

Report to: **Overview & Scrutiny Panel**
Date: **21 November 2019**
Title: **Ombudsman's Annual Review Letter 2019**
Portfolio Area: **Portfolio Area: Council (Cllr Hopwood)**
Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **Executive 19
December 2019**

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Recommendations:

That the Panel:

- 1. review the Ombudsman's Annual Letter for 2019 (attached at Appendix A) and consider what further corporate lessons may be learnt and whether further service improvements are required.**
- 2. make any necessary recommendations to the Executive.**

1. Executive summary

- 1.1.** The purpose of this report is to consider the Local Government & Social Care Ombudsman's (LGO) Annual Review Letter 2019 regarding Ombudsman complaints received against the Council for the period 1 April 2018 to 31 March 2019 (attached as Appendix A to this report). This also includes Annex 1 'Complaints and enquiries received', Annex 2 'Decisions made' and Annex 3 'Compliance with Ombudsman recommendations'.

- 1.2. Members are requested to review the Annual Letter 2019 (and attachments) from the Ombudsman and consider what corporate lessons have been learnt (or can be learnt) from the outcome of the complaints and whether further service improvements can be made.
- 1.3. Additionally, the Ombudsman publishes annual data for all authorities on the LGO website and for the first time includes data on Councils' compliance with the Ombudsman's recommendations - please follow this link:
<https://www.lgo.org.uk/your-councils-performance/south-hams-district-council/statistics>

2. Background

- 2.1. The Local Government Ombudsman's corporate strategy is based on the twin pillars of remedying injustice and improving local public services, and as part of this role the Ombudsman investigates complaints made by members of the public about public authorities. This currently excludes parish and town councils. In making recommendations where the Ombudsman has found fault, the purpose is to remedy injustice caused to individuals and also to prevent future injustice to others by improving practice.
- 2.2. The Ombudsman will investigate a complaint if it relates to maladministration or injustice by the Council. The Ombudsman is not able to investigate all of the complaints referred to him, as some will fall outside of his remit, and the Ombudsman can only consider complaints that have first been considered through the Council's own internal complaints procedure; this is because the Council must have had the opportunity to consider, and respond to, the complaint first. A complainant cannot appeal against the Ombudsman's decision, but complaints may be reviewed if new information is presented to the Ombudsman.
- 2.3. The Ombudsman's Annual Review Letter 2019 is attached at Appendix A and comprises a written report and summary tables. The Ombudsman publishes data on:
 - 2.3.1. The number of complaints and enquiries received (Appendix A and Annex 1)
 - 2.3.2. Decisions made (including reason for decision) (Appendix A and Annex 2)
 - 2.3.3. Number of satisfactory remedies made by the Council (Appendix A)
 - 2.3.4. Compliance with the Ombudsman's recommendations (Appendix A and Annex 3)
- 2.4. In recognition of the resource pressures that many authorities are working in (and which are often the context for problems that the Ombudsman investigates) the Ombudsman has published a significant piece of research looking at some of the common issues that the Ombudsman is finding as a result of change and budget constraints. Please follow this link for the research report and accompanying good practice guide: <https://www.lgo.org.uk/information-centre/news/2018/dec/councils-mustn-t-throw-out-the-rule-book-in-the-face-of-pressure-says-ombudsman>

3. Outcomes and Outputs

- 3.1. In the Annual Letter, the Ombudsman provides a breakdown of the investigations that he has upheld in order to show the number of cases where the Ombudsman's recommendations have remedied the fault, and to also show where the Council had already offered a satisfactory remedy during the local complaints part of the process. In these latter cases, the Ombudsman provides reassurance that the Council had satisfactorily attempted to resolve the complaint through its internal complaints process.
- 3.2. Where the Ombudsman finds that the Council has acted with fault, and that fault has caused injustice to the complainant, he will make recommendations to the Council to put things right and this can include:
 - 3.2.1. asking the Council to make an apology (if it has not already done so)
 - 3.2.2. reinstating a service
 - 3.2.3. making a decision on something under the right grounds, or
 - 3.2.4. providing information.
- 3.3. If an injustice cannot be remedied through remedial action, the Ombudsman may recommend a financial payment. There were no financial payments recommended or paid during this period.
- 3.4. The following table shows the number of complaints received and decided by the Ombudsman for last five years. The disparity in numbers can be explained by the inclusion in the 'decided cases' column of those complaints sent back by the Ombudsman or incomplete.

