

Report of Assistant Director

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN: ANNUAL REVIEW LETTER 2019

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 2019.
- 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) 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 1 – LG&SCO Annual Review Letter 2019

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 2018-19 a total of ten complaints were made to the LG&SCO and a total of seven decisions were made.
- 6.2 Of the seven decisions, five were referred back for local resolution and two were closed after initial enquiries.

- 6.3 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 all of the five complaints identified with this decision type.
- 6.4 For comparative purposes, the council's Annual Review Letter for 2018 noted a total of eight decisions on complaints being made to the LG&SCO, of which one involved a detailed investigation that was upheld and related to housing and compulsory purchase matter.
- 6.5 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, the council has a duty to remind complainants of their right to refer to the LG&SCO if they are unhappy about the handling of their complaint.
- 6.6 There are no concerns as a result of the Annual Review letter for 2019.

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 2018-19.

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 LG&SCO referrals and take action to mitigate the escalation of complaints. Learn from previous errors. |

| Nature of risk | Consequences if realised | Likelihood of occurrence | Control measures |
|---|---|---------------------------------|---|
| 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. | Low | 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. This year's review from the LG&SCO has not identified any equality concerns.

12 Author and contact officer

Karen Denton, Assistant Director/Interim Monitoring Officer

13 Consultees

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 and all authorities

(available via: <http://www.lgo.org.uk/information-centre/councils-performance>)

Appendix 1

24 July 2019

By email

Liz Elliott
Managing Director
Wellingborough Borough Council

Dear Ms Elliott

Annual Review letter 2019

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

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 your 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 our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

New interactive data map

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

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 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit www.lgo.org.uk/training.

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the

common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

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: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

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 | 0 | 0 | 0 | 2 | 1 | 5 | 2 | 0 | 10 |

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 |
| 0 | 0 | 5 | 2 | 0 | 0 | 0 | 7 |

Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

Satisfactory remedy provided by authority

| Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman | % of upheld cases |
|--|-------------------|
| 0 | 0 |

Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

Compliance with Ombudsman recommendations

| Complaints where compliance with the recommended remedy was recorded during the year* | Complaints where the authority complied with our recommendations on-time | Complaints where the authority complied with our recommendations late | Complaints where the authority has not complied with our recommendations | |
|---|--|---|--|-------------------|
| 0 | 0 | 0 | 0 | Number |
| | 0% | | - | Compliance rate** |
| <p>Notes:</p> <p>* This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year.</p> <p>** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.</p> | | | | |