

Report to: **Overview and Scrutiny Panel**
Date: **13 October 2021**
Title: **Ombudsman Annual Review Letter 2021**
Portfolio Area: Customer Satisfaction & Improvement
Cllr Nicky Hopwood
Wards Affected: **All**
Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:

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Recommendations:

That the Overview and Scrutiny Committee:

1. Reviews the Ombudsman's Annual Letter for 2020 (attached at Appendix A); and
2. Notes the steps set out to ensure that the Council continues to address complaints fairly and in line with best practice.
3. Makes any necessary recommendations as to further improvements

1. Executive summary

- 1.1 The Local Government and Social Care Ombudsman (LGCSO) looks at complaints about councils where the complainant considers that the Council has not sufficiently addressed their concerns.
- 1.2 This report sets out the LGCSO's Annual Review Letter regarding complaints that they have considered during the period 1st April 2020 to 31st March 2021 (please see Appendix A).
- 1.3 During this period, the Ombudsman received eighteen complaints about South Hams District Council, of which five were put forward for investigation. Following detailed investigation, 4 of those complaints were upheld by the Ombudsman, and one was upheld without being investigated as a satisfactory remedy had already been provided by the Council.

- 1.4 Members are requested to review the Ombudsman's Annual Letter 2020 and consider what lessons have been learnt (or can be learnt) from the outcome of complaints.

