

# Audit Committee

23<sup>rd</sup> November 2020



**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 findings made by the Local Government and Social Care Ombudsman (LGO) in 2019/20 in respect of the Council. There were no public reports during this time.

### The significant issues in the report are:

The LGO concluded that there were 20 upheld complaints out of a total of 130 cases in 19/20 as compared to 12 complaints upheld out of a total of 124 cases in the previous year.

Housing 4

Benefits & Tax 3

Education & Children’s Services 1

Adult Care Services 3

Environmental Services & Public Protection 8

Corporate & Other Services 1



## 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. The Ombudsman performance data includes lessons learnt with a view to looking at wider improvements that can be achieved. The Ombudsman has 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 31<sup>st</sup> March 2019.
4. The requirement to report to Full Council applies to all Ombudsman complaint decisions, not just those that result in a public report.
5. The LGO has upheld 20 cases in the year to March 31<sup>st</sup> 2020 compared to 12 the previous year.
6. To put this figure in to context, the Council dealt with 6,942 Stage 1 and Stage 2 complaints in 2019/20 giving an escalation rate to the LGO of 1.88% of the total number of cases and 0.29% in relation to the number of upheld cases.
7. The link below taken from the LGSCO website shows that the Council's upheld rate of 61% is higher than the UK authority average of 56%. Of the upheld cases the Council has provided satisfactory remedies in 10% of cases compared with the national average of 11%.  
<https://www.lgo.org.uk/your-councils-performance/bristol-city-council/statistics>
8. In respect of cases where the LGO has found that routine mistakes and service failures have been made, and the Council has agreed to remedy the complaint by implementing the recommendations, 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.
9. Appendix 1 sets out a summary of the findings made by the LGO, remedies agreed by the Council and lessons learnt.
10. Appendix 2 and 3 sets out comparator information with other Authorities including by matter and decision respectively
11. The Annual letter from the LGO to the Council is at Appendix 4
12. The Ombudsman has commented in the annual letter:-
13. *This year I have had concerns about your Council providing delayed responses to investigation enquiries. In several cases the introduction of a new complaints IT system was cited as the reason for the delay. In some instances, the Council had no trace of our enquiry letters, emails*

*were not responded to, and letters had not been forwarded to the appropriate officers. The Council was unable to access information to respond to one set of enquiries because it was stored on the personal computer of an officer on long term sick leave.*

14. *In a further case we had to make additional enquiries because the initial response was incomplete. It was only when a witness summons was threatened that the information was provided. The failure to provide a timely response results in delayed investigations and can cause further frustration to complainants. I trust the Council will consider ways to improve its responses to this office to ensure future investigations are not unnecessarily delayed*
15. Officers have considered the comments made. Now that the new iCasework system is in place, all case information received from August 2019 is held in on the system, including documents as well as data input, and so with powerful reporting functionality the analysis of complaints will be easier to assimilate and quicker to analyse and respond to. Resource in the team has been increased to 2 FTE to enable a proactive response to complaints and investigation, and the team has moved from Citizen Services to the Information Governance team. This is a good fit for the team, and means that support for the team and overview of cases will be maintained in line with relevant legislation and guidance.

## **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 – Comparator data re subject matter

Appendix 3 – Comparator data re decision

Appendix 4 – Annual letter from the LGO

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

### **Background Papers:**

None