

REPORT FOR DECISION



DECISION OF:	STANDARDS SCRUTINY COMMITTEE
DATE:	28 September 2017 22 November 2017
SUBJECT:	LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN COMPLAINTS AND OMBUDSMAN'S ANNUAL REVIEW LETTER 2016/17
REPORT FROM:	THE MONITORING OFFICER
CONTACT OFFICER:	JAYNE HAMMOND, ASSISTANT DIRECTOR – LEGAL AND DEMOCRATIC SERVICES
TYPE OF DECISION:	COMMITTEE DECISION
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report sets out findings and recommendations of the Local Government and Social Care Ombudsman
OPTIONS & RECOMMENDED OPTION	(a) That the content of the Ombudsman's Annual Review Letter to the Council be noted (b) That the complaints made to the Local Government Ombudsman referred to the Council during 2016/17 and their outcomes be noted
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework but will need approval of Full Council. Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	The cost of investigating complaints is contained within existing budgets. A robust approach to investigation minimises risks to the Council
Health and Safety Implications	Investigations take accounts of appropriate Health & Safety requirements
Statement by Executive Director of Resources	There are no wider resource implications
Equality/Diversity implications:	There is no impact on equality matters as the report contains options for a discussion.
Considered by Monitoring Officer:	Yes – the legal implications are set out in the report and there is a statutory duty for the Monitoring Officer to prepare a formal report

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	to the Council where there has been an act which constitutes maladministration or service failure; and where the Ombudsman has conducted an investigation into the matter.
Wards Affected:	All
Scrutiny Interest:	Not applicable

TRACKING/PROCESS

DIRECTOR: Interim Director of Resources and Regulation

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
11 September 2017			
Scrutiny Committee	Cabinet/Committee	Council	

1.0 INTRODUCTION

- 1.1. The Council receives an Annual Report summarising all complaints dealt with by the Local Government and Social Care Ombudsman ("LGO"). This Report provides a brief commentary on the Ombudsman's Annual Review letter, including changes implemented and proposals for future working.

2.0 Ombudsman's Jurisdiction

- 2.1 The Ombudsman's jurisdiction is covered by the Local Government Act 1974 which defines the main statutory functions for the Ombudsman as:
- to investigate complaints against councils and some other authorities
 - to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009)

The Ombudsmen's jurisdiction under Part III of the Act covers all local authorities (excluding town and parish councils); police and crime bodies; and school admission appeal panels.

2.2 Complaints and Enquiries Received by the Ombudsman in 2016/17

- 2.2.1 Last year, the Ombudsman provided, for the first time, statistics on how complaints upheld against the Council were remedied and those not pursued. This year's letter again includes a breakdown, showing the complaints and enquiries received and decisions made. The letter is attached as Appendix A. The number of complaints and enquiries received for the last two years is shown below:

2016/2017 – 57
2015/2016 – 53

- 2.2.2 The Ombudsman has, this year, chosen not to include a "compliance rate", which previously showed compliance with the Ombudsman's recommendations. From April 2016 a new mechanism was introduced

to ensure recommendations were followed by authorities.

2.2.3 In addition, it is clearly stated by the Ombudsman in the Annual Review Letter 2017 that: *"We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the Council but who may never contact you."*

2.2.4 The complaints received by the Ombudsman about the Council in 2016/17 were split across services as follows (note these are LGO designated service categories). These are compared with 2015/16.

Service	Number of Complaints	2016/17	2015/16
Adult Care Services		12	13
Corporate & Other Services		1	1
Education & Children's Services		9	11
Environmental Services		11	13
Highways & Transport		9	5
Planning & Development		5	3
Housing		2	2
Benefits and Tax		8	5
Other		0	0

As Adult Care Services, Education & Children's Services and Highways & Transport are the largest service areas in any event, it is expected that these would be the services that the Ombudsman receives most complaints about.

2.3 Ombudsman Complaint Decisions

Decision of Ombudsman in	2016/17	2015/16
Investigated – Upheld	6	5
Investigated – Not Upheld	8	10
Advice given	1	1
Closed after initial enquiries	15	12
Incomplete / Invalid	1	1
Referred back for local resolution	29	25

2.3.1 Appendix B to this report provides details of the six decisions upheld and the required actions by the Council to remedy these. The decision of "Upheld" is applied when the Ombudsman finds there is some fault in the way the Council acted – even if it has agreed to put things right during the course of the Ombudsman investigation; or had already accepted it needed to remedy the situation before the complaint was apparent to the Ombudsman.

2.3.2 The actions required of the Council by the Ombudsman are included within Appendix B. It should be noted that this included financial redress totalling £3,032.00.

3.0 OMBUDSMAN'S ANNUAL REVIEW LETTER

3.1 The Annual Review letter is the successor to the Ombudsman's Annual Letters. It provides an annual summary of statistics on the complaints made to the Local

Government Ombudsman (LGO) about this Council to the year ending 31 March 2017.

- 3.2 It is intended that the information provided by the Ombudsman, set alongside the data the Council records about local complaints, will assist in assessing the Council's performance.

4.0 MOVING FORWARD WITHIN THE OMBUDSMAN'S ORGANISATION

- 4.1 The LGO corporate strategy is based upon twin pillars of remedying injustice and improving local public services.
- 4.2 The Ombudsman is confident that the continued publication of decisions, focus reports on key themes and the data in the annual review letter is helping the sector to learn from its mistakes and support better services for citizens.
- 4.3 A survey carried out in 2015 demonstrated a significant proportion of councils are sharing the information the Ombudsman provides with elected members and scrutiny / standards committees. This approach is welcomed.

5.0 FUTURE DEVELOPMENTS

- 5.1 Members will be acutely aware of the continuing financial constraints being faced by the Council and the tough decisions around service provision that are being taken. The expectation of customers does not reduce in line with the challenges the Council faces. Indeed customers feel more empowered to hold the Council to account; and therefore it is envisaged that more customers will escalate their dissatisfaction beyond the Council's own complaint procedure, to the Ombudsman. Even as the Council becomes more of an enabling authority and commissioning many services, it remains entirely accountable for those services.
- 5.2 It should also be acknowledged that complaints to the Ombudsman do not always involve the Council or its appeals processes or any wrongdoing; but that they come from people who would have liked something more, or better, or a different outcome. It is unlikely that public expectations of services will diminish in the short term and therefore there is no reason to suppose that complaints will fall significantly. Despite these challenges, employees are making every effort to ensure that capacity to respond to the Ombudsman is maintained.
- 5.3 It remains the case that the Council does not receive significant criticism from the Ombudsman and therefore we should continue to deliver services within our own policy and procedure guidelines, as well as within statutory requirements.
- 5.4 It is important that the Council takes even greater measures to ensure that it is able to evidence that it learns from complaints and uses this learning to improve and maintain the quality of the services it commissions and provides.

List of Background Papers:

None

Contact Details:

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