

Bath & North East Somerset Council

MEETING	Standards Committee	
MEETING	12th October 2021	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Annual Report on Commission for Local Administration in England (Local Government & Social Care Ombudsman) complaints	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 Annual letter from the Ombudsman Appendix 2 Anonymised determinations made by the Ombudsman 2020-21 Appendix 3 Background information on complaints		

1 THE ISSUE

- 1.1 To report the Ombudsman's Annual Review and determinations for 2020 – 2021 and provide an opportunity for the Standards Committee to comment on these.

2 RECOMMENDATION

The Committee is asked to note the Annual Review and note the determinations made by the Ombudsman and determine what, if any, further action is required.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 None.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The duty under s.5(2) Local Government & Housing Act 1989 requiring the Monitoring Officer to prepare a formal report to Council where the Ombudsman has found maladministration, can be discharged by an annual periodic report to the Council. The Council has delegated the consideration of any report of the Local Government Ombudsman to the Standards Committee.

5 THE REPORT

5.1 This report covers the period ending 31 March 2021. During this period 30 cases were received by the Ombudsman and 27 decisions were made. Only 3 detailed investigations were undertaken by the Ombudsman; 1 was not upheld and 2 were upheld. Appendix 2 to the report details the upheld cases in anonymised form and any recommendations made by the Ombudsman.

	Year 17-18	Year 18-19	Year 19-20	Year 20-21
Upheld	9 (19.5%)	5 (9.5%)	6 (13.5%)	2 (7.5%)
Not Upheld	2	7	6	1
Closed after initial enquiries – no fault	35	41	32	24
Total	46	53	44	27

6 RATIONALE

6.1 To allow consideration of the complaints and recommend any actions required.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 S.151 Officer

9 RISK MANAGEMENT

9.1 A risk assessment has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	Michael Hewitt tel 01225 395125
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Local Government & Social Care OMBUDSMAN

21 July 2021

By email

Mr Godfrey
Chief Executive
Bath and North East Somerset Council

Dear Mr Godfrey

Annual Review letter 2021

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

Complaint statistics

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

Supporting complaint and service improvement

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

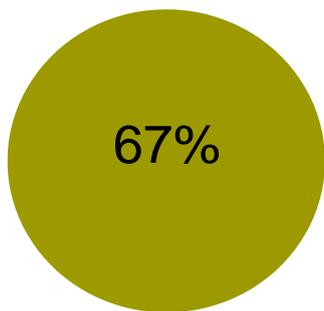
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



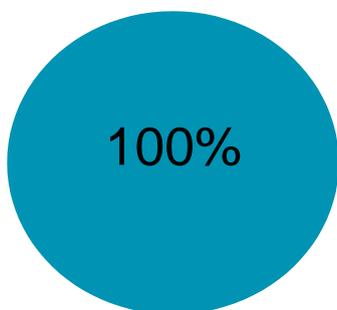
67% of complaints we investigated were upheld.

This compares to an average of 63% in similar authorities.

2 upheld decisions

Statistics are based on a total of 3 detailed investigations for the period between 1 April 2020 to 31 March 2021

Compliance with Ombudsman recommendations



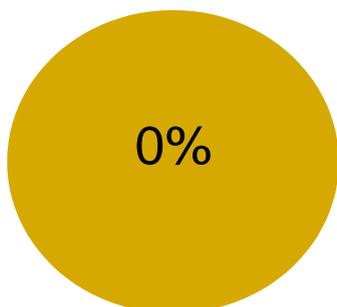
In 100% of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of 99% in similar authorities.

Statistics are based on a total of 3 compliance outcomes for the period between 1 April 2020 to 31 March 2021

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the authority



In 0% of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of 10% in similar authorities.

0 satisfactory remedy decisions

Statistics are based on a total of 3 detailed investigations for the period between 1 April 2020 to 31 March 2021

NOTE: To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

Appendix 2 - Summary of Upheld LGSCO complaints - Cases closed 2020/21

LGO Case Ref.	B&NES Service	Subject	LGO Finding	LGSCO Summary and Agreed Remedy	B&NES Compliance
19 013 016 Mr X	Adult Social Care	Care Fees	Upheld: Maladministration & Injustice	<p>Summary: Mr X complained about the way the Council handled the costs of care provided to his father. He says an unexpected bill caused his father worry and stress. The Council was at fault for a delay in carrying out a financial assessment. It has already apologised and should reduce the debt to remedy the injustice caused.</p> <p>Remedies: The Council will, within one month of the date of the final decision, issue an amended invoice in the sum of £2,000.00 and confirm its offer to accept repayment by instalments.</p>	Case confirmed closed with compliant remedies 28/7/20
20 003 806 Ms X	Housing	Homelessness Application	Upheld: No further action	<p>Summary: The Ombudsman has discontinued the investigation into Ms X complaint about the Council's decision not to take a homeless application from her. This is because the Council has now taken a homeless application from Ms X and agreed to update policies and procedures.</p> <p>Remedy: No further action. The Council has now accepted a homeless application from Ms X. It has also said it would amend internal policies and procedures. This is a sufficient remedy to the complaint and further investigation would unlikely lead to a different outcome.</p>	Housing Service proposed to amend policies and procedures 10/9/20

