

Audit and Governance Committee



Report subject	Local Government and Social Care Ombudsman Annual Reports 2018/19
Meeting date	10 th October 2019
Status	Public Report
Executive summary	<p>The Local Government and Social Care Ombudsman (LGSCO) provides an independent and impartial service to investigate complaints about Councils, or actions taken by another body on behalf of the Council.</p> <p>The LGSCO prepare an annual report for local authorities summarising the numbers of enquiries they have received, the number of investigations they have undertaken and the decisions they have made.</p> <p>For 2018/19 there were three individual reports for the legacy councils of Bournemouth, Christchurch and Poole.</p> <p>There was a reduction in the number of enquiries received by the LGSCO from 2017/18 across the three legacy councils, but the number of upheld complaints rose slightly.</p> <p>However, there are no major concerns relating to the LGSCO findings.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members of the Audit and Governance Committee note the Local Government and Social Care Ombudsman's Annual Reports</p>
Reason for recommendations	To ensure that members of the Audit and Governance Committee are informed regarding the Council's performance in relation to the Local Government and Social Care Ombudsman.

Portfolio Holder(s):	Cllr Vikki Slade – Leader of the Council
Corporate Director	Julian Osgathorpe
Contributors	Graeme Smith – Policy and Performance Officer
Wards	All
Classification	For Information

Background

1. The role of the Local Government and Social Care Ombudsman (LGSCO) is to provide an independent and impartial service to investigate complaints about Councils, or actions taken by another body on behalf of the Council.
2. This means that, where a Council has outsourced a service or function, while it no longer provides that service or function directly, it remains responsible for it and for the actions of the organisation in acting on behalf of the Council.
3. The remit of LGSCO is limited to complaints of maladministration leading to injustice, a failure in a service, or failure to provide a service.
4. When aiming to settle complaints, a financial payment may be suggested. The LGSCO uses a scale of payments to help investigators to be consistent. These may range from a few pounds to several thousands. The LGSCO may also suggest changes in the Council's policy or practices.
5. The LGSCO issues an Annual Review Letter and Report in June/July each year regarding the authorities' performance.
6. These are sent to Council Leaders, Head of Paid Services and the Chairs of the relevant Overview and Scrutiny panels to support greater democratic scrutiny of local complaint handling and to ensure effective local accountability of public services.
7. The Annual Review reports for 2018/19 for Bournemouth Borough Council, Christchurch District Council and Poole Borough Council are attached as Appendices A, B and C respectively.
8. The LGSCO produces a summary of complaint statistics for every local authority in England to be included in the yearly report and published alongside the annual review letters.
9. Further information on the Annual Review and summary of statistics can be found on the LGSCO's website www.lgo.org.uk
10. The LGSCO terminology used for describing the outcome of complaints is as follows:

What is said at the bottom of the decision letter	What is reported at the Annual Review
Theses types of complaint do not have a formal decision letter issued for them	Incomplete/Invalid
	Advice Given
	Referred back for local resolution
Closed after initial enquiries – no further action	Closed after initial enquiries
Closed after initial enquiries – out of jurisdiction	
Upheld: no further action	Upheld
Upheld: maladministration and injustice	
Upheld: maladministration, no injustice	
Report Issued: Upheld; maladministration and injustice	
Report Issued: Upheld; maladministration, no injustice	
Not upheld: no further action	Not upheld
Not upheld: no maladministration	
Report issued: Not upheld; no maladministration	

11. If the LGSCO make a finding of maladministration, the Council or authority has a duty to report that finding to its members. However, the requirements to report that finding differ depending on how the decision has been issued
12. If a decision is issued as a statement (under section 30(1B)), while there is no requirement within the LGA 74 to report a finding of maladministration to its members, there is other legislation which places requirements on a council's Monitoring Officer to report a finding of maladministration (Section 5/5A Local Government and Housing Act 1989).
13. The LGSCO consider this is an internal issue for each council to decide how it deals with it and meets the reporting requirement.
14. If the finding of maladministration is issued as a report (under section 30(1) of the Local Government Act 1974), then there is a specific requirement for that finding to be reported to a Council's or authority's members, and for a formal response to that finding to be sent to the LGSCO.
15. This report provides further detail to support the LGSCO's annual reports.

2018/19 Monitoring

16. The total number of complaints/enquiries received by the LGSCO for BCP's predecessor authorities, during 2018/19 was 93, compared to 129 in 2017/18
17. Over 2018/19 87 decisions were made by the LGSCO on complaints relating to Bournemouth, Christchurch and Poole. Of these 24 were subject to a detailed investigation.

18. Of the 24 that had a detailed investigation the LGSCO upheld 16, providing an upheld rate of 66%, an increase on the 48% upheld rate of 2017/18.

19. All of the 24 decisions were issued as statements, the Council had no reports issued.

20. The 24 complaints that were upheld in 2018/19 related to;

Service Area	Number of Complaints
Adult Social Care	6
Children Social Care	4
Housing and Community Safety	2
Planning	1
Seafront	1
Highways	1
Legal	1

21. There is no theme to the errors found by the Ombudsman, indicating that they are not resulting from systematic issues. At least three of the complaints were upheld due to minor errors and no injustice was found to have occurred.

22. As the Ombudsman notes, the number of complaints taken alone is not a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the upheld rate and alongside statistics that indicate the authority's willingness to accept fault and put things right when it goes wrong.

23. 100% of all complaints where a remedy was recommended by the Ombudsman have been remedied to the Ombudsman's satisfaction.

Summary of financial implications

24. In 2018/19 the Ombudsman recommended 7 instances of financial redress costing the predecessor authorities £3,203.85.

Summary of legal implications

25. None

Summary of human resources implications

26. None

Summary of environmental impact

27. None

Summary of public health implications

28. None

Summary of equality implications

29. None of the upheld complaints indicated any equalities related implications.

Summary of risk assessment

30. Not applicable

Background papers

None

Appendices

Appendix A: Bournemouth Borough Council Annual Report

Appendix B: Christchurch District Council Annual Report

Appendix C: Borough of Poole Annual Report

Local Authority Report: Bournemouth Borough Council

For the Period Ending: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
16	3	5	10	6	2	4	3	1	50

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total
5	0	11	18	4	4	50	42
Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.							

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
1	25
Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.	

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
6	6	0	0	Number
	100%		-	Compliance rate**
Notes: * This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year. ** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.				

Local Authority Report: Christchurch Borough Council
For the Period Ending: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	0	0	0	0	1	0	2	0	3

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total
0	0	1	1	1	0	0	3
Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.							

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0
Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.	

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
0	0	0	0	Number
	0%		-	Compliance rate**
Notes: * This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year. ** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.				

Local Authority Report: Poole Borough Council
For the Period Ending: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
8	2	7	8	3	4	1	7	0	40

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total
4	0	15	8	3	12	80	42
Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.							

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
1	8
Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.	

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
10	10	0	0	Number
	100%		-	Compliance rate**
Notes: * This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year. ** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.				