

CABINET
5 SEPTEMBER 2019

**LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN –
ANNUAL REVIEW LETTER 2019**

1. Summary

1.1 To receive and note the Local Government and Social Care Ombudsman's Annual Review Letter 2019.

2. RECOMMENDATION

2.1 That the Local Government and Social Care Ombudsman's Annual Review Letter 2019, at Appendix A to the report and the corresponding data tables at Appendices B, C and D, be noted.

3. Background and Discussion

3.1 Cabinet is referred to the Local Government and Social Care Ombudsman's Annual Review Letter 2019 at Appendix A to the report and more specifically, the corresponding data tables at Appendices B, C and D.

3.2 The Ombudsman's data may not match the data collected by the Council on complaints. Typically, the differences between the Ombudsman's data and data held by the Council reflect that the Ombudsman refers a proportion of recorded complaints to the Council for local resolution, but complainants may not always pursue the complaint.

3.3 Complaints are managed entirely through Pentana. The system provides for the logging, tracking, monitoring and reporting of complaints. Having instant access to complaints information enables the Corporate Complaints Officer to quickly identify issues of concern and pass them immediately to the relevant service area for resolution.

3.4 In practice with how other ombudsman schemes and how many local authorities describe their complaints, the Ombudsman's decisions are described in terms of upholding and not upholding complaints.

3.5 Five new complaints and enquiries were lodged with the Ombudsman in the year 2018/19, down from 16 in the previous year. During 2018/19, the Ombudsman made decisions in relation to three of these complaints, declining to investigate two of the cases and upholding one. At the date of writing this report, decisions are pending on two further complaints.

3.6 The Corporate Complaints Officer monitors the effectiveness of the Corporate Complaints Procedure, including the Covalent system, to ensure consistency of data and any lessons learned about performance and complaint handling

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arrangements are fed back into service improvement initiatives. Reports are presented annually to the Audit Board and quarterly to Management Team.

- 3.7 Training needs on the complaints process are reviewed annually. Training was last provided to Officers by the Ombudsman's office in March 2017. Further training will be provided in 2020.
- 3.8 One of the purposes of the Ombudsman's Annual Review Letter submitted with corresponding data tables is to help ensure that learning from complaints informs scrutiny at a local level.
- 3.9 The Ombudsman has provided guidance on how local authorities should report findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation. The duty to report under Section 5 of the Local Government and Housing Act 1989 (the 1989 Act) is satisfactorily discharged as follows:
- (a) if the Monitoring Officer makes a periodic report to the authority summarising the findings on all upheld complaints over a specific period - this may be adequately addressed through an annual report on complaints to Members;
 - (b) where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, the Ombudsman expects the Monitoring Officer to consider whether the implications of that investigation should be individually reported to Members;
 - (c) in the unlikely event that an authority is minded not to comply with the Ombudsman's recommendations following a finding of maladministration, the Ombudsman always expects the Monitoring Officer to report this to full council. The Ombudsman considers this an exceptional and unusual course of action for any authority to take and that this should be considered at the highest tier of the authority.

Further, under the Local Government Act 1974, whenever the Ombudsman issues a formal, public report to the authority, the authority is obliged to lay that report before full council for consideration and respond within three months setting out the action that it has taken, or proposes to take, in response to the report.

- 3.10 The Local Government Act 1974 (S34(1)) defines the authorities that the Ombudsman may investigate. Parish and town councils are not included in this definition. The Ombudsman may however consider a complaint about a parish or town council if it is acting on behalf of another council. So, for example, if the Borough Council has arranged that a parish council should maintain the grass verges, then the Ombudsman may be able to look at a complaint about this.

In March 2015, the Government consulted on a proposal to extend the jurisdiction of the Ombudsman to some town and parish councils. The outcome of the consultation is still awaited.

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3.11 On 31 July 2019, the Ombudsman launched a new interactive map, called '[Your Council's Performance](#)'. The intention of this new tool is to place a focus on local authorities' compliance with Ombudsman investigations.

The tool is a useful snapshot of the service improvement recommendations which have been agreed between the Council and the Ombudsman. The tool also highlights the wider outcomes of Ombudsman investigations to the public, advocacy and advice organisations and others, who have a role in holding local authorities to account.

4. Relationship to the Corporate Plan

"... to create strong and self - reliant communities and deliver high quality services to service users"

5. Financial, legal, staffing and other administrative implications and risk assessments

Financial Implications	None
Legal Implications	None
Public Sector Equality Duty	The Council has explicit objectives of improving equality of access to complaints for vulnerable people, those with language barriers or speech problems etc. The complaint's form and leaflets are written in plain English. Braille, large print, audio and language line (interpretation) facilities are available on request. The Council welcomes calls via NGT Relay.
Staffing Implications	None
Administrative Implications	None
Risk Assessment	No uncertainties and/or constraints

6. Appendices

- Appendix A – Local Government Ombudsman's Annual Review Letter 2019
- Appendix B – Ombudsman Received Complaints
- Appendix C - Ombudsman Decisions
- Appendix D – Compliance

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date</u>	<u>File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
			Marie Kelly-Stone 01322 343634	Legal Services – Strategic Directorate (Internal Services)	N/A