sorted alphabetically.
- A good way to include a reference to someone's name is to use the first four letters of their surname and the first letter of their first name. For example, Martin Williams would be WILLM.
- Making a reference to the type of complaint, or service area to which it relates, in the records will help you to quickly identify similar records.
- Using templates for documents will remind you what information to include.
- However you decide to manage your records, consistency in approach is key to making it successful.

Respond to the complaint

Once you have decided whether or not your council should handle a complaint, identified any reasonable adjustments required, raised any safeguarding issues and logged all the information, you are ready to respond to the complainant and refer the complaint to the appropriate place.

Taking information from your records, provide the complainant with a written summary of the complaint (this can be by email), remaining non-judgemental and using the complainant's own words where possible. This will help to check your understanding. Also include any actions you have taken or plan to take.

If the complaint is related to services provided by your council it will be handled by your complaints team, so provide the complainant with information about your council's complaints process, how to proceed with the complaint and what your involvement will/will not be. It is good practice for you to communicate with the complaints team yourself, so they are aware of your contact with the complainant. Make sure to pass on all the information you have gathered to date, including any supporting evidence.

If the complaint needs to be handled by another authority, explain to the complainant why this is and provide as much information as you can to direct them to the appropriate place. Again, explain what involvement, if any, you will have from this point on.

Keep track of progress

Check on progress with the complaints team. It is important to keep in touch with the complainant so that they feel supported and confident that their complaint is being processed.

Remember to keep your records updated with progress, and to keep records of any meetings or conversations that take place. Make sure you stick to the file naming and storage conventions you decided on earlier!

Resolution

At the end of the complaints procedure, the complaints team should notify the complainant of the outcome and what actions have or will be taken in response to the complaint.

It is good practice for you to contact them as well, to check that they are happy with the result and to formally close the matter with them.

If the complaints team decides the complaint cannot or will not be resolved by the council, the complainant can raise the matter with the LGO. They can go directly to the LGO themselves, or you can complain on their behalf. Be sure to provide all the information you have been recording throughout the process.

The complainant also has the option of challenging the way a decision was made by the council (rather than the conclusion it reached) through a judicial review. However, legal action can be costly and complex for the complainant, whilst the local authority will usually be defended by an insurance company or their legal team. You should not give legal advice; refer your complainant to an organisation that can offer legal advice, such as the Citizen's Advice Bureau, Mind or the Children's Legal Centre.

Whatever the outcome, remember to update your records.

Identifying service improvement issues

As well as ensuring individual complaints are handled properly, as a local councillor you are also responsible for using information about complaints to inform and improve the services delivered by the council for your residents.

By reviewing information about complaints related to your council you will be able to spot patterns and trends highlighting issues affecting the wellbeing and living conditions of your residents. Try to establish a routine for this; for example, decide how often you will review your own complaints records, and consider opportunities for getting further information from your peers and colleagues.

Your complaints team will be able to tell you if they publish any information on the complaints they handle. The LGO, as the ombudsman dealing with council-related complaints, publishes several documents on its website which will be useful to you.

These are:

Decision statements

The LGO publishes decision statements, which detail the outcome of complaints that it investigates. These are anonymised to protect personal data but do contain the name of the local authority involved. Decisions are published three months after they are shared with the parties involved, to allow time for any further action to be taken. You can search through these decision statements by council and/or by topic.

Reports and further reports

Where the complaint raises issues of wider public interest, or where the local authority is unwilling to remedy the issues, the LGO may decide to issue a public report. This is a more detailed account of the investigation, which is shared with the parties involved in the complaint and with relevant media.

Where a local authority fails to comply with the recommendations contained in a report, the LGO may issue a further report to encourage local scrutiny of the council's decision not to remedy the injustice identified.

Reports, further reports and the accompanying press releases are published in the news section of the LGO website. Alternatively, you can type the name of your local authority into the search box and all information about your council will appear in the search results.

