

Audit Committee

September 2023



Report of: Tim O’Gara, Monitoring Officer

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

Ward: Citywide

Officer Presenting Report: Ben Hewkin Head of Information Assurance

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 2022/2023 in respect of the Council.

The significant issues in the report are:

The Ombudsman made no public interest Reports.

There were 29 Upheld cases out of 118 investigations compared with 22 Upheld cases out of 131 investigations in 2021-2022.

On the Ombudsman’s website it states 31 upheld cases, however there are only 30 listed in detail and two of these are duplicates.

10 Education cases

7 Planning and Development

4 Housing

3 Adult Social Care

2 Corporate

1 Benefits

1 Highways and Transport

1 Environment and Public Protection



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 the Ombudsman has made findings of maladministration or fault, 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:

[Bristol City Council – Local Government and Social Care Ombudsman](#)

3. The Ombudsman has sent the Council all findings made in the year ending the 31 March 2023.
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 29 cases in the year to March 31st, 2023, compared to 22 the previous year.
6. To put this figure into context, the Ombudsman investigated 118 cases out of 6,928 complaints handled by the council, compared with 6,327 in 2021-2022. This gives an **escalation rate of 1.70% of overall cases and 0.40% in relation to upheld cases.**
7. The link above taken from the LGO website shows that the Council's upheld rate of 69% is **lower than the UK authority average** of 72%.
8. The council has provided satisfactory remedies in 23% of cases which is **higher than the national average of 13%.**
9. Appendix 1 sets out a summary of the findings made by the LGO, remedies agreed by the Council and lessons learnt. **In 100% of cases the LGO were satisfied the Council had successfully implemented their recommendations.**
10. Appendix 2 and 3 sets out comparator information with other Authorities including by Service (Subject Matter) and decision outcome, respectively.
11. The Annual letter from the LGO to the Council is at Appendix 4
12. Officers have reviewed the report and findings produced by the Ombudsman. In reference to the comments made about cases where overdue payments were made, changes are being made to the compensation process. This will hand control to the central Customer Relations Team which will speed the process up.

In addition, as the issue of overdue payments concern one service (SEN within Education), the Service had this to say....'We fully acknowledge that any delay in completing our duties, within statutory timescale, has a significant impact on the children, young people and their families concerned. As a Local Authority we remain committed to working with our partners across education, health and social care to support all Bristol children and young people, with special

educational needs and disabilities, and their families. We continue our improvement journey and now working alongside a commissioned delivery partner we will implement additional measures to reduce the pressure within the system. This work is underway.

13. Officers propose that no specific actions are to be taken from this letter, but work will continue to improve our Complaints procedures.
14. Wider training for staff within the Council is being delivered to improve the initial Stage One response, which has been well received by staff. In 2022/2023 over 150 officers received this training which is on-going.
15. The team have also retained their **ISO 10002:2018, Complaints Handling in organizations certification, for the eighth year running.**
16. Officers are satisfied that the concerns from previous years raised by the LGO have been appropriately addressed.

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 Service subject matter

Appendix 3 – Comparator data re decision outcome

Appendix 4 – Annual letter from the LGO

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None