

Standards Committee – 3 October 2016

Local Government Ombudsman – Annual Review 2015/16

Summary of report:

The report is to provide Members of the Committee with details relating to the role of the Local Government Ombudsman, provide information on the number and range of complaints referred by the Local Government Ombudsman to the Council during the financial year 2015/16, and to submit for Committee's consideration the Ombudsman's annual letter for 2015/16 received in July 2016.

Background papers:

None.

Recommendation:

1. To note the content of the report

1.0 Background

The Local Government Ombudsman (LGO) service investigates complaints about the range of local authority functions and services. The Ombudsman can investigate complaints about how the council has done something, looking at the council's administrative practice, and at how the service has acted in the matter concerned but cannot question what a council has done simply because someone does not agree with the outcome.

In recent years the LGO has sought to streamline its operations, so that it can focus its resources on those complaints where it believes can make a difference and where it is clear that the complaint has already exhausted local complaints procedures, and, as a result, the LGO seeks to provide a prompt outcome for the complainant.

Complaints received by the LGO are considered by an initial assessment team, who undertake checks to ensure that the complaint has been considered to a conclusion at a local level. Where it clear to the LGO that a complaint has not been submitted locally, the complainant will generally be advised to pursue the matter through the council's procedures first. In cases where it may not be clear, the LGO will seek information from the council in order to assess whether the Ombudsman should investigate the complaint at that stage; the LGO will expect a response to these assessment stage enquiries to a much shorter timescale, normally between 3 and 5 working days.

Other complaints may be turned away by the LGO because they fall outside of the remit of the Ombudsman, or because the complainant may have other remedies (e.g. a tribunal, or formal appeal procedure); or because the complaint may have

been submitted too late to be considered (normally over 12 months after the incident or issue arose – though the LGO has discretion to investigate, if there are reasonable grounds).

Where the LGO decides that it is appropriate to investigate a complaint, councils are expected to respond to enquiries received in the Ombudsman within a set timescale, normally of 28 calendar days for an initial detailed response. Where required, the council must give the Ombudsman access to files and other information relevant to the complaint, and to officers and Members, including ex-employees, former contractors etc. who have had an involvement in the matter. Any formal reports of maladministration that are received must be considered by the council, as set out in the council's constitution. In most cases, the LGO will seek to resolve a complaint promptly, and with the agreement of the council, without having to issue a formal report.

The Committee may be aware that there are plans, following government consultation on the future of public service Ombudsman services, to create a single public services Ombudsman for England, which would see the merger the Local Government Ombudsman and the currently separate Parliamentary & Health Service Ombudsman; as set out in the Ombudsman's annual letter, government has announced its intention to produce and publish draft legislation to bring about this change; currently there no timescale for the implementation of this change.

The LGO is aware, and makes reference to this in the current annual letter, of the changing landscape of public services in England, in terms of the increasing range of service providers, and the development, for instance, of combined authorities and of elected mayors. The LGO is conscious of the challenge sometimes presented to complainants, having to negotiate a range of complaints procedures where their concern may touch upon more than a single agency.

The letter includes statistics relating to complaints received by the LGO relating to this council during the year 2015/16, and also concerning decisions made during the year 2015/16 on complaints about this council. These are attached.

The Committee will note that of the 67 complaints received by the council in 2015/16, 23 were categorised by the LGO as relating to education and children's services, 11 to planning and development, 10 to adult care services, 9 to benefits & tax, 6 to environmental services, 4 to corporate and other services, 2 to highways & transport, and 2 to housing.

Of the 67 decisions made, 5 were not pursued being incomplete or invalid, 31 were referred back to local procedures, 18 were closed by the LGO after making initial enquiries, and 13 were subject to detailed investigation by the LGO. Of those, 7 were upheld and 6 were not upheld. In each of the 5 cases where the LGO proposed a remedy, the council carried out the remedy to the LGO's satisfaction.

2.0 Resource and legal considerations:

There are no specific financial implications arising from this report.

In some cases, the local settlement of particular complaints may include a financial element, for the complainant's 'time and trouble' in pursuing the matter, and in appropriate cases the payment of sums reflecting the impact of the council's failings on the complainant.