Annual review

In June/July each year, the chief executive and leader of every local authority receives an annual review from the LGO, with a view to encouraging democratic scrutiny. This provides an overview of the council's performance in responding to complaints, including data about how many complaints were referred to the LGO and their outcomes. It also raises any specific concerns, such as non-compliance with LGO recommendations and delays in responding to queries.

Annual reviews also cover complaints handling for social care services, and include information about private care providers.

Focus reports

When the LGO identifies that a particular aspect of local public services is gathering complaints, or where a trend is emerging, it publishes a focus report. These reports use case studies to identify common failings in service delivery and to highlight how such issues can be avoided in the future. Recent topics have included planning, homelessness, kinship carers and school admissions.



Finding LGO documents

The documents published by the LGO, as well as other relevant information such as factsheets, newsletters and guidance information, is available from their website:

www.lgo.org.uk

You can also sign up to receive a newsletter with details of recent interesting and significant decisions.



A case in point

When Pauline was appointed as deputy to look after Barry's affairs, she found that he had not been receiving his full right to council tax benefit. She applied for a backdating of the pensions benefit on Barry's behalf and was told by the Pensions Service that he was also eligible for council tax benefit from the same date.

The council accepted that it had received a notice from the Pensions Service and Barry had been entitled to pensions and credits from that date. The council's normal procedure meant that when notified, officers should contact the applicant to arrange for them to complete a claim form. It said officers should either post a form or arrange a visit to help fill in the form.

The council had no note on Barry's case file of a telephone conversation but maintained that it did try to help him with his claim. However, Pauline said no form was sent. The council said it did not receive any claim from Barry until one was sent on his behalf and it said Social Security legislation only allows a claim for council tax benefit to be backdated for three months.

Pauline felt this response was not adequate and considered the council at fault for the form not being submitted sooner. She took her complaint to the LGO.

The LGO found no evidence to support the council's claim that it telephoned Barry as it had no record of the call taking place, and there was no evidence of a follow-up letter or application form being sent.

The council subsequently agreed to redress the injustice Barry suffered for the loss of opportunity to apply for council tax benefit by giving him £1,000.

'A Case in Point' newsletter, December 2014, LGO website

Driving service improvement

As a councillor, you have a responsibility to act on any issues you identify with the services provided by your council. Use the information available to you to determine what questions you should be asking to scrutinise your council's services and the way they are provided. You can help to facilitate change by:

- raising concerns when you spot them
- making other people, such as the complaints team, your party peers and ward councillors, committees and boards, aware of your concerns
- participating on committees and boards so that you can actively influence change.

Your political party's priorities will also provide you with areas of focus and priority. Bear these in mind when you consider how you approach a complaints issue.



A social care example

The complaint

Mr X has limited mobility, which makes it difficult for him to write and do other things, such as shopping, cleaning and getting out and about. He has had to find an advocate to complain on his behalf because the council did not offer him access to one.

A recent re-assessment by the council of Mr X's care needs has resulted in him being given fewer hours of social care support a week. This means that he cannot go out to his weekly philosophy club and there is not enough time for his carers (from a private company) to get everything done in the house.

The LGO investigation

The law currently says the Council should consider relevant information from the Health Authority when completing a community care assessment. In this case, the council's social worker had sought information from Mr X's GP but when it was not provided, she had not followed it up. (The GP was on holiday and nobody had responded to the social worker's email as they didn't realise it was urgent – these assessments need to be completed within a certain amount of time.) By the time the GP had returned from holiday, the re-assessment had finished. The social worker had not talked to Mr X's carers.

Therefore the council was at fault for not completing the re-assessment of Mr X's needs properly because it did not include information from his GP and carers.

The law requires councils to help people to access recreational facilities outside their home. The social worker was unaware of this, and said the council could not help him attend his philosophy club as it was not something they needed to do; she suggested he ask a friend to transport him instead.

Therefore the social worker was at fault for not adequately explaining why she had reduced Mr X's hours of support.

Conclusion

If the social worker had included the information from Mr X's GP and carers, it would have been likely that Mr X's hours would have been increased, not decreased. His carers had said he was becoming increasingly isolated and depressed as he could no longer attend his philosophy group, which was the only social outing he had every week. His doctor had also noted that he was becoming withdrawn, and had concerns about his mental health. Mr X was paying for the extra care he needed because of his reduction in hours.

