

AUDIT AND GOVERNANCE COMMITTEE

THURSDAY, 16 SEPTEMBER 2021

REPORT OF THE ASSISTANT DIRECTOR PEOPLE

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW 2020/21

EXEMPT INFORMATION

None

1. 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 2021 in relation to complaints against Tamworth Borough Council.

2. RECOMMENDATIONS

It is recommended that:

1. The Committee endorse the content of the Ombudsman's Annual Review Letter
2. The committee note the summary of complaints, enquiries and decisions made during 2020/ 21

3. 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 2020 to March 2021 a copy of which can be found at appendix 1. At the end of March 2020 the Ombudsman paused their casework for a 3 month period to allow authorities to concentrate efforts on vital front line services due to the coronavirus pandemic.

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>.

4. COMPLAINTS AND ENQUIRIES RECEIVED BY THE OMBUDSMAN IN 2020/ 21

- 4.1 In the year 2020/ 21 the Ombudsman received 9 enquiries and complaints about our authority and made 9 reported decisions two of which were from the previous reporting year, leaving a further two complaints with unreported decisions, appendix 2 gives further detail on this.

The 9 complaints received by the Ombudsman were with regard to the following service areas:

- 3 complaints for benefits/ tax
- 2 complaints for corporate/ other services
- 1 complaint for Housing
- 1 complaint for Highways
- 1 complaint for Environment Services
- 1 complaint with no reported area

- 4.2 During this year the Ombudsman has introduced a new process whereby an assessor looks into complaints and makes an initial judgement on the case. This assessor normally will contact the council to ascertain if the complainant has completed our complaints process and will also decide whether or not there is enough information to consider the case or indeed if it falls within the jurisdiction of the Ombudsman.

Out of our 9 cases this year:

- Four 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.
- One complaint was “incomplete/ invalid” meaning that there was insufficient information for the process to proceed

This left just 2 complaints which were passed on for detailed investigation, of these

- 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 finding injustice was suffered by the complainant. The recommended remedy was a formal apology, financial redress for avoidable distress, time and trouble and for the council to undertake a policy/ procedure review. This decision was made on 29th May 2020 and the Council had until 30th June to action the remedy. The full anonymised report from the Ombudsman can be found at appendix 3.

- 4.3 The ombudsman also reports on compliance with recommendations. For the two compliance outcomes in the reporting year the council satisfied the ombudsman that it had successfully implemented recommendations made, however both actions were completed outside of the time given by to ombudsman to do so. Appendix 4 gives further detail on these cases with mitigations for the delay in providing a remedy to the complainant.
- 4.4 The final element reported by the ombudsman is the percentage of upheld cases where the council provides a satisfactory remedy before the complaint reached the ombudsman for this element neither case had reached a final resolution before the ombudsman
- 4.5 Due to the reduction in investigations as a result of the pandemic there have been no comparisons made to previous data as this would not demonstrate a true reflection of performance.

5. RESIDUAL MATTERS FROM 2020

- 5.1 On 18th March 2020 the Ombudsman upheld a complaint which was reported to committee last year. This decision required a remedy to be provided by the Council however the deadline for this was within the current reporting period. Appendix 4 gives further detail regarding this remedy.

6. FUTURE DEVELOPMENTS

- 6.1 The council is committed to continuous improvement and to learn from complaints to promote improved service delivery and customer satisfaction. To support this the following actions are planned within the 2021/22 year:

- The Information Governance team led by the Monitoring Officer will take ownership of the complaints process which will further ensure that timescales are adhered to by enhance centralised management and monitoring
- the complaints process will be wholly digitally supported and managed via our customer portal
- The Tell Us policy review will be completed and appropriate consultation undertaken with stakeholders
- The Ombudsman is seeking to develop support materials for complaint handlers and the council will ensure that appropriate training is carried out for this.
- The Link Officer will continue to attend focus groups and workshops with the LGSCO as they seek to develop a unified code of practice with the Housing Ombudsman.

7. RESOURCE IMPLICATIONS

There are no resource implications arising from this report

8. LEGAL/RISK IMPLICATIONS BACKGROUND

Failure to manage complaints effectively not only reduces the opportunities to learn from the information they provide but could also have a negative impact on the council's reputation and increase costs via compensation payments. The councils Tell Us policy is currently under review and will help reduce this risk.

9. EQUALITIES IMPLICATION

There are no equalities implications arising from this report

10. SUSTAINABILITY IMPLICATIONS

There are no sustainability implications arising from this report

11. 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 exhausted 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.

The LGSCO require every Authority to have a Link Officer to whom all complaints are referred, at TBC this is Zoe Wolicki (Assistant Director People) with Nicola Hesketh (Data Protection Officer and Monitoring Officer) providing support where appropriate.

REPORT AUTHOR

Zoe Wolicki – Assistant Director People

APPENDICES

Appendix 1 – Annual Review Letter 2021

Appendix 2 – Complaints Received and Decided 2020-21

Appendix 3 – Ombudsman report for upheld case

Appendix 4 – Recommended Remedies and Compliance