

Report of Assistant Director

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN: ANNUAL REVIEW LETTER 2020

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 2020.
- 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 2020

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 2019-20 a total of nine complaints were made to the LG&SCO and a total of nine decisions were made.
- 6.2 Of the nine decisions, two were investigations that resulted in the complaint being upheld, three were referred back for local resolution, three were closed after initial enquiries and one was considered as incomplete/invalid due to insufficient information.

6.3 The two upheld complaints related to:

- (a) **Housing:** the council withdrew a housing offer without giving the complainant a reasonable amount of time to provide further medical evidence. The council was at fault for requesting medical evidence after the complainant matched with a property and for only allowing them 24 hours to provide it. The complainant subsequently accepted a property and the remaining injustice was remedied by a compensation payment and a written apology from the council.

As a result of this complaint, the manager introduced a medical assessment form for anyone who stated they have a medical problem that affects their housing. This will provide officers with enough information to band applications appropriately as stated in the Allocation Scheme.

- (b) **Environmental Protection:** a complaint was received from an occupier whose neighbour had complained about noise and anti-social behaviour from their address. The Ombudsman found that, except for the faulty installation of sound recording equipment which led to no injustice for the complainant, the council's actions in this matter were not affected by fault.

The council's officer looking into this matter identified that the equipment failed to operate correctly on a couple of occasions after installation. The first instance seems to have been caused by a contractor who left the equipment without locking it (as per procedure) on the first instance. On the following occasion the equipment was found to malfunction, but we were unable to determine the cause of the faults, since it appeared to be working correctly when it was returned to the office and when installed in properties prior to and after this occasion.

6.4 For comparative purposes, the council's Annual Review Letter for 2019 noted a total of seven decisions on complaints being made to the LG&SCO, of which five were referred back for local resolution and two were closed after initial enquiries. There were no investigations.

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 Although the two investigated complaints resulted in them both being upheld, there are no concerns as a result of the Annual Review letter for 2020 and improvements have been made where needed as a result of any injustice.

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. During 2019-20, there was one compensation payment made of £2,000 as detailed in the report.

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	Managers officers investigate or scrutinise all complaints/potential LG&SCO 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.	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/Deputy Monitoring Officer

13 Consultees

Managers of services referred to within this report.
Senior Management Team

14 Background papers

Records held within Corporate Support.
Customer records 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>)

Local Government & Social Care OMBUDSMAN

22 July 2020

By email

Ms Elliott
Managing Director
Wellingborough Borough Council

Dear Ms Elliott

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

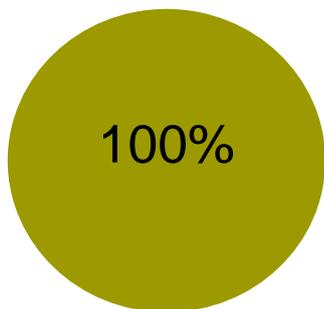
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



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

Complaints upheld



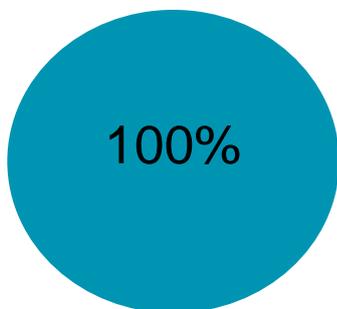
100% of complaints we investigated were upheld.

This compares to an average of **45%** in similar authorities.

2
upheld decisions

Statistics are based on a total of 2 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations



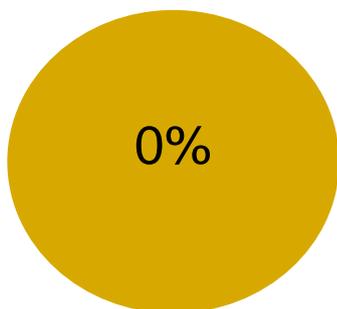
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **99%** in similar authorities.

Statistics are based on a total of 1 compliance outcome for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority



In **0%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar authorities.

0
satisfactory remedy decisions

Statistics are based on a total of 2 detailed investigations for the period between 1 April 2019 to 31 March 2020