

THURSDAY, 24 OCTOBER 2019

**REPORT OF THE ASSISTANT DIRECTOR PEOPLE**

**LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW  
2018/19**

**EXEMPT INFORMATION**

N/A

**PURPOSE**

To advise the committee of the contents of the Local Government and Social Care Ombudsman's (LGSCO) Annual Report Letter for the year ended 31<sup>st</sup> March 2019 in relation to complaints against the Council.

**RECOMMENDATIONS**

It is recommended 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 2018/19 the Ombudsman received 6 enquiries and complaints regarding Tamworth Borough Council and made 8 reported decisions. All 6 of the enquiries and complaints also appear in the decision report with the further 2 decisions being residual from the year 2017/ 18.

The decisions were split as follows:

- Five complaints/enquiries were referred back to the Council for local resolution (for example if the complainant had not exhausted the Council's Tell Us Policy or the complaint had already been resolved locally).
- Two complaints/enquiries were closed after initial enquiries were made. Reasons for 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.
- The final decision – in this instance the ombudsman gave the complainant early advice to resolve the enquiry at the first point of contact.

Within the year the ombudsman undertook one detailed investigation into a complaint regarding the Council and did not uphold the complaint meaning there is a 0% uphold

rate reported. This is excellent performance against an average uphold rate of 43% for comparable authorities and is testament to the professional resolution of complaints by Council Officers within our prescribed policy.

The 6 complaints received by the Ombudsman were split into the following areas:

- 3 complaints for Benefits or Council Tax
- 1 complaint for Corporate Services
- 1 complaint for Environment Services
- 1 complaint for Planning and Development

In 2017/18 the Ombudsman received 8 enquiries/complaints about the Council and made 7 reported decisions. The level of LGSCO complaints/enquiries for Tamworth Borough Council has been maintained however, the trend is for remedies to be referred back to the Council for local resolution prior to Ombudsman intervention, which is extremely encouraging. Although this is an extremely positive result a continuous improvement approach has been taken with the following actions taking place over the last 12 months:

- a review of the Tell Us Process
- moving the management of complaints into the information Governance team to ensure a consistent and independent approach
- realignment of how the complaints process is managed bringing it in line with the Freedom of Information process
- development and implementation of a new Customer Relationship Management system, which incorporates automated processes.

All decisions made by the ombudsman regarding complaints against Tamworth Borough Council can be found on the LGSCO website <https://www.lgo.org.uk/decisions>. In summer 2019, the LGSCO launched an interactive map of councils performance nationally which can be found on this link <https://www.lgo.org.uk/your-councils-performance>

## **RESOURCE IMPLICATIONS**

There are no direct financial or staffing implications arising from this report.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

There are no legal or risk implications arising from this report.

## **EQUALITIES IMPLICATIONS**

There are no equality implications arising from this report.

## **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications arising from this report.

## **BACKGROUND INFORMATION**

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

The LGSCO 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 this is not always the route taken. The ombudsman expects the Council's own complaints procedure to be used in the first instance, in this case the two stages of 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 and Social Care Ombudsman and they are informed on how to do so at the conclusion of the Tell Us Stage Two.

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

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

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## **REPORT AUTHOR**

Zoe Wolicki – Assistant Director People

## **LIST OF BACKGROUND PAPERS**

Local Government Act 1974 as amended

## **APPENDICES**

Appendix 1 - Local Government Ombudsman Annual Review Letter 2019

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