The Ombudsman service operates in accordance with provisions in the Local Government Act 1974, as amended by subsequent legislation. The LGO has recently issued a new manual for councils setting out operational matters relating to its procedures.

3.0 Performance and Risk Management issues:

The Ombudsman's annual letter and annual report provides details relating to the number of complaints received, and the outcome of complaints. These details are also published on the Ombudsman's website www.lgo.org.uk.

The annual letter no longer provides figures for the average time taken to provide a response to the Ombudsman's enquiries.

4.0 Equality Implications:

Details relating to the Ombudsman service are available on the council website and in the council's own complaints leaflets. The Ombudsman no longer produces its own complaint leaflets; rather details are set out on its website.

5.0 Consultation:

5.1 There is no requirement to consult on this report.

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21 July 2016

By email

Paul Sheehan
Chief Executive
Walsall Metropolitan Borough Council

Dear Paul Sheehan,

Annual Review Letter 2016

I write to you with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2016.

The enclosed tables present the number of complaints and enquiries received and the decisions we made about your authority during the period. I hope that this information will prove helpful in assessing your authority's performance in handling complaints.

Last year we provided information on the number of complaints upheld and not upheld for the first time. In response to council feedback, this year we are providing additional information to focus the statistics more on the outcome from complaints rather than just the amounts received.

We provide a breakdown of the upheld investigations to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us. In addition, we provide a compliance rate for implementing our recommendations to remedy a fault.

I want to emphasise that these statistics comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

Effective accountability for devolved authorities

Local government is going through perhaps some of the biggest changes since the LGO was set up more than 40 years ago. The creation of combined authorities and an increase in the number of elected mayors will hugely affect the way local services are held to account. We have already started working with the early combined authorities to help develop principles for effective and accessible complaints systems.

We have also reviewed how we structure our casework teams to provide insight across the emerging combined authority structures. Responding to council feedback, this included reconfirming the Assistant Ombudsman responsible for relationship management with each authority, which we recently communicated to Link Officers through distribution of our manual for working with the LGO.

Supporting local scrutiny

Our corporate strategy is based upon the twin pillars of remedying injustice and improving local public services. The numbers in our annual report demonstrate that we continue to improve the quality of our service in achieving swift redress.

To measure our progress against the objective to improve local services, in March we issued a survey to all councils. I was encouraged to find that 98% of respondents believed that our investigations have had an impact on improving local public services. I am confident that the continued publication of our decisions (alongside an improved facility to browse for them on our website), focus reports on key themes and the data in these annual review letters is helping the sector to learn from its mistakes and support better services for citizens.

The survey also demonstrated a significant proportion of councils are sharing the information we provide with elected members and scrutiny committees. I welcome this approach, and want to take this opportunity to encourage others to do so.

Complaint handling training

We recently refreshed our Effective Complaint Handling courses for local authorities and introduced a new course for independent care providers. We trained over 700 people last year and feedback shows a 96% increase in the number of participants who felt confident in dealing with complaints following the course. To find out more, visit www.lgo.org.uk/training.

Ombudsman reform

You will no doubt be aware that the government has announced the intention to produce draft legislation for the creation of a single ombudsman for public services in England. This is something we support, as it will provide the public with a clearer route to redress in an increasingly complex environment of public service delivery.

We will continue to support government in the realisation of the public service ombudsman, and are advising on the importance of maintaining our 40 years plus experience of working with local government and our understanding its unique accountability structures.

This will also be the last time I write with your annual review. My seven-year term of office as Local Government Ombudsman comes to an end in January 2017. The LGO has gone through extensive change since I took up post in 2010, becoming a much leaner and more focused organisation, and I am confident that it is well prepared for the challenges ahead.

Yours sincerely



Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: Walsall Metropolitan Borough Council
For the Period Ending: 31/03/2016

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
10	9	4	23	6	2	2	11	0	67

Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
5	0	31	18	6	7	54%	67

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.

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

The compliance rate is the proportion of remedied complaints where our recommendations are believed to have been implemented.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement	Compliance Rate
5	0	100%