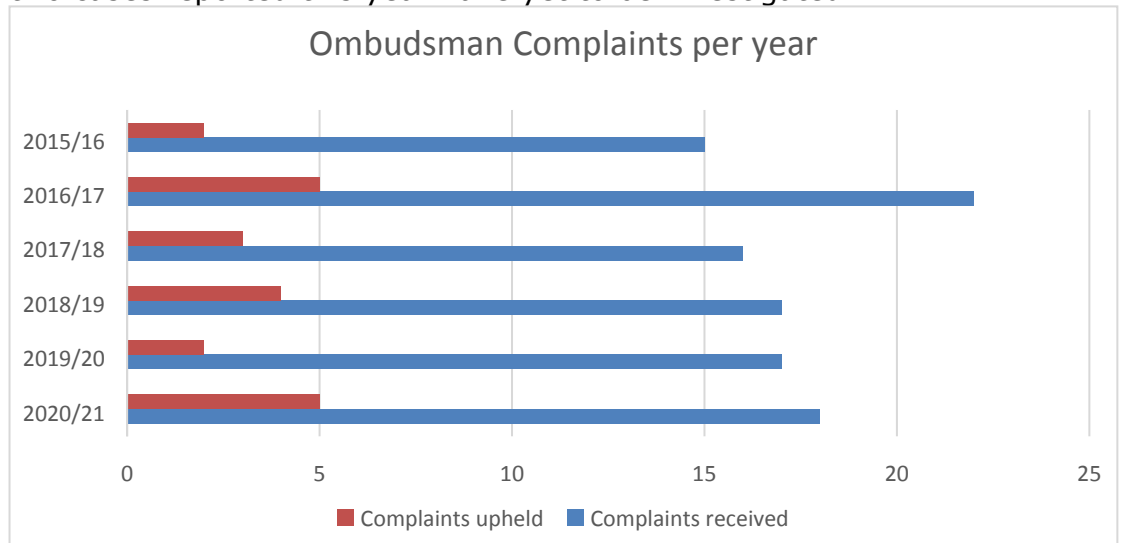
2. Background

- 2.1 The Local Government and Social Care Ombudsman conducts independent, impartial and fair investigations into complaints that faults or service failure have led to an injustice. Where they find fault, they make recommendations to provide a remedy. Where evidence supports it, they can also recommend changes to ensure improvements are made and to avoid similar issues occurring.
- 2.2 The Ombudsman will only consider complaints where they have first been through the Council's internal complaints procedure. This is to allow the Council an opportunity to consider and respond to the complaint and where required, to offer a suitable remedy.
- 2.3 Once considered by the Ombudsman, a complainant cannot appeal against the Ombudsman's decision, but complaints may be reviewed if new information is presented to the Ombudsman.
- 2.4 The Ombudsman's Annual Review Letter 2020 is attached at Appendix A. More details on the complaints are included in Appendix B. This information is also published on the Ombudsman website along with anonymised details of the complaints and findings at <https://www.lgo.org.uk/your-councils-performance>
- 2.5 The Ombudsman publishes data on:
 - a. The number of complaints and enquiries received
 - b. Decision
 - c. Reason for the decision and where a complaint is upheld, any suggested remedy
- 2.6 Complaints are an important part of what we do as a Council and an important tool to identify improvements. The Ombudsman has a crucial role in providing an independent check on our approach, our thinking, and identifying any possible preconceptions, prejudices, or assumptions in our views.

3. Outcomes/outputs

- 3.1 In the Annual Letter, the Ombudsman provides a breakdown of investigations that they have 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 its own investigation of the complaint.
- 3.2 The three additional tables attached as appendices to this report show complaints received, decided and compliance action status.
- 3.3 The mismatch between complaints received and investigated is due to the automatic reporting being based on the date of submission for complaints received, and the date of decision for investigations decided, and the Ombudsman only reports on matters within the financial year 2020 - 2021.

3.4 Four of the complaints upheld were received late last year, and two cases reported this year have yet to be investigated.



3.5 Of the twenty one complaints decided by the Ombudsman, seven were closed after initial enquiries, nine were referred back for local resolution, and five were upheld.

3.6 Both the level of complaints raised with the Ombudsman and the numbers investigated are well within the range compared over the last five years (See graph above). The Ombudsman stopped receiving complaints for 3 months last year due to issues with the pandemic. This may have reduced the number of complaints but it is likely to have just delayed submission of them until July.

3.7 Of the 5 complaints marked as upheld;

- One (Waste) was not investigated as it was unlikely to lead to a different outcome.
- One (Waste) resulted in an improved internal procedure for dealing with issues resulting from bins not stored on the owners property.
- One (Planning) was caused by failure to inform the applicants of a clause on a prior planning notification (Class Q) when refusing for other reasons. This led to significant costs for the applicants, over multiple applications, trying to overcome the written objections, for a permission that would never be granted due to the clause not referenced on earlier refusals.
- One (Planning Enforcement) was the result of lack of a timely investigation and response to a planning breach, which our new process should resolve.
- One (Planning) was the result of failing to add a condition to an original planning permission which limited the options when a variation was received. This caused possible injustice to a neighbouring property.

3.8 The Council agreed to all the recommended remedies and we have adjusted our processes to prevent the set of occurrences that created the waste and planning enforcement complaints from reoccurring.

3.9 The two planning complaints were the result of specific errors that occurred a significant time before the complaint was made.

The complaints were about the effects the errors had rather than the errors themselves. This separation of cause and effect makes learning and direct improvement difficult as the situations are unique and never likely to be repeated but there are some broader points that will be addressed in ongoing complaints training. Training to ensure knowledge and consistency also forms part of the Planning Improvement plan to reduce the likelihood of errors in the first place.

Complaints

- 3.10 Since the Ombudsman’s report last year, significant changes have been made to how we deal with complaints. All complaints are handled through our new software solution, Liberty Create, which enables live reporting and better management of complaints.
- 3.11 The effect of the round review on waste increased the complaints received for that area, masking data on performance of the rest of the Council, so it is shown split out below.

	Apr 20 – Sep 20 Managed in W360		Oct 20 – Mar 21 Managed in Liberty Create in 20-21	
	Stage 1	Stage 2	Stage 1	Stage 2
Domestic Waste	41	3	203	25
All other services	69	14	54	10
Total Complaints for 2020-21	110	17	257	35
Total Complaints for 2019-20	162	23	164	20

- 3.12 Complaints being managed through Liberty Create coincided with the Domestic waste round review and the issues it generated. Separating out the data shows the large increase in waste complaints but no corresponding increase for the rest of the Council.
- 3.13 If complaints had continued at the rate experienced in the first 6 months it would have shown a 25% improvement based on last year’s results (See table above). This is partly due to better online options for customers seeking to resolve issues.
- 3.14 There have been a number of changes to the way we deal with complaints over the last 6 months in an effort to improve the quality of our response and our response speed.
 - a. Since March 2021 a more active management of complaint response time has improved performance with almost 50% of complaints now dealt with in two weeks.