Remedy

- The LGO recommended that the council should:
- do a proper re-assessment of Mr X's needs, taking into account information from the NHS Trust and his carers
- apologise to Mr X for the inadequate assessment and the distress it had caused him
- reimburse Mr X for the extra services he had needed to pay for because his hours were reduced
- liaise with the NHS Trust to ensure that information is provided for care assessments in a timely manner
- apologise for its failure to offer Mr X access to advocacy services, which is contrary to government advice on handling adult social care complaints
- offer Mr X £150 for the frustration, anxiety and distress he experienced.



Encouraging local scrutiny

More recent focus reports published by the LGO include suggested scrutiny questions to assist local councillors in scrutinising their own local authority. The focus report 'Not in my back yard: Local people and the planning process' provided the following list of questions about the planning process for councillors to ask officers.

- Does the council comply with the good practice checklist?
- What is the council's target for building new homes and is it likely to achieve this? Failure to provide new homes can have a significant effect on the local economy and housing market.
- What type of applications are currently decided by officers and should this be reviewed?
- How does the 'call-in' procedure work and how often is it used?
- How many of the council's decisions are overturned by the Planning Inspector?
- How many complaints does the council receive about decisions on planning applications, what are the outcomes and how has the council used them to improve its services?

Allerdale Borough Council used this focus report to update their own guidance to the public on how to respond to planning applications. It sought to manage people's expectations better by setting out more clearly the factors that a council can and cannot take into account when considering a planning application. The guidance referenced the LGO's focus report to provide assurance that it was based upon views offered by an independent ombudsman.

LGO website December 2014
www.lgo.org.uk

Final summary

The way you handle complaints and pursue issues of service improvement contributes to how effective you are as a ward councillor. You represent the people on your ward and their satisfaction with the services the council provides is a measure of your success.

To handle complaints effectively, and to help drive service improvement in your council:

- be prepared with all the information you need about how complaints are handled in your council
- recognise when a complaint needs to be referred to another organisation
- follow the complaints procedures set out by your council
- regularly review complaints data to identify trend or patterns
- raise any issues you identify as soon as possible.

You will find more detailed information and examples about complaints handling in the e-learning module that accompanies this workbook. Contact the Local Government Association for more information.



Where do you go from here?

Look back over the material contained in earlier sections of this workbook and consider the following:

- a) Do you have all the information you need to handle complaints effectively?
- b) Does the way you process and record complaints enable you to review complaints data? Is there anything you could do better?
- c) Have you established a routine for regularly reviewing complaints information about your council? Have you reviewed the information available from the LGO website about your council?

Appendix – Sources of further information and support

Guidance

Local Government Ombudsman

www.lgo.org.uk

Parliamentary and Health Service Ombudsman

www.ombudsman.org.uk

Housing Ombudsman

www.housing-ombudsman.org.uk

Printed publications

Advising residents about health and social care complaints: a guide for councillors, joint publication by the LGA and the Centre for Public Scrutiny, 2014.

Councillors' Guide, LGA 2014.

My expectations for raising concerns and complaints, joint publication about effective complaint handling from the view of the complainant, published by PHSO, LGO and Healthwatch (November 2014).

Other useful websites

www.info4local.gov.uk

Provides an online, one-stop gateway for local authorities to get quick and easy access to local government-related information that is published on the web sites of central government departments and agencies.

www.local.gov.uk

The Local Government Association's website provides invaluable sources of help and advice for all those in local government and contains guidance and case studies on all aspects of the councillor role.

www.local.gov.uk/about-lginform

Local Government Inform (LG Inform) is the LGA's benchmarking data service for councils and fire and rescue authorities. A new and improved version of LG Inform has been released, with improved performance and functionality.



Local Government Association

18 Smith Square
London SW1P 3HZ

Telephone 020 7664 3000

Email info@local.gov.uk

www.local.gov.uk

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please contact us on 020 7664 3000.
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REF 11.90