

Wednesday, 25 September 2024

Report of the Assistant Director People

Local Government and Social Care Ombudsman Annual Review 2023/24

1. Exempt Information

None

2. Purpose

To advise the committee of the contents of the Local Government and Social Care Ombudsman's Annual Review letter for the year ended 31st March 2024 in relation to complaints against Tamworth Borough Council.

3. Recommendations

It is recommended that the committee endorse the contents of the 2023/24 Ombudsman Annual Review Letter, and the summary of complaints, decisions and compliance contained within it.

4. Executive Summary

4.1 Annual Letter

The Local Government and Social Care Ombudsman (LGSCO) produces an annual letter setting out statistics about complaints relating to Tamworth Borough Council that have been referred to them. This year's letter was published on 17th July and covers the period 1st April 2023 to 31st March 2024 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>.

Section 4.2 of this report provides full detail of the complaints and enquiries received by the ombudsman in respect to Tamworth Borough Council along with the decisions made.

The ombudsman annual letter also reports on the number of complaints upheld as a percentage of the total detailed investigations. For this reporting period the ombudsman carried out no full investigations.

The ombudsman also reports on compliance with recommendations made by the ombudsman, however, as there were no investigations no recommendations were due for compliance in this period.

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 as the ombudsman did not uphold any complaints there is no data on this element.

4.2 Complaints and enquiries received by the ombudsman in 2023/24

In the reporting year the Ombudsman received 6 enquiries and complaints about Tamworth Borough Council and made 6 decisions. Appendix 2 gives a detailed breakdown of this.

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

- 2 complaints for Housing
- 2 complaints for Benefits/Council Tax
- 2 complaints for Corporate and other services

When a complaint is received an ombudsman assessor makes an initial judgement on the case and decides whether to progress it further. Within this reporting year the ombudsman closed 4 complaints before contact was made with the Council where they gave the complainant advice to contact the Council to resolve the issue locally, or that the complaint was incomplete/ invalid.

The ombudsman contacted the council with respect to the 2 remaining complaints to assess if a full investigation was necessary.

- Both cases were closed after initial enquiries, in one case because the ombudsman judged that the complaint was not warranted by the alleged fault. The second case was closed as the ombudsman deemed it was reasonable to take the claim to court.

4.3 Complaints investigated in detail

No complaints were investigated in detail during the reporting year.

4.4 Future Developments

The council remains committed to continuous improvement and to learning from complaints to improve service delivery and customer satisfaction. To support this the following actions are planned within the 2024/25 year:

- The Information Governance Team will continue to facilitate, monitor and improve the complaints process.
- Reporting on complaints performance will continue to be presented to scrutiny and cabinet in the quarterly performance report.
- Work toward implementation of the LGSCO complaint handling code which was published in 2024 and will be used when cases are considered from April 2026.
- The Link Officer will continue to attend focus groups and workshops with the LGSCO

5. Resource Implications

There are no resource implications arising from this report.

6. Legal/Risk Implications

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 comments, compliments and complaints policy updated to reflect the LGSCO and Housing Ombudsman complaint handling codes will help mitigate this risk.

7. Equalities Implications

A Community Impact Assessment can be found at appendix 3 .

8. Environment and Sustainability Implications (including climate change)

There are no environment or sustainability implications arising from this report.

9. 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 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 Comments, Compliments and Complaints policy. If a complainant is not satisfied with the action the council takes, they can send a written complaint to the Local Government and Social Care Ombudsman. Complainants are informed on how to do so at the conclusion of the Comments, Compliments and Complaints stage two process.

The objective of the Ombudsman is to secure, where appropriate, satisfactory redress for complainants and better administration from 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 – Community Impact Assessment

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