

TO: **EXECUTIVE**
17 December 2019

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN
ANNUAL REVIEW LETTER 2019
Chief Executive

1 Purpose of Report

- 1.1 To receive the Local Government and Social Care Ombudsman Annual Review letter 2019.

2 Recommendation

- 2.1 To note the Local Government and Social Care Ombudsmen Annual Review Letter 2018 at Annex A and corresponding data tables at Appendix B.**

3 Reasons for Recommendation

- 3.1 The Annual review letter provides CMT with the 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 Annual Review letter provides local authorities with the LGO's assessment of the council's performance in complaint handling for the previous financial year. In addition, the review provides a general update on developments affecting the LGO.
- 5.2 It is important to note that the LGO's data may not match the data collected by the council on complaints. Typically differences between the LGO's data and data held by the council reflect that the LGO's refers a proportion of recorded complaints to the council for local resolution, but complainants may not always pursue the complaint.
- 5.3 It is also important to note that the LGO have moved away from a simplistic focus on complaint volumes to a focus on the lessons learned and specifically on the wider local improvements that can be achieved through implementing recommendations for improving service delivery for residents. Recommendations made are specific and often include a time-frame for completion, allowing the LGO to follow up with authorities and seek evidence that recommendations have been implemented.

The LGO's ambitions are outlined within its corporate strategy 2018-21. The strategy commits the LGO to publishing the outcomes of investigations and the occasions that recommendations result in improvements for local services.

- 5.4 In 2018/19 the LGO received 26 complaints and enquiries about Bracknell Forest Council. This compares to 21 for 2017/18 and 23 for 2016/17 and is the lowest amongst the Berkshire Authorities detailed below.

Authority	Complaints received	Upheld
Bracknell	26	1
Wokingham	45	10
Slough	54	5
Reading	63	9
West Berkshire	29	5
RBWM	44	12

- 5.5 The complaints received were split across council services detailed below (note these are LGO designated service categories), 46% of all complaints and enquiries received by the council were about Education and Children's Services.

Number of complaints by service	2018/19	2017/18
Adult Care Services	5	4
Corporate and Other Services	0	1
Education and Children's Services	12	8
Environmental Services	6	1
Highways and Transport	0	3
Housing	0	4
Planning and Development	3	0
Planning and Development	0	0
Total	26	21

- 5.6 A summary of the LGO decisions made is detailed below with the comparisons. Although the complaints upheld rate appears at 14%, this reflects just 1 complaint upheld out of the 7 that were subject to detailed investigation. A detailed summary of the LGO compliance and recommendations is attached at Appendix B.

Decisions made	2018/19	2017/18
Incomplete or invalid	1	0
Referred back for local resolution	10	11
Closed after initial enquiries	7	6
Not upheld	6	2
Upheld	1	2

- 5.7 The LGO recommended remedy for the 1 upheld complaint, which was accepted and implemented by the council is summarised below:

Summary: *Mrs X complained about how the Council considered her application and appeal for her disabled son to receive home to school transport. The Ombudsman finds the Council was at fault because it did not properly consider his disability. To remedy this, the Council has agreed to reconsider the application, apologise and make a time and trouble payment to Mrs X. It has also agreed to*

- 1) Review its policy and procedures to ensure the correct criteria are applied in future in similar cases
- 2) Review the content of decision letters to ensure compliance with the Council's revised policy

- 3) Arrange training for both officers and panel members on the revised policy to ensure it is properly understood and applied in future
- 4) Financial redress: Avoidable distress/time and trouble

- 5.8 The LGO encourages councils to use these figures as the start of a conversation, and not an absolute measure of the health of the organisation. In the LGO view, 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.
- 5.9 The LGO are unsighted on Stage 1 and 2 complaints so CMT are reminded that Bracknell Forest takes all complaints seriously and looks to resolve complaints at stage 1 or 2 of the complaints process wherever possible to prevent them escalating any further. Complaints and their outcomes are monitored through the Quarterly Service Reports (QSRs).
- 5.10 For the first time, the data published includes authorities' compliance with LGO recommendations. These are published in a new interactive map launched by LGO, called 'Your Council's Performance' (found at <https://www.lgo.org.uk/your-councils-performance>).

The intention of this new tool is to place a focus on local authorities' compliance with Ombudsman investigations. The tool is a useful snapshot of the service improvement recommendations which have been agreed between the council and the Ombudsman. (found at <https://www.lgo.org.uk/your-councils-performance>)

6 Consultation and Other Considerations

Legal Advice

- 6.1 The 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. There has been no cause to issue any such report in 2017/18.

Financial Advice

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

Other Consultation Responses

- 6.3 None.

Equalities Impact Assessment

- 6.4 There are no direct impact issues to be considered.

Strategic Risk Management Issues

6.5 This report presents no strategic risk management issues for the Council

Background Papers

LGO Annual Review letter 2019 attached at Appendix A

LGO compliance and recommendations is attached at Appendix B.

Contact for further information

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