

Report of the Assistant Director of the Chief Executives Office to the meeting of Governance and Audit Committee to be held on 30 November 2017.

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Subject:

Local Government and Social Care Ombudsman - Review of Local Government Complaints 2016/17

Summary statement:

Following receipt of the Annual Review Letter from the Local Government and Social Care Ombudsman, this report summarises the number of complaints and investigations undertaken by the Ombudsman for the year ended 31 March 2017 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 and Social Care Ombudsman (LGO), this report summarises the number of complaints and investigations undertaken by the Ombudsman for the year ended 31 March 2017 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 LGO 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 2016/17 identifies that the LGO received a total of 120 new complaints and enquiries about Bradford between 1 April 2016 and 31 March 2017 compared to 113 in the previous year. A breakdown across Services is detailed below:

Service Area	2014/15	2015/16	2016/17
Adult Social Care	19	18	12
Benefits and Council Tax	19	21	21
Corporate and other Services	12	12	8
Education and Children's Services	21	19	31
Environmental Services and Public Protection	12	12	12
Highways and Transport	18	14	18
Housing	2	4	5
Planning and Development	19	12	13
Other	0	1	0
Total	122	113	120

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 2016/17 the LGO made 120 decisions in relation to complaints about Bradford compared to 116 the previous year. Of the 120 decisions made in 2016/17, 61 (50.8%) were referred back to the Council for local resolution and 26 (21.6%) were closed by the LGO after its initial enquiries. 8 (6.7%) complaints were considered incomplete, invalid or other advice was provided.

- 3.3 During the period in question 23 complaints (28 in 2015/16) were subject to a detailed investigation carried out by the LGO. 11 of those complaints were not upheld with 12 being upheld i.e. 10% of the total complaints received by the LGO were upheld compared to 10.6% in 2015/16. A breakdown across service area of those subject to a formal investigation is below. The figures in brackets are those for 2015/16.

Service Area	Upheld	Not Upheld
Adult Social Care	8 (3)	4 (4)
Benefits and Council Tax	- (3)	1 (1)
Corporate and other Services	1 (-)	- (2)
Education and Children's Services	2 (2)	3 (2)
Environmental Services and Public Protection	- (3)	- (1)
Highways and Transport	1 (-)	1 (1)
Housing	- (-)	- (-)
Planning and Development	- (1)	2 (5)
Total	12 (12)	11 (16)



Across the Country the LGO registered in excess of 16,722 (19,700 in 2015/16) complaints and enquiries and upheld 54% of complaints where it carried out a detailed investigation, an increase of 3% on last year. In 2016/17 the 52% of the 21 Bradford complaints which were upheld following a detailed investigation by the LGO compares favourably with the 54% national comparator, the West Yorkshire comparator of 54.5% and the Yorkshire and Humber comparator of 53.46%.

In terms of percentage of upheld cases against the overall number of complaints the LGO received, again Bradford (10%) compared favourably with the national comparator (13.74%), was ranked the highest against the West Yorkshire comparators which averaged at 16.54% and 3rd best in the Yorkshire and Humber region which averaged 13.58%.

- 3.4 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.
- 3.5 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 still not being 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 four of the twelve cases where the LGO undertook a formal investigation and upheld the complaint, the LGO recommended compensation and other payments to complainants totalling £2,000, the cost of which is borne by Service Departments from within 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 been similar across the last three years and of those where the LGO carried out a detailed investigation, the number which result in a complaint being upheld is also the same.



6. LEGAL APPRAISAL

There are no specific legal issues in relation to the 2016/17 annual report 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 Public Health, 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

- 10.1 That the Governance and Audit Committee takes assurance from the result of the Local Government and Social Care Ombudsman's Annual Review of Local Government Complaints 2016/17, that the Authorities complaints process is overall satisfactory.

11. APPENDICES

Appendix 1 - Annual Review Letter

12. BACKGROUND DOCUMENTS

None

