

Local Government and Social Care Ombudsman – Annual Review 2016/17

Cabinet

Date: 6th September 2017

Author: Leader of the Council
Director of Law and Democratic Services

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To report the receipt of the Local Government and Social Care Ombudsman's (LGO) Annual Review for 2016/2017, which gives the total number of complaints and enquiries received by the LGO with regard to Swindon Borough Council.
- 1.2 To highlight the annual summary of statistics on the complaints made to the LGO regarding the Authority for the year ended 31st March 2017.
- 1.3 Securing good decisions and the effective delivery of services without generating complaints ensures the Council's compliance with the requirements of its decision making principles, set out in Article 13 of the Constitution.

2. Recommendations

Cabinet is recommended:

- 2.1 That the LGO's Annual Review 2016/17, including the summary of National Statistics, and the trends across service areas in Swindon 2010-2017, attached at Appendix 1 to the report, be noted.
- 2.2 That it be also noted that, of the total number of complaints submitted to the LGO in relation to Swindon in 2016/17 (47), 5 were upheld.
- 2.3 That the Chief Executive, Corporate Directors, Directors and Heads of Service continue to ensure that, where possible, complaints are resolved internally before such matters are referred to the LGO and that requests for information from the LGO are dealt with promptly.

3. Detail

- 3.1 The LGO issues an Annual Review Letter and Report in June/July each year regarding authorities' performance in responding to complaints. These are sent to Council Leaders and Chief Executives to support greater democratic scrutiny of local complaint handling and to ensure effective local accountability of public services. The Annual Review Report 2016/17 for Swindon is attached at Appendix 1.

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- 3.2 47 complaints were received and investigated by the Ombudsman for Swindon Borough Council during 2016/2017. For members' information, 46 complaints were submitted in 2015/2016.
- 3.3 A summary of the LGO's decisions in respect of each of the upheld complaints is attached at Appendix 2.
- 3.4 The LGO has also produced a summary of complaint statistics for every local authority in England, included in the yearly report and published alongside the annual review letters. The summary of national statistics is attached at Appendix 3.
- 3.5 Further information on the Annual Review and summary of statistics can be found on the LGO's website www.lgo.org.uk. For members information, the LGO terminology in describing the status and outcomes of complaints are described on its website as:
- 3.5.1 **Upheld:** These are complaints where it has been decided that an authority has been at fault in how it acted and that this fault may or may not have caused an injustice to the complainant, or where an authority has accepted that it needs to remedy the complaint before we make a finding on fault. If the LGO decided there was fault and it caused an injustice to the complainant, usually the LGO will make recommendations for the authority to take some action to address it.
 - 3.5.2 **Not upheld:** Where an investigation into a complaint has resulted in that the council has not acted with fault
 - 3.5.3 **Advice given:** These are cases where the LGO would not look at a complaint because the body complained about was not within the LGO's scope or the LGO have previously looked at the same complaint from the complainant, or another complaints handling organisation or advice agency was best placed to help them.
 - 3.5.4 **Closed after initial enquiries:** These complaints are where an early decision has been made that could not or should not be investigated because the complaint is outside LGO's jurisdiction and cannot lawfully investigated or it has been decided that it would not be appropriate in the circumstances of the case to investigate. Early assessment of a complaint may also show there was little injustice to a complainant that would need an LGO investigation of the matter, or that an investigation could not achieve anything, either because the evidence shows at an early stage there was no fault, or the outcome a complainant wants is not one that can be achieved, for example overturning a court order.

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3.5.5 **Incomplete/invalid:** These are complaints where the complainant has not provided enough information to be able to decide what should happen with their complaint, or where the complainant informs the LGO at a very early stage that they no longer wish to pursue their complaint.

3.5.6 **Referred back for local resolution:** the LGO work on the principle that it is always best for complaints to be resolved by the service provider wherever possible and the Local Government Act 1974 requires LGO to give authorities an opportunity to try and resolve a complaint before they will get involved. Usually complainants are informed on how to complain to an authority and will be asked to contact it directly. In many instances, authorities are successful in resolving the complaint and the complainant does not re-contact the LGO.

3.6 For Members' information, the following data has been obtained in relation to comparator authorities' handling of complaints:

Authority	Total number of upheld complaints	Complaints per 100,000 population*	Population
Plymouth City Council	15	5.68	264199
Reading Borough Council	9	5.53	162666
Bath and North East Somerset	9	4.79	187751
Wiltshire Council	12	2.46	488409
Swindon Borough Council	5	2.29	217905
Southampton City Council	5	1.97	254275

2016-Mid-year Population Estimates

3.7 For members' additional information, a summary of "complaints trends" across service areas in Swindon, for the period 2010-2017, is attached at Appendix 4.

3.8 It is suggested that, in order to ensure that the Council's performance in relation to its handling of complaints is maintained and improved, the Chief Executive, Corporate Directors, Directors and Heads of Service be asked to continue to ensure that, where possible, all complaints are resolved internally before such matters are referred to the LGO and that requests for information from the LGO are dealt with promptly.

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4. Alternative Options

- 4.1 There are no alternative options. The Council could decide to develop a different approach to the way it responds to Ombudsman's complaints. However, there is no evidence that this is required given the outcome of the Annual Review.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are financial implications. Where the LGO recommends a local settlement then this is met or will come from the appropriate service budget.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights implications have been taken fully into account in the preparation of this report and it is considered that the recommendations are compatible with Convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 No other specific implications were identified in the preparation of this report

Diversity Impact Assessment

- 5.4 No other specific implications were identified in the preparation of this report

Risk Management

- 5.5 Poor performance and findings of maladministration pose a reputational risk to the Council. This is mitigated by the overall performance of the Council and the systems it operates for responding to complaints and ombudsman investigations

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – Annual Review Report for 2016/2017
8.2 Appendix 2 – Summary of LGO decisions

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8.3 Appendix 3 - Summary of National Statistics

8.4 Appendix 4 – Local Government Ombudsman Complaints – Trends in Swindon 2010-2017

9. Key Decision/Decision in Cabinet Work Programme

9.1 This is not a Key Decision and is included in the Cabinet Work Programme for October 2017.