

**Standards Committee – 2 October 2017**

**Local Government & Social Care Ombudsman – Annual Review 2016/17**

**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 2016/17, and to submit for Committee's consideration the Ombudsman's annual letter for 2016/17 which is appended.

**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 complainant has already exhausted local complaints procedures.

Complaints received by the Ombudsman are considered at the LGO 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 those circumstances the LGO generally will not forward details to the council. In cases where it may not be clear whether a matter has already been considered by the council, 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 very promptly, normally within 3 to 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).

In some cases, too, the LGO will be able to reach a decision on a complaint based on information provided by the complainant, and from information available on the website, including for example the council website using, for instance, the CMIS system for committee business or the planning portal. Likewise, the LGO may use information provided by the council at the assessment stage to enable it to reach a decision on a complaint, without the need to make further detailed enquiries of the council.

In a number of cases, though, where the LGO decides that it is appropriate to investigate a complaint, councils will be sent detailed enquiries, and are expected to respond to those enquiries within a set timescale, normally of 28 calendar days. The LGO may ask for specific documents, and may require the council to respond in detail to the complaint, and to the investigator's specific questions on the matter. 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. However, 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.

Further details on how the LGO works can be found in the Manual for Councils issued to assist particularly in respect of the day to day working relationship between Ombudsman staff and each council's designated 'link officer'. This manual is available on the Ombudsman's website via the link [www.lgo.org.uk/link-officers](http://www.lgo.org.uk/link-officers).

The Committee is asked to note that, since the publication of last year's annual review, the Ombudsman has changed its name to the Local Government & *Social Care* Ombudsman. This does not represent a change in its remit, rather the name change is designed to make clear to potential complainants that, as well as complaints about local councils, the Ombudsman is now able to investigate complaints about registered adult social care providers relating to care that is funded and arranged privately.

Detailed proposals, and draft legislation 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, which were discussed in last year's annual review and last year's report to this Committee are still awaited.

The Committee is also asked to note that during the past year the office of Ombudsman changed hands; Dr Jane Martin retired after seven years in post, and was succeeded by Michael King.

The letter includes statistics of *complaints received by the LGO* relating to this council during the year 2016/17, and also concerning *decisions made by the LGO* during the

year 2016/17 on complaints about this council. Details are attached. Please note that the statistics include enquiries where the LGO directed the complainant back to the council without any contact between the LGO and council on the matter.

The Committee will note that the 79 complaints received by the LGO relating to Walsall Council in 2016/17 were categorised by the LGO as follows:

- education and children's services – 21
- planning and development – 16
- environmental services – 13
- adult care services – 9
- benefits & tax – 8
- housing – 5
- corporate and other services – 3
- highways & transport – 2
- other – 2

The total of 79 represents an increase from the figure of 67 in 2015/16; however, the Committee should note that this is very largely explained by the fact that the total includes nine complaints about a single matter.

Of the 83 decisions made, 6 were not pursued as they were incomplete or invalid, 32 were referred back to local procedures for local resolution, 17 were closed by the LGO after making initial enquiries, and 28 were subject to detailed investigation by the LGO. Of those, 14 were upheld and 14 were not upheld. In 2015/16, 6 were upheld and 7 not upheld.

Committee members will note that comparative figures relating to neighbouring authorities are attached. These details are available, for all councils, on the LGO's website [www.lgo.org.uk](http://www.lgo.org.uk).

## **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](http://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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