Year	Number of complaints received	Number of complaints decided
2018/19	17	17
2017/18	16	20
2016/17	22	22
2015/16	15	21
2014/15	27	19

- 3.5. The Council is unlikely to be in a position where no complaints are referred to the Ombudsman, because some complainants will remain unsatisfied with the outcomes of the Council's investigations where there is no finding in their favour. This year the number of complaints has reduced slightly and fault was found in only three cases. In two of these 'fault' cases, in one case, no remedy was required as the Ombudsman decided that the outcome would have been the same and in the other, the Council had already satisfactorily resolved the matter during its investigation.
- 3.6. The Ombudsman also found 100% compliance rate from the Council where he had made recommendations following a finding of fault and in one of the cases, the Council had already offered a satisfactory remedy before the complaint was received by the Ombudsman.

- 3.7. A more detailed summary of the complaints and Ombudsman decisions for 2018/19 is attached as Appendix B. The final column shows what actions or measures the Council has taken or put in place as a result of the complaint in order to improve services or processes.
- 3.8. Members will note that the complaints in the Ombudsman's tables do not strictly correspond with the complaints in the Council's records at Appendix B, and this is due to several factors; for example, the Ombudsman's figures include enquiries from people that they signpost back to the Council but who may not necessarily make a complaint, and not every decision will relate to a complaint made in that financial year (it may have been received in the previous financial year but a decision made this year; conversely a complaint may have been received before 31 March 2019 and the decision not made until the next financial year).
- 3.9. To put the numbers of Ombudsman complaints into context, this year the Council has resolved 172 of the complaints made by talking to the customer and reaching a resolution without proceeding with the formal process. The Council received a total of 364 stage 1 complaints and 50 stage 2 complaints. Of the stage 1 complaints, 138 concerned Waste and Recycling, 50 about Planning, 29 about Parking and 23 about Council Tax. In order to reduce complaint numbers and improve customer satisfaction, the teams have been holding weekly customer satisfaction meetings to identify and discuss complaints with the purpose of putting in place service improvements to prevent complaints from reoccurring.

4. Proposed Way Forward

- 4.1. Members will note that the overall number of complaints received by the Ombudsman, and the number of upheld complaints is on par with the previous year. When compared to the number of concerns raised by customers and those complaints that are pursued through stages 1 and 2 of the Council's internal complaints process, it is evident that the Council continues to build on the corporate complaints policy introduced in 2015 which sets out the clear and consistent two-stage process across the Councils for considering complaints.
- 4.2. It is recommended that the Council continues to embed the corporate complaints policy across the Council and endeavour to resolve complaints at a local level as early as possible (particularly by contacting the customer) and fully implement any learning outcomes to enable even further improvements.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Local Government & Social Care Ombudsman is governed by the Local Government Act 1974 and is

		<p>responsible for considering complaints against local authorities which the complainant considers have not been resolved locally.</p> <p>The Overview & Scrutiny Panel is responsible for having an overview of complaints handling and for an overview of Ombudsman complaints, and the Ombudsman Annual Review Letter is an important part of that process.</p> <p>The decisions in respect of each case are provided to the relevant service in order that any recommendations made by the Ombudsman are acted upon and lessons learnt can be implemented.</p>
Financial	Y	<p>Where is it necessary to settle a complaint by the payment of compensation (or the Council has already offered a settlement) payment is made out of the current year's revenue budget for the service in question.</p> <p>The Ombudsman did not make any recommendations of financial settlement during this period.</p> <p>There are resource implications in the officer time spent in dealing with the complaint in both the initial stages under the Council's internal complaints policy as well as the resources required in responding to the Ombudsman complaint, but it is not currently possible to quantify this time.</p>
Risk	Y	<p>It is important that the Council is aware of the number and type of complaints made to the Ombudsman together with the outcomes and lessons learnt.</p> <p>Whilst it is not possible to eliminate complaints, it is possible to manage the complaints efficiently and learn from the outcomes of these complaints to mitigate the risk of recurrence and deliver service improvements.</p>
Climate Change – Carbon / Biodiversity Impact	N	There are no direct carbon /biodiversity impacts arising from this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		This has been considered in the Complaints policy and within the individual complaint's where relevant
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		N/a
Other implications		N/a

Supporting Information

Appendices:

- **Appendix A: The Local Government Ombudsman's Annual Review Letter 2019**
 - **Annex 1: Type and number of complaints received by the Ombudsman**
 - **Annex 2: Number, type and outcome of complaints**
 - **Annex 3: compliance with the Ombudsman's recommendations.**

- **Appendix B: Table of South Hams District Council's Ombudsman Complaints for 2016 – 2017**

Background Papers

None