

Report of the Interim Assistant Director of Policy, Programmes and Change to the meeting of Governance and Audit Committee to be held on 1 December 2016.

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Subject:

Local Government Ombudsman - Review of Local Government Complaints 2015/16

Summary statement:

Following receipt of the Annual Review Letter from the Local Government Ombudsman, this report summarises the number of complaints and investigations undertaken by the Ombudsman for the year ended 31 March 2016 and compares Bradford's performance against that of other local authorities.

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1. SUMMARY

Following receipt of the Annual Review Letter from the Local Government Ombudsman (LGO), this report summarises the number of complaints and investigations undertaken by the Ombudsman for the year ended 31 March 2016 and compares Bradford's performance against that of other local authorities.

2. BACKGROUND

The LGO was established under the Local Government Act 1974 which defines the main statutory functions for the Ombudsman as

- to investigate complaints against councils and some other authorities
- to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009)
- to provide advice and guidance on good administrative practice

Its main activity under the Act is the investigation of complaints, which it states is limited to complaints from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure. Under Part IIIA the Ombudsman investigates complaints from people who allege they have suffered injustice as a result of action by adult social care providers.

The Ombudsman's jurisdiction covers all local authorities (excluding town and parish councils); police and crime bodies; school admission appeal panels and a range of other bodies providing local services. The vast majority of the complaints the Ombudsmen receive concern the actions of local authorities and adult social care providers are within the LGO's jurisdiction.

The Regulatory Reform (Collaboration etc between Ombudsmen) Order 2007 amended the 1974 Act and clarified the powers of the LGO and the Parliamentary and Health Service Ombudsman (PHSO) to work together. With the consent of the complainant the Ombudsman can share information, carry out joint investigations and produce joint reports where complaints fall within the remit of both Ombudsman schemes. In practice, the Ombudsmen consider and agree proposals to conduct joint investigations where the matters complained about are so closely linked that a joint investigation leading to the production of a joint conclusion and proposed remedy in one report is judged to be the most effective means of reaching a decision on maladministration and injustice.

3. OTHER CONSIDERATIONS

- 3.1 Each year the Local Government Ombudsman provides its Annual Review Letter to each Authority (Appendix 1) detailing the annual summary of statistics on the complaints made to its office. The data provided shows the complaints and enquiries it has recorded, along with the decisions it has made and whilst the number of complaints will not, by itself, give a clear picture of how well those



complaints are being responded to they do allow for comparisons to be made with authorities of a similar size.

- 3.2 The Review of Local Government Complaints 2015/16 (attached as Appendix 2) identifies that the LGO received a total of 114 new complaints and enquiries about Bradford between 1 April 2015 and 31 March 2016 compared to 122 in the previous year. A breakdown across Services is detailed below:

Service Area	2014/15	2015/16
Adult Social Care	19	18
Benefits and Council Tax	19	21
Corporate and other Services	12	12
Education and Children's Services	21	19
Environmental Services and Public Protection	12	12
Highways and Transport	18	14
Housing	2	4
Planning and Development	19	12
Other	0	1
Total	122	114

Upon receipt of a complaint the LGO will initially approach the Local Authority to ascertain the status of the complaint. The LGO will normally only accept complaints if the complainant has exhausted the Councils own internal complaint process. In 2015/16 the LGO made 116 decisions in relation to complaints about Bradford compared to 121 the previous year. Of the 116 decisions made in 2015/16, 44 (37.9%) were referred back to the Council for local resolution and 36 (31%) were closed by the LGO after its initial enquiries. 8 (6.9%) complaints were considered incomplete, invalid or other advice was provided.

- 3.3 During the period in question 28 complaints (42 in 2014/15) were subject to a detailed investigation carried out by the LGO. 16 of those complaints were not upheld with 12 being upheld i.e. 10.5% of the total complaints received by the LGO were upheld. A breakdown across service area of those subject to a formal investigation is below;

Service Area	Upheld	Not Upheld
Adult Social Care	3	4
Benefits and Council Tax	3	1
Corporate and other Services	-	2
Education and Children's Services	2	2
Environmental Services and Public Protection	3	1
Highways and Transport	-	1
Housing	-	-

Planning and Development	1	5
Total	12	16

Across the Country the LGO registered in excess of 19,700 complaints and enquiries and upheld 51% of complaints where it carried out a detailed investigation. In 2015/16 the 43% of the 28 Bradford complaints which were upheld following a detailed investigation by the LGO compares favourably with the 51% national comparator, the regional comparator of 46.3% and the Yorkshire and Humber comparator of 47%.

- 3.4 Of the twelve complaints detailed above which were upheld by the LGO, five resulted in a small amount of compensation being paid to the complainants. Across those five complaints £1,450 was paid in compensation and £250 was paid to one complainant for the time and trouble they took in pursuing the complaint. In two other cases a summons charge and a planning fee were repaid to complainants who had cases upheld.
- 3.5 Learning from complaints - Complaints provide senior managers with useful information in respect of the way that services are delivered. Under the Complaints Procedure and where necessary the delivery of recommendations or corrective actions are monitored through Action Plans agreed with the service manager affected, particularly in relation to complaint findings from LGO investigations.
- 3.6 Guidance from the LGO in relation to Council complaints processes suggests that as part the final response provided by the authority in question to a complainant, the complainant should be directed to the LGO as the body which can carry out an independent review of their complaint if they remain dissatisfied by the Councils response. The LGO review found that nationally a significant percentage of people were not even told that they could approach the LGO for an independent opinion whereas in Bradford a standard paragraph is included in all final responses to complainants which contains all the necessary contact details for the LGO.

4. FINANCIAL & RESOURCE APPRAISAL

The cost of investigating and supporting complaints and enquiries from the LGO is included in the Councils base budget and does not incur any additional costs to the Council.

In five of the ten cases where the LGO undertook a formal investigation and upheld the complaint, the LGO recommended compensation and other payments to complainants totalling £1,700, the cost of which is borne by Service Departments from with the base budget.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The LGO's review suggests that overall the numbers of complaints is increasing and Councils have less resource available to manage them. However, the overall



number of complaints considered by the LGO for Bradford has reduced compared to last year and of those where the LGO carried out a detailed investigation, the number which result in a complaint being upheld has also reduced.

6. LEGAL APPRAISAL

There are no specific legal issues arising within this report.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

There are no direct equal rights implications. All decisions on complaint investigations are made on the individual facts of the case taking into account the Council's Code of Practice for dealing with Complaints, the Children's Social Care and the Health and Adult Social Care complaints procedures.

7.2 SUSTAINABILITY IMPLICATIONS

There are no sustainability implications.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no impacts on Gas Emissions.

7.4 COMMUNITY SAFETY IMPLICATIONS

There are no impacts on Community Safety.

7.5 HUMAN RIGHTS ACT

There are no impacts in relation to the Human Rights Act.

7.6 TRADE UNION

There are no Trade Union implications.

7.7 WARD IMPLICATIONS

There are no impacts on Gas Emissions.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

There are no impacts on Gas Emissions.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

There are no options to consider

10. RECOMMENDATIONS

That the Governance and Audit Committee takes assurance from the result of the Local Government Ombudsman's Annual Review of Local Government Complaints 2015/16, that the Authorities complaints process is overall satisfactory.

11. APPENDICES

Appendix 1 - Annual Review Letter

Appendix 2 - Local Government Ombudsman Review of Local Government Complaints 2015/16

12. BACKGROUND DOCUMENTS

None