

28 September 2022**Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN'S ANNUAL REVIEW
LETTER 2021****Purpose of the Report**

1. To inform the Committee about Local Government & Social Care Ombudsman's (LGSCO) Annual Review letter.

Information

2. The LGSCO 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 LGSCO cannot question a Council's decision or action solely on the basis that someone does not agree with it. However, if the Ombudsman finds that something has gone wrong, such as poor service, a service failure, delay or bad advice and that a person has suffered as a result, the LGSCO aims to get the Council to put it right by recommending a suitable remedy.
3. The LGSCO publishes its decisions on its website (www.lgo.org.uk/). The decisions are anonymous, but the website can be searched by Council name or subject area. A copy of the LGSCO's annual letter is uploaded onto their website and the Council's performance data can be found as part of an interactive map [your council's performance interactive map](#)
4. The LGSCO's Annual letter is attached at Annex A. The Ombudsman received 82 complaints in relation to this Council during the year and made decisions on 85 cases. Last year the LGSCO received 65 complaints and made decisions in 66 cases. It is worth noting again that the LGSCO took the decision to temporarily stop their casework for three months from March until June in 2020 which partially explains why numbers were lower the previous year.
5. Full investigations were undertaken in 23 complaints, 33 were closed after initial enquiries were made of the Council, 23 cases were referred back to the Council as the complainants had either not complained to us previously, or had not completed our process, and 6 were found to be invalid complaints or complainants were referred elsewhere. There was a total of 897 complaints received by the Council last year, this is similar to the previous year, so it is worth noting that less than 10% of our complaints end up at the LGSCO.

6. The LGSCO upheld 70% of the 26 complaints that they investigated (compared with an average of 71% in similar authorities). He is satisfied that we successfully implemented 100% of recommendations made. Four of these cases were signed off as late, these were during the early part of the year during Covid however there is ongoing focus around departments completing actions on time and they are taking ownership with timescales for completing these. Three of these cases were in Adults and one in Childrens. In all four cases any financial remedy and apologies were sent on time however where there were actions to be done over a longer period, for example three months, these were late, all apart from one (Adults) were completed within a month after the expected date. Where there could be ambiguity as to which area should respond the Service Director will decide who is best to respond and provide evidence of a team communication or procedure change so the Team Manager Complaints and Information can reply on time.
7. The letter refers specifically to the Public Report (already reported to this Committee in July 2021) about the poor standard of care provided to a resident, the restrictions imposed on the son and the failure of the safeguarding process.
8. The Ombudsman notes that the Council took prompt action after the decision it has:
 - Apologised to the family and made payments to acknowledge frustration, distress, time and trouble caused by not being able to see their mother and raising the complaint to have the restriction removed
 - Communicated with the Care Provider and put monitoring processes in place to ensure staff at the Care Provider know what actions to take regarding exclusion of a person and the importance of risk assessments
 - Reminded and trained staff about recording and completing safeguarding investigations and the importance of updating relevant people regarding the outcome as quickly as possible.

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

10. The decisions referred to in this report are anonymised and will be publicly available on the Ombudsman's website.

Implications for Service Users

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

RECOMMENDATION/S

1. That members consider whether there are any actions they require in relation to the issues contained within the report.

Marjorie Toward

Monitoring Officer and Service Director – Customers, Governance and Employees

For any enquiries about this report please contact:

Richard Elston, Team Manager – Complaints and Information Team

Constitutional Comments (HD (Standing))

12. 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 22/08/2022)

13. There are no specific financial implications arising directly from the report.

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