



Report Reference Number: A/18/9

To: Audit and Governance Committee
Date: 24 October 2018
Status: Non Key Decision
Ward(s) Affected: All
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Lead Executive Member: Cllr Mark Crane
Lead Officer: Gill Marshall

Title: Local Authority and Social Care Ombudsman Annual Review Letter 2018

Summary:

This report provides councillors with the Local Government and Social Care Ombudsman's Annual Review Letter 2018 for Selby District Council for consideration.

Recommendations:

To note the content of the letter and provide any comments.

Reasons for recommendation

To ensure that lessons are learned from any service failures or findings and to ensure openness and transparency.

1. Introduction and background

The office of Local Government Ombudsman (now the Local Government and Social Care Ombudsman "LGSCO") was established under the Local Government Act 1974. The Ombudsman deals with complaints against Local Authorities amongst other public bodies such as national parks, fire authorities, police and crime commissioners and other Government bodies.

The LGSCO is the final stage for complaints, as the complainant must have first progressed through the internal complaints procedure before the Ombudsman will accept a complaint. Therefore complaints to the ombudsman often represent only a small proportion of the total number of complaints made.

The Ombudsman usually cannot look at a complaint if:

- it is made more than 12 months since the knowledge of the issue arose
- the complainant is not personally affected, e.g. the issue affects most people in the area
- the complainant has not been caused an injustice
- it is about personnel matters (such as employment or disciplinary issues)
- the complainant has the right of appeal or can take legal action and the LGO thinks it is reasonable for them to do so. This might be to:
 - a tribunal (such as the Housing Benefit Appeals Service)
 - a government minister (such as a planning appeal)
 - the Courts

Each year the Ombudsman issues an annual report and sends an annual summary of the complaints made in the previous 12 months and the decisions made on those complaints to each local authority.

2. The Report

- 2.1 Nationally the Ombudsman service reported that it registered 17,452 complaints and enquiries, compared to 16,863 in 2016-17 and carried out 4,020 detailed investigations in 2017-18, compared with 4,279 in 2016-17. Of the detailed investigations, it upheld 57%, which is up from 54% in 2016-17. The area in which it upheld the highest proportion of investigations was Benefits and Tax (70%). The lowest proportion was Planning and Development (41%). The Annual report at Appendix details some of the landmark cases completed, where the outcomes extend well beyond the individual complainant. The LGSCO states that there were some examples of councils not being as receptive to putting things right without significant pressure from its office. However, despite these challenges, and even though recommendations are non-binding, there were no formal incidents of non-compliance from councils to recommendations last year.
- 2.2 The LGSCO is clear that when viewing data for individual councils, it is important to understand the volume of complaints does not, in itself, indicate the quality of a 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. Complaint figures should be used as the start of a conversation, rather than an absolute measure of corporate health of an authority.
- 2.3 The complaints figures for stages 1 and 2 of the corporate complaints process (pre LGSCO) for 2017 are attached at Appendix B. The figures are broken down per service area.
- 2.4 The LGSCO Annual Report for Selby states that 23 complaints and enquiries were made against the District Council with 21 decisions being made. In some instances the matter is referred back to the council for a local resolution. This often occurs where the person has not yet complained to the Council or has

not completed the internal complaints process before approaching the Ombudsman. With regards to Selby District Council there were 9 referrals back to the Council for a local resolution. Similarly there were 5 instances where matters were closed after initial enquiries. This is because the Ombudsman's office has assessed the complaints received before coming to a decision that they do not merit a detailed investigation. This could be because there is obviously no injustice or maladministration. In 2 cases advice was given by the LGSCO and 5 cases progressed to detailed investigation. In relation to the 5 detailed investigations, none were upheld.

- 2.5 Of the complaints about Selby District Council referred to the Ombudsman Service in 17/18, the majority of cases concerned planning or planning enforcement. There were also complaints regarding Right to Buy – one on valuation and one complaining of delay, the actions of refuse collection contractors, housing (allocations) and one on a decision on a standards complaint.
- 2.5 In comparison in 2016/2017, there were 13 complaints and enquiries made against Selby District Council and 15 decisions were made; there were 8 instances of complaints and enquires being referred back to the Council for a local resolution and in 4 instances the matters were closed after the initial enquiry. Three cases progressed to detailed investigations and 2 were upheld.
- 2.6 The LGSCO Annual Letter notes that they were pleased to deliver complaint handling courses, including one about planning, to our staff during the year and welcomes the Council's investment in good complaint handling training.

3. Implications

3.1 Legal Implications

None.

4.2 Financial Implications

None

4.3 Policy and Risk Implications

None

4.4 Corporate Plan Implications

None

4.5 Resource Implications

None

4.6 Other Implications

None

4.7 Equalities Impact Assessment

None

5. Conclusion

The information provided in the Annual Review Letter assists the Council in improving performance and understanding the needs of local residents.

6. Background Documents

None

7. Appendices

Appendix A – LGSCO Annual Report

Appendix B – Complaints data from 17/18

Appendix C – Annual Letter from the LGO (and enclosure) dated 18 July 2018

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