

Report of the Assistant Director of the Chief Executive's Office to the meeting of Governance and Audit Committee to be held on 29 November 2018.

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Subject:

Local Government and Social Care Ombudsman - Review of Local Government Complaints 2017/18

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 2018 and compares Bradford's performance against that of other local authorities.

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Portfolio:
All

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1. SUMMARY

Following receipt of the Annual Review Letter from the Local Government and Social Care Ombudsman (LGSCO), this report summarises the number of complaints and investigations undertaken by the Ombudsman for the year ended 31 March 2018 and compares Bradford's performance against that of other local authorities.

2. BACKGROUND

2.1 The LGSCO 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

2.2 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.

2.3 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 LGSCO's jurisdiction.

2.4 The Regulatory Reform (Collaboration etc between Ombudsmen) Order 2007 amended the 1974 Act and clarified the powers of the LGSCO 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 LGSCO 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 2017/18 identifies that the LGSCO received a total of 123 new complaints and enquiries about Bradford between 1 April 2017 and 31 March 2018 compared to 120 in the previous year. A breakdown across Services is detailed below:

Service Area	2015/16	2016/17	2017/18
Adult Social Care	18	12	17
Benefits and Council Tax	21	21	16
Corporate and other Services	12	8	6
Education and Children's Services	19	31	28
Environmental Services and Public Protection	12	12	16
Highways and Transport	14	18	15
Housing	4	5	5
Planning and Development	12	13	20
Other	1	0	0
Total	113	120	123

Upon receipt of a complaint the LGSCO will initially approach the Local Authority to ascertain the status of the complaint. The LGSCO will normally only accept complaints if the complainant has exhausted the Council's own internal complaint process. In 2017/18 the LGO made 130 decisions in relation to complaints about Bradford compared to 120 the previous year. Of the 130 decisions made in 2017/18, 46 (35% compared to 51% in the previous year) were referred back to the Council for local resolution and 47 (36% compared to 22% in the previous year) were closed by the LGO after its initial enquiries. 7 (5%) complaints were considered incomplete, invalid or other advice was provided.

- 3.3 During the period in question 30 complaints (23 in 2016/17) were subject to a detailed investigation carried out by the LGSCO. 11 of those complaints were not upheld with 19 being upheld i.e. 15% of the total complaints received by the LGO were upheld compared to 10% in 2016/17. A breakdown across service area of those subject to a formal investigation is below. The figures in brackets are those for 2016/17.



Service Area	Upheld	Not Upheld
Adult Social Care	4 (8)	1 (4)
Benefits and Council Tax	5 (0)	0 (1)
Corporate and other Services	0 (1)	0 (0)
Education and Children's Services	4 (2)	2 (3)
Environmental Services and Public Protection	1 (0)	3 (0)
Highways and Transport	1 (1)	0 (1)
Housing	1 (0)	0 (0)
Planning and Development	3 (0)	5 (2)
Total	19 (12)	11 (11)

Across the Country the LGSCO registered in excess of 17,452 (16,863 in 2016/17) complaints and enquiries and upheld 57% of complaints where it carried out a detailed investigation. In 2017/18 the 63% of the 30 Bradford complaints which were upheld following a detailed investigation by the LGSCO compares with the 57% national comparator, the West Yorkshire comparator of 55% and the Yorkshire and Humber comparator of 53%.

In terms of percentage of upheld cases against the overall number of complaints the LGSCO received, Bradford (15%) ranked the second best against the West Yorkshire comparators which averaged at 15%, and it was slightly higher than the national and the Yorkshire and Humber region averages, which were both 14%.

- 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.
- 3.5 In relation to compliance the LGSCO commented on his report about Bradford Council, the Council's positive approach to complaint handling, a prompt response to the Ombudsman's enquiries and a positive response to the LGSCO's decisions and recommendations.
- 3.6 The LGSCO published 40% more public interest reports during 2017/18, with a total of 42. One of the 42 public reports was against Bradford Council in relation to a failure to refer a housing benefit applicant's case on to the first-tier tribunal. The Ombudsman's investigation found out that a further 519 applicants were in a similar situation. The Council agreed to pay £100 to the complainant, pass her appeal to the tribunal and provided the Ombudsman with evidence of the actions taken to ensure such backlog is not likely to happen again. The LGSCO Public report was presented to the Corporate Overview & Scrutiny meeting on the 21st of February of 2018.
- 3.7 The Authority agreed with the Ombudsman that appeals in relation to benefits would be resolved within two months of receipt, where all the information to make a



determination was available. The Ombudsman agreed a target of 31 March 2018 to achieve that two month target which was met by the Authority. In addition to this the team has recently been the subject of an inspection by Internal Audit and received an excellent accreditation with regard to its current control processes.

4. FINANCIAL & RESOURCE APPRAISAL

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

In 9 of the 19 cases where the LGSCO undertook a formal investigation and upheld the complaint, the LGSCO recommended compensation and other payments to complainants totalling £1.925, the cost of which is borne by Service Departments from within the base budget. This figure was slightly lower than in the previous year (£2,000) even though the LGSCO upheld more cases during 2017/18.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The LGSCO's review suggests that, overall, the numbers of complaints is increasing and Councils have less resource available to manage them. The overall number of complaints considered by the LGSCO for Bradford has increased over the last year and so has the number of detailed investigations carried out by the LGSCO and the number of complaints being upheld.

6. LEGAL APPRAISAL

There are no specific legal issues in relation to the 2017/18 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 complaints procedure.

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 Ward implications.

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

Not applicable.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

Not applicable.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

There are no data protection and information security matters arising from this report.

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 2017/18, that the Authority's complaints process is overall satisfactory.

11. APPENDICES

Appendix 1 - Annual Review Letter 20017/18



12. BACKGROUND DOCUMENTS

None

