

# REPORT FOR DECISION



	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	<b>13<sup>th</sup> September 2021</b>
<b>SUBJECT:</b>	<b>LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN COMPLAINTS AND OMBUDSMAN'S ANNUAL REVIEW LETTER</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF LAW &amp; GOVERNANCE</b>
<b>TYPE OF DECISION:</b>	<b>REPORT FOR INFORMATION</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<b>This report sets out findings and recommendations of the Local Government and Social Care Ombudsman</b>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	(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 2020/21 and their outcomes be noted
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework but will need approval of Full Council. Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	
<b>Health and Safety Implications</b>	<i>None</i>
<b>Equality/Diversity implications:</b>	There is no impact on equality matters as the report contains options for a discussion.
<b>Considered by Monitoring Officer:</b>	Yes The legal implications are set out in the report. (There is a statutory duty for the Monitoring Officer to prepare a formal report 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).
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	Overview and Scrutiny Committee

## TRACKING/PROCESS

**DIRECTOR: Deputy Chief Executive**

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
6 <sup>th</sup> September 2021			
Scrutiny Committee	Cabinet/Committee	Council	
18 <sup>th</sup> November 2021			

## 1. 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. (Attached for information).

## 2. Ombudsman's Jurisdiction

- 2.1. The Local Government Act 1974 established the then Local Government Ombudsman for England and for Wales. The Act defines the main statutory functions:

- to investigate complaints against councils and some other authorities
- to investigate complaints about adult social care providers from people who arrange or fund their own adult social care
- to provide advice and guidance on good administrative practice

The main activity under Part III of the 1974 Act is the investigation of complaints, which it states is limited to complaints from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure. The LGO jurisdiction under Part III covers all local authorities (excluding town and parish councils). The LGO changed its name to the Local Government and Social Care Ombudsman in 2017 to reflect the full scope of their jurisdiction

## 2.2 Complaints and Enquiries Received by the Ombudsman in 2020/21

- 2.2.1 The Ombudsman provided, 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 and data is attached as Appendix A. **The number of complaints and enquiries received for this year as compared to last has decreased. To allow local authorities to respond to the Covid-19 pandemic, the LGO did not accept new complaints and stopped**

**investigating existing cases between March and June 2020. This reduced the number of complaints received and decided in the 20-21 year.**

2020/2021 - 38

2019/2020 - 73

2018/2019 - 67

- 2.2.2 In addition, it is clearly stated by the Ombudsman in the Annual Review Letter that these figures may not be reflective of the number of complaints made to the Council.
- 2.2.3 The complaints received by the Ombudsman about the Council in 2020/21 were split across services as follows (note these are LGO designated service categories, see Appendix B). These are compared with last year's figures:

<b>Service</b>	<b>Number of Complaints</b>	<b>2019/20</b>	<b>2020/21</b>
Adult Care Services		12	6
Corporate & Other Services		7	1
Education & Children's Services		25	9
Environmental Services-PP&R		11	6
Highways & Transport		8	6
Planning & Development		2	0
Housing		6	2
Benefits and Tax		2	4
Other		0	1

### **2.3 Ombudsman Complaint Decisions**

<b>2.3.1 Decision of Ombudsman in</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Investigated – Upheld	5	6	7
Investigated – Not Upheld	1	10	4

- 2.3.2 Appendix C to this report provides details of 4 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.
- 2.3.4 The actions required of the Council by the Ombudsman are included within Appendix C. Of the complaints upheld the remedies entailed apologies, financial redress (in 3 of the decisions) and a reassessment in one case.

## **3. OMBUDSMAN'S ANNUAL REVIEW LETTER**

- 3.1 The Annual Review letter 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 2021.
- 3.2 The LGO has an interactive map of performance. The map shows annual performance data for all Councils in England, with links to published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each Council. The intention of this tool is to place a focus on the authority's compliance with the recommendations. The interactive map can be accessed via the following link:

- 3.3 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. FUTURE DEVELOPMENTS**

- 4.1 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
- 4.2 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.
- 4.3 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 policy and procedural guidelines, as well as within statutory requirements.
- 4.4 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.
- 4.5 In comparison to other GM local authorities, data patterns are very similar.

Authority	Bury	Rochdale	Bolton	Oldham
Complaints Upheld	7	6	7	10
Implemented recommendations	100%	100%	100%	100%
Satisfactory remedy	14%	17%	29%	0%

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#### **Contact Details:**

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