

**TO: EXECUTIVE  
13 NOVEMBER 2018**

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**LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN  
ANNUAL REVIEW LETTER 2018  
Chief Executive**

**1 PURPOSE OF REPORT**

- 1.1 To receive the Local Government and Social Care Ombudsman Annual Review letter 2018.

**2 RECOMMENDATION**

- 2.1 To note the Local Government and Social Care Ombudsman Annual Review letter 2018 at Annex 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 support transparency and potentially 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.
- 5.3 The LGO encourage council's to use these figures as the start of a conversation, and not an absolute measure of the health of the organisation. In the LGO review, 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. However, the LGO are unsighted on Stage 1 and 2 complaints so the Executive 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.

- 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 a 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 2017/18 is attached at Annex A. Key points to note are:
- 21 complaints were received by the LGO against the Council in 2017/18, 23 were received in 2016/17 and 26 were received in 2015/16.
  - As in 2016/17 the number of complaints made to the LGO about the Council was lower than any other Unitary Authority in Berkshire, and less than half the national average for all councils.
  - The LGO made formal decisions on 21 complaints against the Council (some of which related to complaints received in 2016/17).
  - Of those 21, only 4 complaints were deemed to be subject to a detailed investigation and only 2 of those have been categorised as upheld.
  - Although the upheld rate shown by the LGO might appear high at 50% the number of detailed investigations (4) is less than 10% of the complaints received, was the lowest amongst the Berkshire Councils and less than half of the national average.
- 5.5 It's important to explain further detail on the two complaints that have been categorised as "upheld" in the LGO Annual Review letter. In 2017-18 the LGO introduced new decision reasons, which allow them to recognise where an authority provides a satisfactory remedy before a complaint is brought to the LGO. In some cases, this change has created a discrepancy between the description given in the LGO's cover letter sent out at the time of their decision and how the complaint has been categorised for the purpose of the annual review letter. In the first of Bracknell Forest Council's upheld cases, the cover letter stated that the complaint was dealt with as "Closed after initial enquiries". However, due to the change in definition it has been categorised as "upheld". The LGO have apologised for the confusion this change has caused, and have advised that they are reviewing how they categorise complaints going forward based on the feedback they have received.
- 5.6 This change in definition is also relevant to the second complaint that has been categorised as "upheld". In this case a detailed investigation was carried out by the LGO, but in their report they found no additional fault or that any further remedy was needed on top of what the council had already provided at stage 3 of the internal complaints process.
- 5.7 Therefore, although two complaints have been categorised as "upheld", neither of them required any remedy by the LGO as they were both considered to be satisfactorily remedied by the Local Authority before any LGO involvement.
- 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.

- 5.9 The LGO encourages councils to ensure that learning from complaints informs scrutiny at the local level. In support of this, the LGO have a dedicated section of their website to help scrutiny committees and councillors to hold their authority to account, this includes complaints data, decision statement, public interest reports, focus reports and scrutiny questions. This can be found at [www.lgo.org.uk/scrutiny](http://www.lgo.org.uk/scrutiny).

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

### Borough Solicitor

- 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.

### 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 Legal Services

### Method of Consultation

- 7.2 Email

### Representations Received

- 7.3 Incorporated in the report.

### Background Papers

Quarterly Service Reports (QSRs) 2017/18

Contact for further information

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