

# Report to Audit and Risk Assurance Committee

**16 September 2021**

<b>Subject:</b>	Local Government and Social Care Ombudsman and Housing Ombudsman Annual Review for the Year Ending 31 March 2020
<b>Director:</b>	Neil Cox Director – Business Strategy & Change
<b>Contact Officer:</b>	Sean Russell – Customer Feedback Coordinator Sean_Russell@sandwell.gov.uk

## **1 Recommendations**

1.1 That the Audit and Risk Assurance Committee considers and notes the Local Government and Social Care Ombudsman’s Annual Review appended to this report for the year ending 31 March 2020:

## **2 Reasons for Recommendations**

2.1 This report is to present the Local Government and Social Care Ombudsman’s Annual Review for the year ending 31 March 2020 which is appended to this report (Appendix 1)

2.2 The Annual Review provides a summary of the complaints that the Local Government and Social Care Ombudsman has dealt with in relation to the council.

2.3 It is noted from the Annual Review that the Local Government and Social Care Ombudsman received 115 complaints and enquiries about the council in

2019/20. The Local Government and Social Care Ombudsman carried out 17 detailed investigations of which 15 cases were upheld. Comparisons to previous years' complaints and enquiries are stated in Table 1 below.

2.4 The Housing Ombudsman Service (Local Government and Social Care Ombudsman) does not publish an annual review report but their annual statistics are detailed in table 1 below.







**Table 1**

Year	Number of Complaints		
	Local Government and Social Care Ombudsman	Housing Ombudsman Service	Total
2019/20	115	65	180
2018/19	115	44	159
2017/18	92	34	126

2.5 From the statistical information provided by the Local Government and Social Care Ombudsman, a total of 65 enquiries and complaints were received concerning the council in 2019/20. There were fourteen detailed investigations undertaken of which 3 were fully upheld in favour of the complainant.

2.6 All Investigating Officers have been advised of the Annual Review and reminded of the importance of dealing with and responding to the Ombudsman's complaints promptly as well as ensuring all appropriate and necessary lessons are learned to ensure continuous service improvement.

**3 How does this deliver objectives of the Corporate Plan? (select relevant category and inc narrative how deliver)**

	Best start in life for children and young people
	People live well and age well
	Strong resilient communities: Recommendations from the Ombudsman assist with service improvements and good administrative practice. It is also important that the council considers the nature of the nature of the complaints made and their outcomes so as to ensure that the council's reputation is not adversely affected and where appropriate, remedial steps taken to prevent the recurrence of such complaints.
	Quality homes in thriving neighbourhoods
	A strong and inclusive economy
	A connected and accessible Sandwell

**4 Context and Key Issues**

- 4.1 The Local Government and Social Care Ombudsman's Annual Review for the year ending 31 March 2020 (Appendix 1) provides a brief summary of the complaint outcomes that the Ombudsman has dealt with in relation to the Council.
- 4.2 The Local Government and Social Care Ombudsman received 115 complaints and enquiries about the Council during the year 2019/20. According to Council records 49 of these matters were preliminary matters raised with the council, whereas the remainder were accepted and dealt with by the Local Government and Social Care Ombudsman itself.

- 4.3 A breakdown of the service areas of the complaints and enquiries is provided in Table 2 below.

Table 2

<b>Service Area</b>	<b>Complaints received by Local Government and Social Care Ombudsman</b>	<b>Preliminary matters (referred to the Council) (see para 4.4 below)</b>
Adult Care Services	24	
Benefits and Tax	30	
Corporate and Other Services	5	
Education and Children's Services	18	
Environmental Services	10	
Highways and Transport	7	
Housing	16	
Planning and Development	3	
Other	2	
<b>TOTAL</b>	<b>115</b>	<b>49</b>

- 4.4 The preliminary complaints and enquiries were either of a general nature or matters that involve initial enquiries being raised with and addressed by the council, which may progress to an investigation.

**NB** – A breakdown by service areas of preliminary matters was not provided by the Local Government and Social Care Ombudsman in their report this year.

#### 4.5 **Complaint Outcomes**

##### Local Government and Social Care Ombudsman Matters

- 4.6 The Local Government and Social Care Ombudsman has reported that 105 decisions were made for matters that they considered. This included 17 detailed investigations which resulted in 15 being upheld and 2 not being upheld. A breakdown of the Local Government and Social Care Ombudsman decisions is provided in Table 3 below.

