

AUDIT & GOVERNANCE COMMITTEE 25th OCTOBER 2018

REPORT OF THE ASSISTANT DIRECTOR PEOPLE

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW 2017/18

Purpose

To advise the committee of the contents of the Local Government and Social Care Ombudsman's Annual Report Letter for the year ended 31st March 2018 in relation to complaints against the Council.

Recommendation

That the Committee endorse the Annual Review Letter and summary of complaints, enquiries and decisions made as attached at Appendix 1

Executive Summary

In the year 2017/18, the Ombudsman received 8 enquiries and complaints about the Council and made 7 reported decisions compared to 2016 / 17, when the Ombudsman received 7 enquiries and complaints about the Council, and made 8 decisions. For the 2017/18 annual review, 6 of the 8 enquiries and complaints were decided upon and appear in the decision report with one decision being made from a 2016 / 17 enquiry/complaint.

The decisions were split as follows:

- Four complaints / enquiries were referred back to the Council for local resolution (for example if the complainant had not exhausted local policy or the complaint had already been resolved locally).
- Two complaints/ enquiries were closed after initial enquiries were made, this might be because the law says the ombudsman is not allowed to investigate it, or because it would not be an effective use of public funds if they did.
- In the final decision the ombudsman gave the complainant early advice to resolve the enquiry at the first point of contact.

It is worth noting that within the 2017/18 year the ombudsman undertook no detailed investigations into any complaint or enquiry regarding the Council and therefore no statistical information is provided on the percentage of decisions being upheld or is not provided.

The level of LGO complaints / enquiries for Tamworth Borough Council has been maintained in 2018 however, the trend is for remedies to be provided prior to ombudsman intervention, which is extremely encouraging.

Background Information

The Committee's role and function includes a requirement to monitor the effectiveness of Local Government and Social Care Ombudsman (LGO) investigations. As the operation of the LGO forms part of this regulatory framework the Committee is provided with the LGO annual review for

consideration. The LGO distribute annual review letters to all councils regarding their performance in dealing with complaints made about them to the Ombudsman.

The aim is to provide councils with information to help them improve complaint handling, and improve services more generally, for the benefit of the public. The letters also include a summary of statistics relating to the complaints received by the LGO and dealt with against each council.

The LGO has the power to investigate complaints by members of the public who consider that they have been caused injustice by maladministration or service, failure in connection with action taken by the Council and certain other bodies in the exercise of its administrative functions. Whilst the Ombudsman can investigate complaints about how the Council has done something, it cannot question what a Council has done simply because someone does not agree with it.

A complainant must give the Council an opportunity to deal with a complaint against it first although in practice that is not always the route taken by a complainant. The ombudsman expects the Council's own complaints procedure to be used in the first instance, in this case the Tell Us scheme. If a complainant is not satisfied with the action the Council takes he or she can send a written complaint to the Local Government Ombudsman, or ask a Councillor to do so on their behalf.

The objective of the Ombudsmen is to secure, where appropriate, satisfactory redress for complainants and better administration for the authorities. Since 1989, the Ombudsmen have had power to issue advice on good administrative practice in local government based on experience derived from their investigations.

The LGO provide each local Council with an annual review of the Council's performance in dealing with complaints against it which were referred to the relevant Ombudsman, so that the Council can learn from its own performance compared to other Councils.

All decisions made by the ombudsman regarding complaints against Tamworth Borough Council can be found on the LGO website <https://www.lgo.org.uk/decisions>.

Implications of this report

There are no direct financial / staffing implications or direct implications in relation to community/performance planning, sustainable development, community safety, equal opportunities or human rights arising from this report.

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List of Background papers

Local Government Act 1974 as amended

Appendices

Appendix 1 - Local Government Ombudsman Annual Review Letter 2018