

**Report of Assistant Director**

**LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN: ANNUAL REVIEW LETTER 2018**

**1 Purpose of report**

- 1.1. To advise members on complaints and enquiries made to the Local Government and Social Care Ombudsman (LG&SCO) for the year ended 31 March 2018.
- 1.2. Complaint handling is relevant to all services and council priorities within PRIDE.

**2 Executive summary**

- 2.1 Each year the LG&SCO provides a report on the complaints and enquiries he has received for the Borough Council of Wellingborough. The report provides information on the number and type of complaints and identifies where an investigation has been carried out by the LG&SCO with the outcome. The report is in the public domain via their website ([www.lgo.org.uk](http://www.lgo.org.uk)) alongside the reports for all other authorities.
- 2.2 Details of current LG&SCO cases are routinely included in the report on customer feedback presented to this committee.

**3 Appendices**

- Appendix A – LG&SCO Annual Review Letter 2018
- Appendix B – clarification of terms

**4 Proposed action:**

**The committee is invited to RESOLVE to note the report.**

**5 Background**

Customer feedback is valued as a means to continuously review and improve the services delivered by and on behalf of the council. There are times, however, when the customer is unhappy with the outcome of the council's investigations and, having exhausted the council's complaints procedure, they have the right to refer to the LG&SCO for an independent review.

**6 Discussion**

- 6.1 During 2017-18 a total of seven complaints were made to the LG&SCO and a total of eight decisions were made – the additional one having been received during 2016-17 but the decision made in 2017-18.

- 6.2 Of the eight decisions, two were incomplete or invalid, one resulted in advice being given, two were referred back for local resolution and two were closed after initial enquiries.
- 6.3 The remaining decision was dealt with as a detailed investigation, which was upheld by the LG&SCO.
- 6.4 The upheld complaint related to a housing matter where the council had encouraged a property owner to bring the premises back into use. It explained the council's powers of compulsory purchase and set out the services the council could offer to assist. Whilst the council was not at fault in its actions by doing this, a letter had been placed on the door of the property due to a lack of response from the owners to previous correspondence, which caused them distress and issues with their neighbours. The LG&SCO concluded that there was fault as a result of the officer placing the letter on the property door. The council had, however, already apologised to the property owners for this action and the LG&SCO considered this an appropriate remedy.
- 6.5 In terms of complaints that are referred back for local resolution, these can generally be difficult to identify. This is because the LG&SCO does not normally involve the council but has directed the complainant to the council's complaints process. This is the case in four of the five complaints identified with this decision.
- 6.6 For comparative purposes, the council's Annual Review Letter for 2017 noted a total of nine decisions on complaints being made to the LG&SCO, of which three involved detailed investigations and one of these being upheld which related to a housing matter.
- 6.7 Naturally it would be preferable for the council to be able to resolve matters without the need for the involvement of the LG&SCO, however, there are no concerns as a result of the Annual Review letter for 2018. Incidentally, the last two years have seen a reduction in the number of complaints made to the LG&SCO.

## **7 Legal powers**

The Local Government Act 1974 established the Local Government Ombudsman (LGO) for England and for Wales (now known as the Local Government & Social Care Ombudsman). The Act defines the main statutory functions:

- to investigate complaints against councils and some other authorities
- to investigate complaints about adult social care providers from people who arrange or fund their own adult social care
- to provide advice and guidance on good administrative practice

## **8 Financial and value for money implications**

Ombudsman investigations may recommend a local settlement by the council or prove maladministration by the council, which may lead to compensation being paid to the customer. No compensation payments were made during 2017-18.

## 9 Risk analysis

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
Council proved negligent by the Ombudsman.	Potential compensation claim and negative reflection of the council.	Low.	Senior officers investigate or scrutinise all complaints/potential LGO referrals and take action to mitigate the escalation of complaints. Learn from previous errors.
Confidential information given out in error.	Contrary to the Data Protection Act and General Data Protection Regulation.	Low.	Well trained employees with regular updates. Legal advice sought as required. LG&SCO correspondence reminds councils of confidentiality and what can be shared with complainants.
Council fails to take improvement opportunities identified by complaints.	Rising levels of dissatisfaction by customers.	Medium.	All feedback is measured within Corporate Support to identify lessons learnt. Service improvements are made as permitted by resources.