Table 3

Decision Type	Narrative	Number
Detailed Investigations: Cases Upheld	Cases not upheld have not been found in favour of the Complainant and result in no findings of maladministration and or no further action being required by the Council	<u>15 upheld:</u> Maladministration and Injustice – 11 Maladministration – 4 Fault found – 0 No further action - 0
Detailed Investigations Cases Not Upheld	Cases not upheld have not been found in favour of the Complainant and result in findings of maladministration and or no further action being required by the Council	<u>2 not upheld</u> No Maladministration – 1 No fault found – 0 Complainants request - 1
Advice Given	Advice is provided to the Complainant by the Local Government and Social Care Ombudsman and no formal letter is issued to the Council.	5 Advice is provided by the Local Government and Social Care Ombudsman and does not require any investigation by the council
Closed after Initial Enquiries	The Council receives a letter informing us that they received a complaint and that no further action is required or the matter is out of the Local Government and Social Care Ombudsman jurisdiction.	22 These cases do not require any investigation by the council it has been closed by the Local Government and Social Care Ombudsman
Referred Back for Local Resolution	No formal letter is issued to the Council.	49 These cases do not require any investigation by the

		LGO as the complainant has been advised to revert back to the council.
Incomplete/Invalid	No formal letter is issued to the Council	12 These cases do not require any investigation by the council as the nature of the complaint is incomplete/invalid.

### Local Government and Social Care Ombudsman Matters

4.7 With regards to Local Government and Social Care Ombudsman matters, there were 14 detailed investigations and 3 were determined in favour of the Complainant. A breakdown of the Local Government and Social Care Ombudsman decisions is provided in Table 4 below.

Table 4

<b>Decision Type</b>	<b>Narrative</b>	<b>Number</b>
Detailed investigations: Cases Upheld	Cases upheld in favour of the Complainant	<u>4 upheld</u> Maladministration – 3 Partial Maladministration - 1
Detailed Investigations Cases Not Upheld	Cases not upheld have not been found in favour of the Complainant	6 No Maladministration - 6
Cases determined as Outside Local Government and Social Care Ombudsman Jurisdiction	These are cases that the Local Government and Social Care Ombudsman cannot investigate as the matter is outside their jurisdiction.	4 3 Outside jurisdiction 1 Withdrawn
Redress	Local Government and Social Care	0 Redress

	Ombudsman found there had been sufficient redress made by the council.	
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## **5 Alternative Options**

5.1 There are no alternative options arising, The council is obliged to formally receive and consider the Local Government and Social Care Ombudsman Report.

## 6 Implications

<b>Resources:</b>	<p>There are no resource implications arising directly as a result of this report save for compensatory payments that have been made in relation to local settlements which amount to £5101.50 for the Local Government and Social Care Ombudsman matters. A detailed breakdown of this sum is set out at Appendix 2.</p> <p>In relation to the Local Government and Social Care Ombudsman there were three payments with a total sum of £550.00. Please see Appendix 3.</p> <p>There has been a small increase in the level of compensatory payments made by the council this year compared with the total compensation paid out in the last financial year which totalled £4680.00</p>
<b>Legal and Governance:</b>	<p>The Local Government Act 1974 defines two main statutory functions for the Ombudsman:</p> <ul style="list-style-type: none"><li>• To investigate complaints against Councils and other authorities; and</li><li>• To provide advice and guidance on good administrative practice.</li></ul> <p>Since 2010, the Local Government and Social Care Ombudsman have already operated with jurisdiction over all registered adult social care providers to investigate complaints about care funded and arranged privately. In 2017, the Local Government and Social Care Ombudsman changed its name to include the 'Social Care Ombudsman' to recognise the social care sector.</p> <p>The Local Government and Social Care Ombudsman has stated in their annual letter that there are a range of resources available that can support our council to place the learning from complaints, about our authority and others, at the heart of our system of corporate governance. Your council's performance launched last year and puts their data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions</p>



	<p>we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of their investigations, as well as previous annual review letters.</p> <p>The Local Government and Social Care Ombudsman would encourage us to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.</p>
<b>Risk:</b>	Relevant risk management issues have been detailed within the main body of this report
<b>Equality:</b>	There are no equality issues arising from this report.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications arising from this report. However, recommendations from the Local Government and Social Care Ombudsman assist with service improvement and good administrative practice.
<b>Social Value</b>	There are no direct social value implications, however as detailed above in Health and Wellbeing, recommendations from the Local Government and Social Care Ombudsman assist with service improvement and good administrative practice.

## 7. Appendices

Appendix 1 - Local Government and Social Care Ombudsman Annual Review Letter

Appendix 2 -Table of Financial Payments April 2019 – March 2020 Local Government and Social Care Ombudsman/Housing Ombudsman Payments.

## 8. Background Papers

There are no Background Papers with this report