

THURSDAY, 29 OCTOBER 2020

**REPORT OF ASSISTANT DIRECTOR PEOPLE****LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW  
19/20****EXEMPT INFORMATION**

None

**PURPOSE**

To advise the committee of the contents of the Local Government and Social Care Ombudsman's Annual Report Letter for the year ended 31<sup>st</sup> March 2020 in relation to complaints against Tamworth Borough 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**

As councillors will be aware, the Local Government and Social Care Ombudsman (LGSCO) produces an annual letter setting out statistics about complaints relating to our authority that have been referred to the LGSCO. This year's letter was published in July and covers the period April 2019 to March 2020.

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>.

In October 2020 the LGSCO published new guidance on complaint handling which can be found at appendix 3 of this report. This guidance is currently being reviewed alongside the Councils Tell Us scheme and the to ensure that our complaints process is in line with the LGSCO guidance

In the year 2018/19 the Ombudsman received 15 enquiries and complaints about our authority, and made 13 reported decisions, leaving two complaints with unreported decisions.

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 Councils 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.
- For a further two of the complaints the ombudsman advised that the complainant to go through our complaints procedure.
- Two of the complaints were “incomplete/ invalid” meaning that there was insufficient information for the process to proceed
- One decision was not upheld after full investigation, the ombudsman found no fault in the Councils actions
- The final decision was upheld by the ombudsman with the remedy being a formal apology financial redress for avoidable distress, time and trouble.

The 15 complaints received by the Ombudsman were split into the following areas:

- 6 complaints for Housing
- 4 complaints for benefits/ tax
- 2 complaints for Highways
- 1 complaint for Environment Services
- 2 with no reported area

Within the year the ombudsman undertook two detailed investigations into complaints regarding the Council, one of which was upheld meaning a 50% uphold rate compared with an average uphold rate of 45% for comparable authorities.

Appendix 2 gives further detail on both the complaints and decisions made.

In comparison just 6 complaints were received by the ombudsman in the 2018/19 financial year, so the referrals this year represent a significant increase, however, as only 2 of the complaints have been fully investigated it appears that complainants are contacting the ombudsman outside of due process. A number of complaints have again been referred back to the Council as the internal complaints process had not been exhausted.

## **RESOURCE IMPLICATIONS**

There are no resource implications arising from this report

## **LEGAL/RISK IMPLICATIONS**

Failure to manage complaints effectively not only reduces the opportunities to learn from the information they provide but also could have a negative impact on the council’s reputation and increase costs via compensation payments. The review of the complaints process will help reduce this risk.

## **EQUALITIES IMPLICATIONS**

There are no equalities 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.

## **REPORT AUTHOR**

Zoe Wolicki – Assistant Director People

## **LIST OF BACKGROUND PAPERS**

- Audit and Governance committee report 24<sup>th</sup> October 2019 – Annual Review 2018/19

## **APPENDICES**

Appendix 1 – Local Government Annual Review Letter 2020

Appendix 2 – Complaints Received and Decided 2019/2020

Appendix 3 – Effective Complaint Handling for Local Authorities (October 2020)

