

Report of the Assistant Director of the Chief Executive's Office to the meeting of Governance and Audit Committee to be held on 28 November 2019

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Subject:

Local Government and Social Care Ombudsman - Review of Local Government Complaints 2018/19.

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 2019 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 (LGSCO), this report summarises the number of complaints and investigations undertaken by the Ombudsman for the year ended 31 March 2019 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

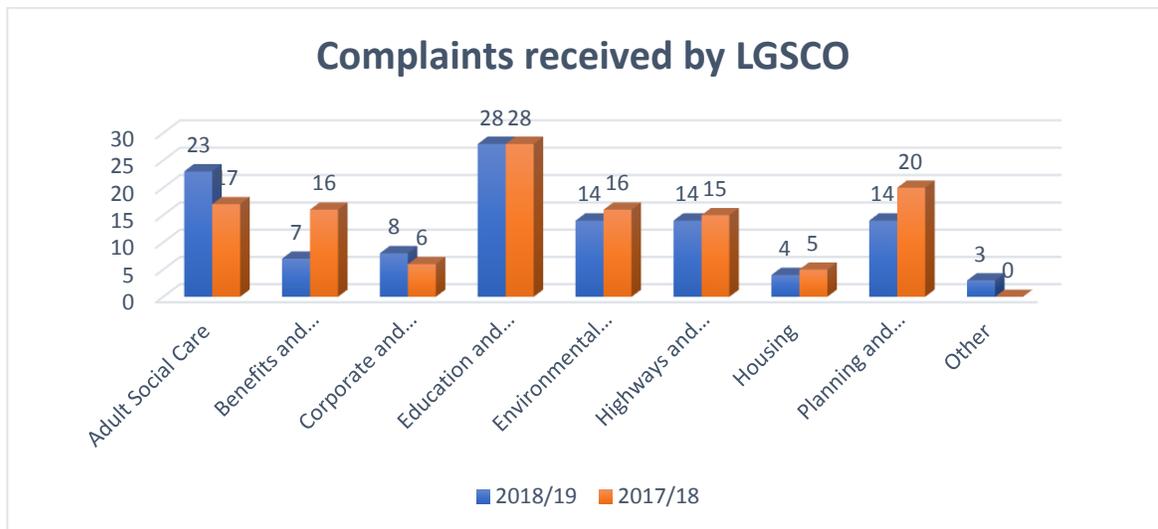
3.1 Each year the LGSCO provides its Annual Review Letter to each Authority (Appendix 1) detailing the annual summary of statistics on the complaints made to its office. The data provided shows the complaints and enquiries it has recorded, along with the decisions it has made and whilst the number of 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 2018/19 identifies that the LGSCO received a total of 115 new complaints and enquiries about Bradford between 1 April 2018 and 31 March 2019 compared to 123 in the previous year. A breakdown across Services is detailed below:

Service Area	2018/19	2017/18	2016/17
Adult Social Care	23	17	12
Benefits and Council Tax	7	16	21
Corporate and other Services	8	6	8
Education and Children's Services	28	28	31
Environmental Services and Public Protection	14	16	12
Highways and Transport	14	15	18
Housing	4	5	5
Planning and Development	14	20	13
Other	3	0	0
Total	115	123	120

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 2018/19 the LGO made 93 decisions in relation to complaints about Bradford compared to 130 the previous year. Of the 93 decisions made in 2018/19, 38 (41% compared to 35% in the previous year) were referred back to the Council for local resolution and 26 (28% compared to 36% in the previous year) were closed by the LGO after its initial enquiries. 12 (13%) complaints were considered incomplete, invalid or other advice was provided.



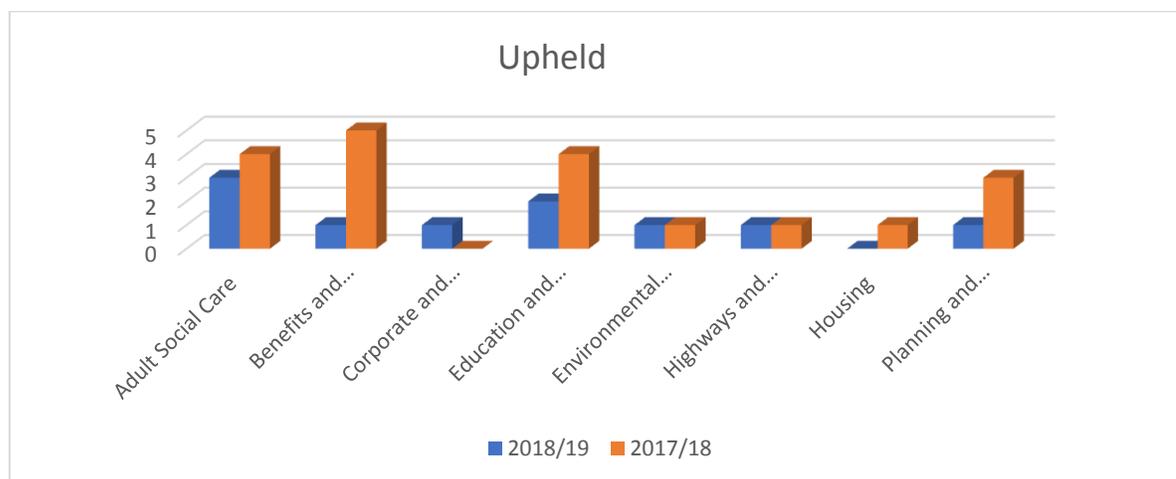
3.3 During the period in question 17 complaints (30 in 2017/18) were subject to a detailed investigation carried out by the LGSCO. 7 of those complaints were not



