

Thursday, 27 October 2022

Report of the Assistant Director - People

Local Government and Social Care Ombudsman Annual Review 2021/22

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 31st March 2022 in relation to complaints against Tamworth Borough Council.

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, decisions and compliance during 2021/22

Executive Summary

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 2021 to March 2022 a copy of which can be found at Appendix 1.

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>. This data can also be viewed via an interactive map of all councils performance nationally which can be found on this link <https://www.lgo.org.uk/your-councils-performance>.

Complaints and enquiries received by the ombudsman in 2021/22

In the year 2021/ 22 the Ombudsman received 8 enquiries and complaints about our authority and made 10 reported decisions two of which were from the previous reporting year, Appendix 2 gives further detail on this.

The 8 complaints received by the Ombudsman were related to the following service areas:

- 4 complaints for Environmental Services
- 2 complaints for Planning and Development
- 1 complaint for Benefits/Council Tax
- 1 complaint for Corporate/ other services

An ombudsman assessor investigates complaints and makes an initial judgement on the case. This assessor will normally contact the council to ascertain if the complainant has exhausted the council's complaints process and will also decide whether there is enough information to consider the case and also, if it falls within the jurisdiction of the Ombudsman.

Out of the 10 decisions this year:

- Five complaints/ enquiries were referred back to the council for local resolution (for example, if the complainant had not exhausted the Council's policy or the complaint had already been resolved locally).

- Three complaints/ enquiries were closed after initial enquiries this might be because the law states the Ombudsman is not allowed to investigate it or, because it would not be an effective use of public funds if they did.

This left 2 complaints which were passed on for detailed investigation

- One decision was not upheld after full investigation. The Ombudsman found no fault in the Council's actions. This case was where a customer complained that the council refused an application for a small business grant. The reason for refusal was that the essential criteria was not met to enable payment to be made. Following investigation, the Ombudsman decided that there was no evidence of fault by the council. The full anonymised report from the Ombudsman can be found at Appendix 3.
- The final decision was upheld by the Ombudsman. This case was with respect to a letter sent to the customer regarding electoral registration. The letter to the household included a list of things anyone who is not on the electoral register will not be able to do (for example, get credit, apply for a mortgage, or open a bank account). The customer complained that this was not true. Through the council's complaints process it was accepted that the use of the word "will" was too strong, and an apology was offered to the customer along with an assurance that this would be rectified for the future. The customer was not satisfied with this response and exercised the right to complain to the Ombudsman.

The Ombudsman considered the complaint and decided not to investigate further as this would not add to the investigation undertaken by the council and upheld the complaint. The reason why the ombudsman treated this as upheld is that the council had acknowledged a mistake had been made which could be misleading to the customer. The full anonymised report from the ombudsman can be found at Appendix 4.

The ombudsman annual letter also reports on the number of complaints upheld as a percentage of the total detailed investigations. For this reporting period 1 decision out of 2 investigations was upheld giving a statistic of 50% of complaints being upheld in comparison to 51% in similar organisations.

The ombudsman also reports on compliance with recommendations made by the ombudsman, however, this year there were no recommendations made.

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. In this reporting period we had provided a satisfactory remedy to the one upheld case and as such achieved 100% in comparison to an average of 20% in similar organisations.

Future Developments

The council remains 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 2022/23 year:

- The Information Governance Team will continue to manage and monitor the complaints process.
- The Tell Us Policy review will be completed, and the new Compliments, Comments and Complaints Policy implemented
- 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.

Resource Implications

There are no resource implications arising from this report

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 council's current complaints policy (Tell Us) is currently under review and an improved policy and procedure will help reduce this risk.

Equalities Implications

There are no equalities implications arising from this report

Environment and Sustainability Implications (including climate change)

There are no environment or 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 exhausted in the first instance, in this case the two stages of the Tell Us policy. 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 they are informed on how to do so at the conclusion of the Tell Us Stage Two process.

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 them, 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.

Report Author

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Appendices

Appendix 1 – Annual Review Letter

Appendix 2 – Complaints, Decisions and Compliance Data

Appendix 3 – Final Decision letter (not upheld)

Appendix 4 – Final Decision letter (upheld)

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