- b. A focus on talking to the customer directly and early in the process to both better understand their viewpoint and deal with some complaints at the first point of contact.
 - c. Better online options and contact routes for customers wanting to resolve issues or just provide feedback.
 - d. Live reporting for Heads of Service to actively monitor complaints.
 - e. Stage 2 responses have been brought back under the relevant service area for a Head of Service response. Stage 1 complaints are dealt with by senior specialists within the Service area. This increases complaints awareness within a service as well as better response speeds for complex complaints.
 - f. Learning opportunities highlighted from complaints are better captured and reviewed quarterly.
- 3.15 There are a number of planned steps for further improvements to the process including:
- a. Automating reminders so that complaints never go overdue.
 - b. Training on the wider aims of the system (e.g. increasing phone calls to complainants and learning opportunities) for Heads of Service to drive performance.
 - c. Training and standard approaches for considering complaints for officers dealing with complaints and raising awareness with our customers so they understand how we work and what to expect when they complain.
 - d. Better online support for customers to understand our policy, what we can investigate and what outcomes are possible, to set expectations at a reasonable level. This is especially important in technical areas such as Planning or Environmental Health where remedies and actions are constrained by legislation.
- 3.16 The changes proposed will be rolled out over the rest of the year and collectively should deliver a sustained reduction in the number of complaints we receive, as tentatively indicated in the data table above. The percentage that are then raised at Stage 2 and then the number escalated to the Ombudsman should experience corresponding reductions.

4. Proposed Way Forward

- 4.1 That the Overview and Scrutiny Committee:
- 4.2 Notes the content of the Local Government Ombudsman Annual Review Letter as set out in Appendix A to this report.
- 4.3 Notes the high level actions to improve the customer experience as set out in 3.14
- 4.4 note the proposed future actions as set out in 3.15
- 4.5 Members consider what lessons have been learnt (or can be learnt) from the outcome of complaints.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Local Government & Social Care Ombudsman is governed by the Local Government Act 1974 and is responsible for considering complaints against local authorities which the complainant considers have not been resolved locally by the Council. The Overview and Scrutiny Committee 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. 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 implications to include reference to value for money	Y	<p>There are resource implications in officer time spent dealing with complaints in both the initial stages under our own policy as well as the resources in supporting an Ombudsman complaint. The Council does not have a dedicated Complaints Officer and it is therefore not possible to quantify this time. Good complaints management which we learn from mistakes is important in ensuring that the Council is efficient and provides value for money in the future by not making the same mistakes again.</p> <p>Where it is 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>
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. The Senior Leadership Team are updated on the numbers and types of complaints and the Business Managers and Customer Improvement Manager now monitor response times weekly to ensure timely replies to customers.</p> <p>Whilst it is not possible to eliminate complaints, it is possible to manage complaints efficiently and learn from the outcomes of these complaints to mitigate the risk of recurrence and deliver service improvement.</p>

Supporting Corporate Strategy		Efficient and Effective Council
Climate Change - Carbon / Biodiversity Impact		
Comprehensive Impact Assessment Implications		
Equality and Diversity		This has been considered in the Complaints policy and within the individual complaints where relevant. No complaints have been received regarding Equality and Diversity.
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		None

Supporting Information

Appendices:

- Appendix A - Ombudsman Annual Letter
- Appendix B - Ombudsman Complaints – Received
- Appendix C - Ombudsman Complaints – Decided
- Appendix D - Ombudsman Complaints – Compliance

Background Papers:

None

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes
SLT Rep briefed/sign off	Yes
Relevant Heads of Practice sign off (draft)	Yes
Data protection issues considered	Yes
Accessibility checked	Yes