

Appendix 2

Notes of meeting with Local Government Ombudsman
25th June 2008

In attendance:

Keith Robinson (KR)
Carolyn Godfrey (CG)
Nina Wilton (NW)
Jerry White (Local Gvt. Ombudsman) (JW)
Verena ? (Investigator) (V)

KR outlined the procedural changes that have been put in place as a result of learning from a recent finding of Maladministration.

- In order to ensure visibility of “difficult” cases at an appropriately senior level, NW tasked with presenting a monthly report to KR and directors as appropriate. The report to contain sufficient information about all cases at Level 3 of the current complaints procedure, all cases with the Ombudsman, and any cases that the departmental complaints officers consider may need senior management involvement.
- NW to take a more direct involvement in cases at an earlier stage with the intention of resolving a speedier resolution. KR to brief departmental complaints officers about this change in approach, and the organisational need to introduce a more robust independent view relatively early in the process.

JW commented that he has on occasion found our response, in common with that of many other authorities, to be defensive, which can be problematic. He highlighted some particular SEN cases, acknowledging that this is not peculiar to WCC, but is a national issue. SEN complaints are replacing planning and housing complaints at the top of the list of hot issues for the Ombudsman’s service nationally. He said that in many cases, the Education Authority is putting such an enormous effort into listening to parents’ views and consulting them that they fall foul of the administrative requirements that are needed in order to give parents access to their statutory rights of appeal. He said that in these cases the view of a corporate complaints officer who does not have a statutory role as a complaints officer under the Children Act can be helpful.

He emphasised that if we are ever in doubt about a complaint, even if the case is not with the Ombudsman but we would like a view on the problem, we should feel free to contact his team and ask for advice. He does not wish to issue reports unless there is a genuine public interest in reporting on a specific case. Otherwise, he believes that it is better for all parties to reach a local settlement.

KR reflected on the broader organisational culture and issues that we have been working through. He spoke of the financial crisis we faced, which resulted in staff working in a context where the perceived organisational

priority and imperative was to save money. This message was not helpful in terms of achieving the right balance between customer focus and financial efficiency, and probably gave rise to some of the complaints that are still working their way through the system. We are working hard to change that mindset and replace it with one that views all of our work through the prism of “what is best for the customer?”

JW offered to assist by speaking to groups of members or officers if we would find that helpful, particularly as we move through the unitary work and are developing a new organisation with a new culture focused on the customer.

V said that she has been doing some work with Shropshire, who are redeveloping their complaints procedures as part of their move towards unitary, and that there are some useful examples of good practice that we might wish to use. **NW** to contact her for details of whom to speak to in Shropshire.

CG described the changes made in DCE as a result of the finding of maladministration.

- SEN has conducted a thorough review of its processes.
- They have also considered the way in which they communicate with parents, and are moving towards far more personal contact, either face-to-face or by telephone, since this appears to result in clearer communication than relying more heavily on written interaction, which is what has been used in the past.
- They are changing the processes used for families moving into Wiltshire, as these were found to be in need of review.
- The team is working more closely with the parent partnership to resolve issues through mediation and discussion.
- Complaints are now being used to derive learning about strategic provision, rather than simply focusing on a resolution for the individual complainant.

She asked for input from the OM’s staff in reviewing the new processes in 2-3 months’ time, and **V** undertook to provide that.

KR showed the Ombudsman the new leaflets that had been prepared as a result of a finding of maladministration in DCS last year, where information provided to those moving into care was not sufficiently clear. The new leaflets contain worked examples, a direct result of the Ombudsman’s recommendation in the maladministration report. He also outlined the Lean principles that are being used to drive through far reaching changes in social care provision, and asked whether the OM would provide some feedback on the new systems when they have been developed. This was agreed.

JW highlighted the training opportunities that are available from the Ombudsman’s service. These are provided at cost, and the existing packages deliver training targeted for members, social workers, and middle managers. They could also deliver a tailored package which might be appropriate when we make the transition to a unitary council next year. He

said that it is often helpful to put the OM's annual letter on the agenda at a council meeting to raise awareness of the issues with members. However, he does not consider it helpful for members to be involved in complaints handling at a case level.

NW asked for **JW**'s views on a good structure for a complaints service, given that this is being reviewed in preparation for One Council. **JW** said that

- he does not find it helpful when the legal team responds to complaints, because their focus is often on protecting the organisation, rather than on reaching resolution.
- He recommended as few stages to the procedure as possible, suggesting (with the exception of the statutory complaints procedure) that complaints should be responded to by the service department and if not resolved at that point, move straight to a corporate officer.
- The corporate lead needs to be a strong one, and must be robust and willing to challenge the case presented by the department, if necessary.
- He encourages a close collaboration between the corporate lead and the Ombudsman's service, emphasising the openness of that service.

The focus should be on the customer, and the corporate lead should be in a position to be aware of and discuss any potentially difficult cases as soon as possible. He acknowledged that this level of lead and challenge outside the service departments is likely to prove unpopular, but in his experience it is the way to achieve the required degree of independent critical challenge. The skill set needed to mount that challenge is similar to that acquired by lawyers as part of their training.

KR observed that this approach might give rise to a tension between resolving a case internally as close to the origin as possible, and building in a system of robust external criticism.

JW replied that it is often necessary to have the extra-departmental critique because it is so difficult to build a culture that acknowledges and responds appropriately to complaints at the first point of contact, understandably because of concerns about admitting fault and so forth. However, there are some authorities that do seem to be resolving a relatively high number of complaints at the service level. **NW** is to contact **V** for more information about this. However, there are advantages, even where complaints are being handled well at service level, in having corporate oversight because it is only in this way that one is likely to be able to identify cross-boundary issues.