

Report to Audit and Risk Assurance Committee

16 September 2021

Subject:	Local Government and Social Care Ombudsman and Housing Ombudsman Annual Review for the Year Ending 31 March 2021
Director:	Neil Cox Director – Business Strategy & Change
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1 Recommendations

- 1.1 That the Audit and Risk Assurance Committee considers and notes the Local Government and Social Care Ombudsman’s (LGO) Annual Review appended to this report for the year ending 31 March 2021:

2 Reasons for Recommendations

- 2.1 This report is to present the LGO’s Annual Review for the year ending 31 March 2021 which is appended to this report (Appendix 1)
- 2.2 The Annual Review provides a summary of the complaints that the LGO has dealt with in relation to the council.
- 2.3 It is noted from the Annual Review that the LGO received 78 complaints and enquiries about the council in 2020/21. The LGO carried out 16 detailed investigations of which 13 cases were upheld. Comparisons to previous years’ complaints and enquiries are stated in Table 1 below.

2.4 The Housing Ombudsman Service (HOS) does not publish an annual review report but their annual statistics are detailed in Table 1 below.


Table 1

Year	Number of Complaints		
	LGO	HOS	TOTAL
2020/21	78	19	97
2019/20	115	65	180
2018/19	115	44	159

2.5 From the statistical information provided by the HOS, a total of 19 enquiries were received concerning the council in 2020/21. There were 7 detailed investigations undertaken of which 6 were fully upheld in favour of the complainant, 1 was not upheld.

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)

	<p>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.</p>
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4 Context and Key Issues

- 4.1 The LGO's Annual Review for the year ending 31 March 2021 (Appendix 1) provides a brief summary of the complaint outcomes that the Ombudsman has dealt with in relation to the Council.
- 4.2 The LGO received 78 complaints and enquiries about the Council during the year 2020/21. According to Council records 22 of these matters were preliminary matters raised with the council. The remainder 56 were accepted and dealt with by the LGO.
- 4.3 A breakdown of the service areas of the complaints and enquiries is provided in Table 2 below.

Table 2

Service Area	Complaints received by LGO	Preliminary matters (referred to the Council) (see para 4.4 below)
Adult Care Services	10	
Benefits and Tax	24	
Corporate and Other Services	2	
Education and Children's Services	12	
Environmental Services	9	
Highways and Transport	2	
Housing	13	
Planning and Development	3	
Other	3	
TOTAL	78	22

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.

4.5 Complaint Outcomes

LGO Matters

4.6 The LGO has reported that 78 decisions were made for matters that they considered. This included 16 detailed investigations which resulted in 13 being upheld and 3 not being upheld. A breakdown of the LGO decisions is provided in Table 3 below.

Decision Type	Narrative	Number
Detailed Investigations: Cases Upheld	Cases upheld in favour of the Complainant result in findings of maladministration and or injustice and the council has to carry out remedial or follow up action and in some cases payment as a resolution. Some cases can result in no further action required.	<u>13 upheld:</u> Maladministration and Injustice – 12 Maladministration – 1 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 no findings of maladministration and or no further action being required by the Council	<u>3 not upheld</u> No Maladministration – 3 No fault found – Complainants request - 0
Advice Given	Advice is provided to the Complainant by	6

	the LGO and no formal letter is issued to the Council.	Advice is provided by the LGO 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 LGO jurisdiction.	24 These cases do not require any investigation by the council it has been closed by the LGO
Referred Back for Local Resolution	No formal letter is issued to the Council.	22 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	10 These cases do not require any investigation by the council as the nature of the complaint is incomplete/invalid.

HOS Matters

4.7 With regards to HOS matters, there were 19 detailed investigations and 6 were determined in favour of the Complainant. A breakdown of the HOS Service area/decisions is provided in Table 4 below.

Table 4

Service Area	Complaints received by Housing Ombudsman	Preliminary matters (referred to the Council) (see para 4.4 below)

Housing Management	4	
Repairs	6	
Housing Solutions	2	
ASB	6	
Right to Buy	1	
TOTAL	19	10

Decision Type	Narrative	Number
Detailed Investigations: Cases Upheld	Cases upheld in favour of the Complainant result in findings of maladministration and or injustice and the council has to carry out remedial or follow up action and in some cases payment as a resolution. Some cases can result in no further action required.	<u>6 upheld</u> Maladministration – 5 Partial Maladministration - 1
Detailed Investigations Cases Not 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>1 not upheld</u> No Maladministration – 1 No fault found – 0 Complainants request - 0
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 HOS jurisdiction.	1 These cases do not require any investigation by the council it has been closed by the HOS

Referred Back for Local Resolution	No formal letter is issued to the Council.	10 These cases do not require any investigation by the HOS as the complainant has been advised to revert back to the council.
Incomplete/Invalid	No formal letter is issued to the Council	1 These cases do not require any investigation by the council as the nature of the complaint is incomplete/invalid.

5 Alternative Options

- 5.1 There are no alternative options arising, the council is obliged to formally receive and consider the LGO Report.

6 Implications

Resources:	<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 £7,600 for the LGO matters. A detailed breakdown of this sum is set out at Appendix 2.</p> <p>In relation to the HOS a total sum of £1,100 Please see Appendix 2.</p> <p>There has been an increase in the level of compensatory payments made by the council this year which totals £8,710 This is an increase of 54% in comparison to the total compensation paid out in the last financial year which totalled £5,651</p>
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<p>Legal and Governance:</p>	<p>The Local Government Act 1974 defines two main statutory functions for the Ombudsman:</p> <ul style="list-style-type: none"> • To investigate complaints against Councils and other authorities; and • To provide advice and guidance on good administrative practice. <p>Since 2010, the LGO have already operated with jurisdiction over all registered adult social care providers to investigate complaints about care funded and arranged privately. In 2017, the LGO changed its name to include the ‘Social Care Ombudsman’ to recognise the social care sector.</p> <p>The LGO 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 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 LGO 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>
<p>Risk:</p>	<p>Relevant risk management issues have been detailed within the main body of this report</p>
<p>Health and Wellbeing:</p>	<p>There are no direct health and wellbeing implications arising from this report. However, recommendations from the LGO assist with service improvement and good administrative practice.</p>
<p>Social Value</p>	<p>There are no direct social value implications, however as detailed above in Health and Wellbeing, recommendations from the LGO assist with service improvement and good administrative practice.</p>

7. Recommendations

- 7.1 The Customer Feedback Team to be the Ombudsman Link for the Council, this will ensure that a more consistent and proactive approach is in place across the Council and will speed up the process of getting information to Officers and the Ombudsman.
- 7.2 The Customer Feedback Team will provide refresher training for service areas to remind officers of the importance of the work of the Ombudsman and the potential reputational damage caused if we do not adhere to the timescales provided by the Ombudsman.

8. Appendices

Appendix 1 LGO Annual Review Letter

Appendix 2 Table of Financial Payments April 2020 – March 2021
LGO & HOS

9. Background Papers

There are no Background Papers with this report