

**8<sup>th</sup> November 2017****Agenda Item: 4****REPORT OF THE MONITORING OFFICER****LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER****Purpose of the Report**

1. The purpose of this report is to inform the Committee about the Local Government Ombudsman's (LGO) Annual Letter, and decisions made by the LGO, relating to the Council, in the year ending 31 March 2017.

**Information and Advice**

2. The Local Government Ombudsman (LGO) provides a free, independent and impartial service to members of the public it looks at complaints about councils and other organisations. It only looks at complaints when they have first been considered by the Council and the complainant remains dissatisfied. The LGO cannot question a Council's decision or action solely on the basis that someone does not agree with it. However, if the LGO finds that something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result, the LGO aims to get the Council to put it right by recommending a suitable remedy.
3. The LGO publishes its decisions on its website ([www.lgo.org.uk/](http://www.lgo.org.uk/)). The decisions are anonymous but the website can be searched by Council name or subject area.
4. The LGO's letter is attached to this report as Appendix A. As members will see from the attached information the LGO made decisions on 96 complaints and enquiries relating to Nottinghamshire County Council for the year ending March 2017. Only 27 complaints were investigated in detail, as the rest were closed after initial enquiries, or referred back to the Council for local resolution (cases where the complainant has not been through the Council's process). Those that were closed after initial enquiries include cases where the LGO is satisfied that the Council has already taken appropriate action or that the issues raised do not merit further investigation.
5. In the majority of cases the complaints were not upheld however in 11 cases (around 10% of the referral to the LGO) they were, and remedies were recommended by the Ombudsman. The LGO's decisions in all of these 11 cases are attached to this report as Appendix B; all remedies have been actioned by the Council apart from one case in which the complainant has refused to accept the financial redress.

6. It is positive to note that in the previous year (2015-16) 40 detailed investigations were carried out by the LGO and complaints were upheld in 12 cases. It is pleasing that the number of investigations has decreased.
7. Five of the cases upheld by the LGO related to Adult Social Care, four to children's social care and two to corporate services; one in procurement, Resources Department, and one property, Place Department. Three of the cases in Adult Social Care raised issues relating to safeguarding investigations. As a result of these complaints the adult safeguarding procedures have been revised and the importance of recording concerns and decisions has been highlighted to staff.
8. There were no other themes highlighted within the complaints; the issues were related to the individual circumstances of each case.

## **Statutory and Policy Implications**

9. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Data Protection and Information Governance**

The decisions attached are anonymised and are publically available on the LGO's website.

## **Financial Implications**

Three of the complaints that were upheld contained recommendations which included financial redress. This amounted to a total of £1760. It was recommended that two complainants each received £500 as a result of uncertainty caused to them. In one case the complainant received £560 to reimburse transport costs, and £200 for inconvenience time and trouble.

## **Safeguarding of Children and Adults at Risk Implications**

Some of the complaints upheld about Adult Social Care Services related to safeguarding (this is mentioned in the body of the report).

## **Implications for Service Users**

All of the complaints were made to the LGO by service users, who have the right to approach the LGO once they have been through the Council's own complaint process.

## **RECOMMENDATION/S**

That members consider:-

1. whether there are any actions they require in relation to the issues contained within the report.
2. how they would like to receive information about LGO decisions in the future.

**Jayne Francis-Ward**  
**Monitoring Officer and Corporate Director Resources**

**For any enquiries about this report please contact:**

Jo Kirkby, Team Manager – Complaints and Information team

### **Constitutional Comments (SMG 20/10/17)**

10. Governance & Ethics Committee is the appropriate body to consider the content of this report. If the Committee resolves that any actions are required it must be satisfied that such actions are within the Committee's terms of reference.

### **Financial Comments (RWK 23/10/2017)**

11. There are no specific financial implications arising directly from this report. The payments detailed in the report were met from existing budgetary provisions.

### **HR Comments ([initials and date xx/xx/xx])**

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

### **Electoral Division(s) and Member(s) Affected**

- All