upheld with 10 being upheld i.e. 59% of the total complaints received by the LGO were upheld compared to 15% in 2017/18. A breakdown across service area of those subject to a formal investigation is below. The figures in brackets are those for 2017/18.

Service Area	Upheld	Not Upheld
Adult Social Care	3 (4)	2 (1)
Benefits and Council Tax	1 (5)	0 (0)
Corporate and other Services	1 (0)	0 (0)
Education and Children's Services	2 (4)	3 (2)
Environmental Services and Public Protection	1 (1)	0 (3)
Highways and Transport	1 (1)	1 (0)
Housing	0 (1)	0 (0)
Planning and Development	1 (3)	1 (5)
Total	10 (19)	7 (11)

In 20% of upheld cases the Council provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to an average of 14% in similar authorities.



Across the Country the LGSCO carried out 4,232 detailed investigations (4,020 in 2017/18) of which they upheld 58%. In 2018/19 the 59% of the 17 Bradford complaints which were upheld following a detailed investigation by the LGSCO compares to an average of 61% in similar authorities.

3.3 In relation to learning from complaints the LGSCO recommended the Council the following service improvement:

- To review the use of section 20 of the Children's Act 1989 to ensure that the Council is using its powers appropriately.
- To review the looked after children review process to ensure actions are specific, measurable, achievable, realistic and time specific. To remind staff that minutes of review meetings should be circulated as soon as possible after meetings in line with guidelines.



- To review training needs of all social care staff to ensure they have received up to date training on child sexual exploitation.
- To ensure all officers carrying out investigations at stage 2 of the statutory children's complaints process have received training in handling complaints.
- To review current arrangements to ensure resources are in place to deal with children's services complaints in line with statutory timescales.
- To review complaint about pollution with a view to changing practices as necessary to prevent a recurrence of the identified faults.
- To provide training to members of the appeal panel or school transport before any further appeals are heard. To ensure panel members are aware of the failings identified in the case to prevent similar failings in the future.
- To ensure that appropriate signage is put in place so that members of the public are made aware of their right to use a recreation ground.
- To review policy and procedures so that it identifies whether land to be disposed of is public open space and that it undertakes the necessary consultation.
- To ensure Estate Management reviews how it applies the Council's complaints procedure so as to respond to complaints in a timely manner.
- To consider what action it needs to take to ensure similar problems where a service user's needs are not met by the care provider do not happen again.

3.5 For the first time, the LGSCO included data on authorities' compliance with their recommendations. The LGSCO was pleased Bradford agreed to provide the proposed remedies in the 9 (100%) cases, however there was a delay in implementing remedies in 2 of the above cases. Bradford's 100% compliance compared to an average of 99% in similar authorities.

The LGSCO asked the Council to reflect on the way remedies are implemented with a view to reduce any avoidable delay in the process. The Council has volunteered to be part of a pilot project to monitor compliance in Local Authorities in the country.

3.6 The LGSCO published 43 public interest reports during 2018/19, compared to 42 during 2017/18. None of the 43 public reports were against Bradford Council, whilst one was published in 2017/18.

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 6 of the 10 cases where the LGSCO undertook a formal investigation and upheld the complaint, the LGSCO recommended compensation and other payments to



complainants totalling £3,558, the cost of which is borne by Service Departments from within the base budget. This figure was higher than in the previous year (£1,925).

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The overall number of complaints considered by the LGSCO for Bradford has decreased 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 2018/19 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 2018/19, that the Authority's complaints process is overall satisfactory.

11. APPENDICES

Appendix 1 - Annual Review Letter 2018/19.

12. BACKGROUND DOCUMENTS

None

