

# REPORT FOR DECISION



|   |   |
|---|---|
|   | <b>STANDARDS COMMITTEE</b>  |
| <b>DATE:</b>  | <b>15<sup>th</sup> November 2022</b>  |
| <b>SUBJECT:</b>   | <b>LOCAL GOVERNMENT AND SOCIAL CARE<br/>OMBUDSMAN COMPLAINTS<br/>&amp; OMBUDSMAN'S ANNUAL REVIEW LETTER 2022</b>  |
| <b>REPORT FROM:</b>   | <b>DIRECTOR OF LAW &amp; DEMOCRATIC SERVICES</b>  |
| <b>CONTACT OFFICER:</b>   | <b>Michael Cunliffe, Democratic Services</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<br>(b) That the complaints made to the Local Government Ombudsman referred to the Council during 2021/22 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.<br>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<br>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/<br>Strategic Leadership<br>Team | Cabinet<br>Member/Chair | Ward Members | Partners |
|--|-------------------------|--------------|----------|
| 26 <sup>th</sup> September 22                    |                         |              |          |
| Scrutiny Committee                               | Cabinet/Committee       | Council      |          |
|  |                         |              |          |

## 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).

## 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 2021/22

- 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 21/22 as compared 20/21 has increased but this is probably a result of a Covid hit year (20/21) with a similar total in comparison to 19/20 pre Covid:

2021/2022- 68  
 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 2021/22 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 Number of Complaints</b>     | <b>2020/21</b> | <b>2021/22</b> |
|---|----------------|----------------|
| Adult Care Services                     | 6              | 4              |
| Corporate & Other Services              | 1              | 2              |
| Education & Children's Services         | 9              | 24*            |
| Environmental & Public Protection & Reg | 6              | 11             |
| Highways & Transport                    | 6              | 10             |
| Planning & Development                  | 0              | 4              |
| Housing                                 | 2              | 2              |
| Benefits and Tax                        | 4              | 9              |
| Other                                   | 1              | 2              |

### 2.3 Ombudsman Complaint Decisions

| <b>Decision of Ombudsman in 2019/20</b> | <b>2020/21</b> | <b>2021/22</b> |
|---|----------------|----------------|
| Investigated – Upheld                   | 6              | 11             |
| Investigated – Not Upheld               | 10             | 4              |

2.3.1 Appendix C to this report provides details of the 11 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 D of the complaints upheld the remedies entailed apologies, financial redress (in 6 of the decisions) and new appeal/review or reconsidered decision.

2.3.3\* In relation to Childrens Services complaints, the majority of complaints involving the LGO are SEND (Special educational needs and disabilities) related. There had been a high turnover of team managers in the service and this year a Strategic Lead was appointed. There is also a team manager now in post who fully understands the work and role of the unit having been a senior caseworker previously in Bury. Until recently the service was receiving a high number of complaints regarding SEND but this has now improved with the staffing appointments making a real impact in organising a more cohesive team with better functioning. Therefore the LGO data for this service area in 2022-2023 should see a reduction in figures.

### 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 2022.
- 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:  
<https://www.lgo.org.uk/your-councils-performance/bury-metropolitan-borough-council/statistics>
- 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 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.
- 4.2 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.
- 4.3 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.
- 4.4 In comparison to other GM authorities, data patterns are as follows:-

| Authority                   | Bury   | Rochdale | Bolton | Oldham |
|-----------------------------|--|----------|--------|--------|
| Complaints Upheld           | 11   | 13       | 14     | 13     |
| Implemented recommendations | 100%   | 100%     | 100%   | 100%   |
| Satisfactory remedy         | 18%<br><i>This compares to an average of 11% in similar organisations.</i> | 15%      | 14%    | 0%     |

---

---

#### Contact Details:

[Democraticservices@bury.gov.uk](mailto:Democraticservices@bury.gov.uk)