## 10 Implications for resources

Complaints naturally require officer time to carry out investigations and prepare evidence.

## 11 Implications for equalities

Monitoring customer feedback provides an important source of assurance that council services are fair, equitable and free from discrimination and harassment.

## 12 Author and contact officer

Karen Denton, Assistant Director

## 13 Consultees

Monitoring Officer  
Senior Management Team

## 14 Background papers

Electronic files held within Corporate Support.  
Customer files held within service areas.  
LG&SCO Annual review letters for Wellingborough  
(available via: <http://www.lgo.org.uk/information-centre/councils-performance>)

# Local Government & Social Care OMBUDSMAN

18 July 2018

*By email*

Liz Elliott  
Managing Director  
Wellingborough Borough Council

Dear Liz Elliott,

## **Annual Review letter 2018**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

### **Complaint statistics**

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

### **Future development of annual review letters**

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new corporate strategy for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will therefore be seeking views from councils on the future format of our annual letters early next year.

### **Supporting local scrutiny**

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at [www.lgo.org.uk/scrutiny](http://www.lgo.org.uk/scrutiny) I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

### **Learning from complaints to improve services**

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the reports and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

### **Complaint handling training**

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

**Local Authority Report:** Wellingborough Borough Council  
**For the Period Ending:** 31/03/2018

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	1	0	0	2	0	2	2	0	7

## Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
2	1	2	2	0	1	100%	8

### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.  
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
1	0

How complaints and enquiries were dealt with is explained below (as identified by LG&SCO):

### Received cases

- This is the number of complaints and enquiries we received within a given period. You should be cautious when using these statistics to monitor the performance of organisations within our jurisdiction. This is because the number of new cases we receive doesn't simply depend on the number of problems people have with local services. There are lots of other factors to consider. For example:
- Demographics. An organisation that serves a large population is likely to see more complaints reach us. This could also influence the kind of complaints that are made to us. For example, a community that includes a high proportion of older people may raise more complaints about adult social care services.
- Local conditions. Sometimes, one-off events can generate multiple complaints about the same organisation. For example, we might receive several complaints from people who oppose a council's decision to grant planning permission for a large housing development.
- Expectations. Not everyone who receives a poor service goes on to raise a complaint with us and some people are less likely to complain than others. So a fall in the number of received complaints may reflect lower expectations rather than an improvement in services.
- Signposting. A high number of received complaints might reflect an organisation that is good at letting people know they can ask us for an independent investigation.

### Decided cases

- This is the number of decisions we make on the cases we see. It is important to know that not all complaints and enquiries are appropriate to investigate. We report our decisions by the following outcomes:
- Invalid or incomplete. We were not given enough information to consider the issue.
- Advice given. We provided early advice, or explained where to go for the right help.
- Referred back for local resolution. We found the complaint was brought to us too early because the organisation involved was not given the chance to consider it first.
- Closed after initial enquiries. We assessed the complaint but decided against completing a full investigation. This might be because the law says we're not allowed to investigate it, or because it would not be an effective use of public funds if we did.
- Upheld. We completed a detailed investigation and found evidence of fault, or we found the organisation accepted fault early on.
- Not upheld. We completed a detailed investigation but did not find evidence of fault.
- Our uphold rate shows how often we find organisations get things wrong. It is expressed as a percentage of the detailed investigations we complete.

### Remedied cases

- When we find fault in the way an organisation carries out its duties, we consider whether this caused an injustice to the person who was affected. If so, we make recommendations about what the organisation should do to put things right.
- Complaints remedied by authority. This is the number of cases in which we decided that, while it did get things wrong, the organisation took satisfactory action to remedy the injustice caused.
- Complaints remedied by LGO. This is the number of cases which required our direct intervention to put things right for the person who was affected.