

REPORT TITLE: ANNUAL REPORT: LOCAL GOVERNMENT AND SOCIAL CARE
OMBUDSMAN 2018/19

9 SEPTEMBER 2019

REPORT OF CABINET MEMBER: CLLR CUTLER – DEPUTY LEADER AND
MEMBER FOR FINANCE AND RISK

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WARD(S): ALL

PURPOSE

This report provides details on the complaints and enquiries received by the Local Government and Social Care Ombudsman (LGSCO) during 2018/19, and the conclusions reached following their investigations.

Information specific to individual authorities, including complaints referred to the Ombudsman, as well as the publication of the Ombudsman decision and decision statements, by category or authority, can be found on the LGSCO website;
www.lgo.org.uk.

RECOMMENDATIONS:

1. That the report be noted.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

- 1.1 The Council is focussed on the services that it provides and improving standards so that they can meet the expectations of its customers. Enhanced information and learning from complaints and their causes supports the Council to achieve this core principle underpinning the delivery of the Council Strategy.

2 FINANCIAL IMPLICATIONS

- 2.1 None directly arising from this report.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 None directly in this report.

4 WORKFORCE IMPLICATIONS

- 4.1 None directly.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None.

6 CONSULTATION AND COMMUNICATION

- 6.1 All feedback received from our customers who use the Council's services is an important part of continual improvement. The Council has a two stage complaints process where issues are first raised with the relevant Service Manager and followed up by the Chief Executive if the customer is dissatisfied with the response.
- 6.2 If the customer is still dissatisfied with the response provided, they may refer the issue to the Local Government and Social Care Ombudsman (LGSCO) who will investigate.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 None.

8 EQUALITY IMPACT ASSESSEMENT

- 8.1 None.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None.

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property - none</i>		
<i>Community Support – significant numbers of complaints can indicate concerns from the community and a lack of community support for the Council.</i>	Regular monitoring and reporting of the types and numbers of complaints the Council receives.	
<i>Timescales - Delays in responding to complaints can lead to adverse publicity and reputational damage.</i>	Regular monitoring of complaints and the time taken to respond ensures that the Council is responsive to the complaints it receives.	Learning from complaints can enable the Council to develop services ensuring that it remains customer focussed
<i>Project capacity - none</i>		
<i>Financial / VfM - cost of investigating and responding to complaints.</i>	Proper recording and monitoring of complaints ensures the Council is alerted to trends before they escalate.	Complaints provide the opportunity to develop or enhance services where appropriate
<i>Legal- none</i>		
<i>Innovation - none</i>		
<i>Reputation - significant numbers of complaints can lead to reputational damage and adverse publicity</i>	Regular monitoring and reporting of the types of complaints the Council receives.	
<i>Government Changes - none</i>		

11 SUPPORTING INFORMATION:

Annual Report of the Local Government and Social Care Ombudsman

- 11.1 The Local Government and Social Care Ombudsman are the final stage for complaints about councils', all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services.
- 11.2 Annually, the Ombudsman provides each local authority with an Annual Review Letter and summary of the statistics on the complaints received by the LGSCO about the council.

- 11.3 The tables below show the number of enquiries and complaints made to the LGSCO that were settled during the year ending 31 March 2019. Figures for 2017/18 are shown in brackets alongside the 2018/19 figures.
- 11.4 When considering these figures, it should be noted that in particular the figures include a number of general enquiries to the Ombudsman, some by telephone where the Ombudsman has been able to give advice without the need for any actual investigation. These enquiries are often received and decided or responded to on the same day; however, they are still classified as decisions.
- 11.5 These enquiries are often made to the Ombudsman without the knowledge of the Council and therefore the Council's records do not match those of the Ombudsman. For this reason, it has not been possible to reconcile the two sets of records.
- 11.6 An upheld complaint is one where the Ombudsman 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 the LGSCO make a finding on fault. If the Council has decided that there was fault and it caused an injustice to the complainant, usually the Ombudsman will have recommended that the authority take some action to address it.
- 11.7 Complaints and enquiries decided by the LGSCO by service area

LGSCO – Local Authority Report – Winchester City Council
For the year ending 31 March 2019 (2017/18 figures in brackets)

Benefits and Tax	Corporate and other services	Highways and transport	Environmental Services	Housing	Planning and development	Total
1 (4)	0 (1)	1 (4)	2 (0)	2 (6)	5 (5)	11 (20)

Decisions Made

Detailed investigations carried out		Advice Given	Closed after initial enquiries	Incomplete / Invalid	Referred back for local resolution	Total
Upheld	Not Upheld					
1 (1)	4 (1)	0 (2)	3 (3)	0 (2)	3(11)	11 (20)

Complaints Remedied

By LGSCO	Satisfactorily by LA before LGSCO involvement
1	0

The number of remedied complaints may not equal the number of upheld complaints. This is because, although the LGSCO may uphold a complaint because they found fault, they may not always find grounds to say that fault caused an injustice that ought to be remedied.

- 11.8 The Council has a very good record of cases not being upheld by the Ombudsman with only two being upheld during the last three years.
- 11.9 During 2018/19 there was one case upheld by the Ombudsman as a result of a delay by the Council in collecting refuse bins from a gated housing development. Collections were missed on at least two occasions which was unpleasant for the local residents over the summer of 2018 when the weather was particularly hot. It was ruled that this caused avoidable distress, time and trouble to the complainant. To the satisfaction of the LGSCO, the Council apologised and made a payment of £100 to the complainant.
- 11.10 Four complaints were not upheld where it was found after investigation by the LGSCO that the council had not been at fault. Two of these complaints refer to the handling of planning applications, one relating to a homelessness application and another enforcement agent fees for the recovery of council tax.
- 11.11 In a number of cases the LGSCO has investigated a complaint but closed the case after initial enquiries or referred the complaint back to the Council so that it could be locally resolved.
- 11.12 The number of complaints made to the LGSCO during 2018/2019 has reduced by 45% when compared to 2017/2018. A significant performance indicator is the number of upheld complaints and this continues to be very low.
- 11.13 The Council achieved an uphold rate of 20% in 2018/19 and refers to the one case upheld from a total of five where the LGCSO carried out detailed investigations. This compares favourably with an average uphold rate of 43% for similar other local authorities.
- 11.14 Complaints recorded by the Council
- 11.15 The Council reports regularly the volume of complaints that it receives as one of the performance measures in the quarterly Finance and Performance report that is presented to this Committee and Cabinet.
- 11.16 The number of complaints recorded has increased significantly during 2018/19 owing to complaints from residents and businesses about missed and delayed bin collections.

11.17 As previously reported, the Council is working with the waste contractor; Biffa UK to address the issues with bin collections across the district.

11.18 At its last meeting, Audit and Governance Committee requested a report be added to their work programme and brought to a future meeting on complaints and their resolution. Work has begun reviewing the complaints that were received during 2018/19 and so far in the current year to identify trends and whether they were actually complaints or not.

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 None.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

OS209 – Annual Local Government and Social Care Ombudsman Report 208-19

Other Background Documents:-

None.

APPENDICES:

Appendix 1 Local Government & Social Care Ombudsman Annual Review Letter
2019