

Audit Committee

30th September 2019



Report of: Tim O’Gara, Monitoring Officer

Title: Annual Report of Local Government and Social Care Ombudsman Decisions

Ward: Citywide

Officer Presenting Report: Nancy Rollason Head of Legal Service

Recommendation

That the Audit committee note the report and refer to Full Council for consideration.

Summary

The report summarises the finding made in respect of the Council by the Local Government and Social Care Ombudsman (LGO) in 2018/19. One public report was made and details were reported to Cabinet on 1st May 2018 and 2nd October 2018:-

<https://democracy.bristol.gov.uk/ieListDocuments.aspx?Cid=135&MId=3089&Ver=4>

<https://democracy.bristol.gov.uk/ieListDocuments.aspx?Cid=135&MId=3095&Ver=4>

The significant issues in the report are:

The LGO made one public report and concludes that there were 12 upheld complaints out of a total of 124 cases in 18/19 as compared to 12 complaints upheld out of a total of 129 cases in the previous year.

Housing x 1 case

Benefits & Tax x 2 cases

Planning & Development x 1 case

Education & Children’s Services x 2 cases

Adult Care Services x 4 cases

Environmental Services & Public Protection x 1 case

Corporate & Other Services x 1 case



Context

1. This report is presented to the Committee to consider for referral to Full Council in line with the duty to report to the Full Council where findings of maladministration or fault have been made by the Ombudsman, summarising the findings made.
2. For this year, the Ombudsman performance data includes lessons learnt with a view to looking at wider improvements that can be achieved. The Ombudsman has now published an interactive map of council performance showing annual performance data for all councils in England, with links to published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where each authority offered a suitable remedy to resolve a complaint before the matter came to the Ombudsman, and the authority's compliance with the recommendations made to remedy complaints:
<https://www.lgo.org.uk/your-councils-performance>
3. The Ombudsman has sent the Council all findings made in the year ending the 31st March 2019.
4. One public report has been made in respect of the Council in that time. This was reported in detail to Cabinet on the 1st May 2018 and 2nd October (the reports are referenced in the link above).
5. The requirement applies to all Ombudsman complaint decisions, not just those that result in a public report.
6. The LGO has upheld 12 cases in the year to March 2019 compared to 12 the previous year.
7. The Council dealt with 9,148 Stage 1 and Stage 2 complaints in 2018/2019 giving an escalation rate of 1.35% of the total number of cases and 0.13% against the number of upheld cases.
8. The link below taken from the LGSCO website shows that the Council's upheld rate of 67% is higher than the UK authority average of 55%. However, of the upheld cases the Council has provided satisfactory remedies in 25% of cases compared with the national average of 11%.
<https://www.lgo.org.uk/your-councils-performance/bristol-city-council/statistics>
9. In respect of cases where routine mistakes and service failures have been made, and the Council has agreed to remedy the complaint by implementing the recommendations made following an investigation, the Ombudsman is of the view that the duty to report is satisfactorily discharged if the Monitoring Officer makes a periodic report to the Council summarising the findings on all upheld complaints over a specific period of time.
10. Appendix 1 sets out a summary of the findings made, remedies agreed and lessons learnt still being worked on – suggest that we say to follow.
11. Appendix 2 and 3 sets out comparator information including by matter and decision respectively
12. The Annual letter from the LGO to the Council is at Appendix 4
13. The Ombudsman has commented:-

Unfortunately, there have been other investigations during the year that have not progressed as quickly as they should have. Several of my investigators were delayed by your Council's failure to respond in a timely way to our requests for information. This is

frustrating, particularly for the complainant. I would ask the Council ensures it has robust procedures in place to ensure it responds efficiently and comprehensively to contact from my office.

14. LGO investigators always give a deadline for responses to their investigative enquiries, which is typically 20 working days or, for more urgent cases, a shorter period. Likewise, when they issue Draft Decisions for the Council's consideration, a deadline of 10 working days is usually given.
15. Complaints Co-ordinators prioritise sending LGSCO correspondence to relevant managers and/or directors for their consideration and always make clear the timescales to be met. They also follow up when responses are not received.
16. This year there has been an increase in cases where services have been slow in responding to LGSCO enquiries and Draft Decisions. It is recognised that officers have significant workloads which may account for this. The Corporate Leadership Board have considered this issue and agreed that Directors will remind all officers in their Directorates of the importance of prioritising LGO casework when. The Complaints Co-ordinators will keep this under review and will report back to the leadership team on progress.

Proposal

That the Committee note the report and refer to Full Council for consideration.

Legal and Resource Implications

Legal

This report is made in compliance with the Council's duty to report Findings of maladministration or fault to Full Council

Legal advice provided by Nancy Rollason Head of Legal Service

Financial

Appendices:

Appendix 1 – Summary of complaints upheld and lessons learnt

Appendix 2 – Comparitor data re subject matter

Appendix 3 – Comparitor data re decision

Appendix 4 – Annual letter from the LGO

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None