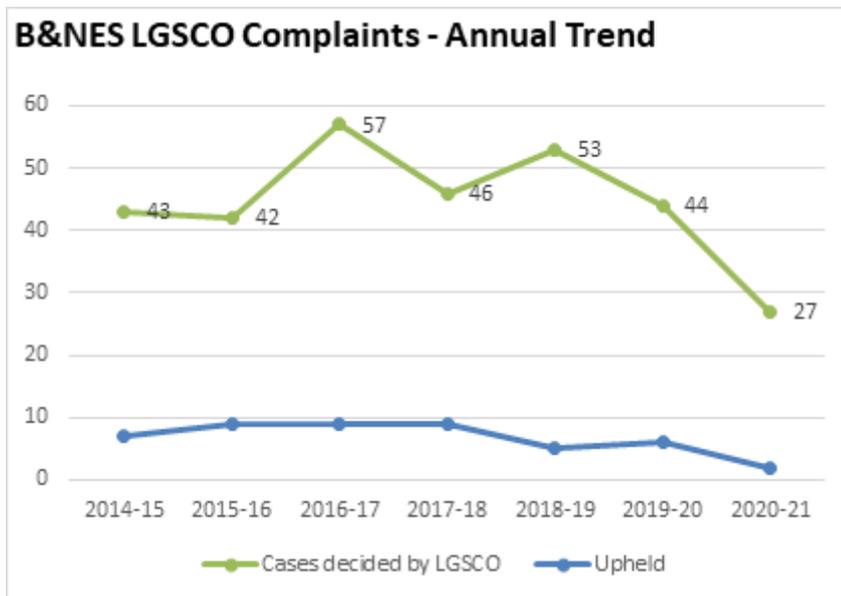
Appendix 3 Background information on complaints

B&NES Council's designated link officer with the LGO has provided the following background information to provide context to help understand the figures and what they mean.

The headline data for the year 2020/21 shows:

- 30 escalated complaints were received by the LGSCO
- They decided and closed 27 cases, of which;
- 3 complaints were the subject of detailed investigations, of which;
- 2 were upheld.

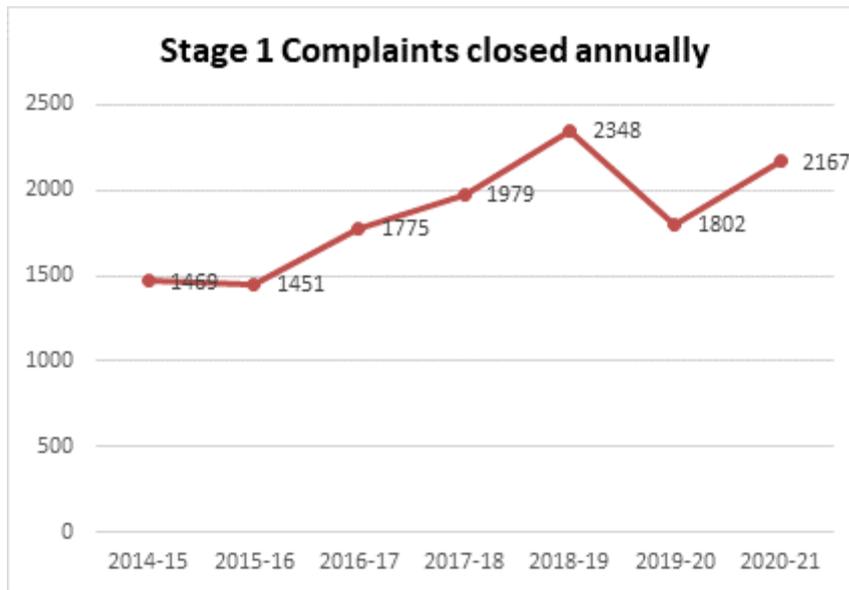
The long term trend of B&NES LGSCO complaints is shown in this chart:



For context, in the same period, B&NES council services themselves considered and closed:

- 2167 stage 1 corporate complaints, of which;
 - 40.5% were not upheld
 - 36.5% were partially upheld
 - 23 % were upheld
- 27 stage 2 complaints were reviewed by One West, of which 3 were referred back to services with advice for improvements. No fault was found in the remaining 24 cases.

The long term trend of corporate stage 1 complaints is shown in this chart:



Note that the LGSCO paused its operations for a 3 month period during the first lockdown in 2020 and did not accept new complaints, which reduced its annual throughput.

Meanwhile in the same period, stage 1 corporate complaint volumes increased for the council but we have not seen a subsequent surge in additional cases reaching the Ombudsman.

It therefore appears that our Corporate Customer Feedback and Complaints Procedures are working robustly and with mostly fair and accepted outcomes to complainants.