

**TO: EXECUTIVE  
21 NOVEMBER 2017**

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**LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN  
ANNUAL REVIEW LETTER 2017  
Chief Executive**

**1 PURPOSE OF REPORT**

- 1.1 To receive the Local Government and Social Care Ombudsman Annual Review letter 2017.

**2 RECOMMENDATION**

- 2.1 **To note the Local Government and Social Care Ombudsman Annual Review letter 2017 at Appendix A.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 The Annual review letter provides the Executive with information to help assess the Council's performance in handling complaints.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None considered.

**5 SUPPORTING INFORMATION**

- 5.1 The Local Government Ombudsman (LGO) investigates complaints about all local authorities and social care providers in England. Every year it publishes the information it sends to councils to help with transparency and improve local services for residents. This annual summary is the number of complaints and enquiries it has received about the council, and the decisions made about those complaints. The objective of the LGO is to secure, where appropriate, satisfactory redress for complainants and better administration for the authorities.
- 5.2 The LGO usually requires complainants to give the council an opportunity to deal with a complaint against it first, using the council's own complaints procedure. If the complainant is not satisfied with the action the council takes, he or she can complain to the LGO. The LGO's Annual Review letter is therefore, to some extent, an independent measure of the effectiveness of the Council's complaints resolution process.
- 5.3 One of the Ombudsman's main roles is to remedy injustice, and try to put people back in the position they would have been in, had the fault not occurred. Recommendations may include apologies, financial remedies and/or procedural changes to help improve services for others.
- 5.4 The LGO's Annual Review Letter to the Council for 2016/17 is attached at Appendix A. Key points to note are:

- 23 complaints were received by the LGO against the Council in 2016/17, 26 were received in 2015/16 and 18 in 2014/15.
- As in 2016 the number of complaints made to the LGO about the Council was lower than any other Unitary Authority in Berkshire, and around half the national average for all councils.
- The LGO made formal decisions on 24 complaints against the Council (some of which related to complaints from 2015/16).
- Four complaints were subject to a detailed investigation and three were upheld against the Council.
- The upheld figure was lower than any other Council in Berkshire, and half of the national average for all councils.
- Although the upheld rate appears high at 75% the number of detailed investigations carried out was the lowest amongst the Berkshire Councils and nearly a third of the national average investigated.

5.5 The Borough Solicitor, as Monitoring Officer, is required by Section 5A of the Local Government and Housing Act 1989 to prepare a report to the Executive on any cases where the LGO had determined there was maladministration by the Council in the discharge of its Executive functions or the Council for those relating to a non Executive functions. These reports are required to be copied to each Member of the Council. There is an additional and quite separate requirement on the Council which is subject to a finding of Maladministration under the Local Government Act 1974 to notify the LGO within three months from the publication of the LGO's final report of the action which has been taken or will be taken in response to the report.

5.6 During 2016/17 the LGO decided to uphold three complaints against the Council. The full circumstances were reported to the Executive on 11 April 2017, Council on 26 April 2017 and Council on 12 July 2017. In each case, the extent of maladministration and the impact of any errors made by the Council were minimal and no corrective action was suggested by the LGO in any case.

5.7 The new LGO, Michael King, has clarified that the Council should respond to such findings proportionately which is a welcome change given the resources that have had to be used to respond to vexatious or minor complaints during the last year, including one where the LGO actually found maladministration. The Council will therefore follow the guidelines provided whilst continuing to ensure that Members are kept informed of the Council's performance.

5.8 The Council continues to seek to learn from complaints and monitors complaints and their outcomes through the Quarterly Service Reports (QSRs). Separate annual reports are published on complaints received by Adult Social Care, Children's Social Care and Public Health which are governed by statutory requirements.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

6.1 The Monitoring Officer is required by law to report to the Executive on any Local Government Ombudsman findings of maladministration against the Council relating

to its Executive functions (and the Council in relation to non Executive functions). He has had cause to issue three such reports in 2016/17 as detailed in paragraph 5.6.

#### Borough Treasurer

6.2 There are no financial implications arising from the recommendations in this report.

#### Equalities Impact Assessment

6.3 There are no direct impact issues to be considered.

#### Strategic Risk Management Issues

6.4 This report presents no strategic risk management issues for the Council.

## **7 CONSULTATION**

#### Principal Groups Consulted

7.1 Corporate Management Team

#### Method of Consultation

7.2 Consultation was carried out on the draft information report.

#### Representations Received

7.3 None.

#### Background Papers

Quarterly Service Reports (QSRs) 2016/17

#### Contact for further information

Timothy Wheadon, Chief Executive - 01344 352180

[Timothy.wheadon@bracknell-forest.gov.uk](mailto:Timothy.wheadon@bracknell-forest.gov.uk)

Kirsty Hunt, Resources - 01344 353108

[Kirsty.hunt@bracknell-forest.gov.uk](mailto:Kirsty.hunt@bracknell-forest.gov.uk)