

**REPORT OF THE SERVICE DIRECTOR CUSTOMERS, GOVERNANCE AND
EMPLOYEES AND MONITORING OFFICER****LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN MEETING
UPDATE****Purpose of the Report**

1. To update the Committee on the meeting held between a representative of the Local Government and Social Care Ombudsman (LGSCO), Council Officers and the Chair of the Governance and Ethics Committee to discuss some of the most recent decisions made by Ombudsman.

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 considers 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.
4. The County Council takes all complaints seriously and always tries to maximise the learning from Ombudsman findings and to use their recommendations to improve services and our interactions with local residents. We discuss all decisions that we receive from the Ombudsman about our Council in detail at our Governance and Ethics Committee.
5. As a result of Members showing a real desire to understand the Ombudsman's recommendations, what lies behind them and what this means for local residents and how we can be more proactive in dealing with complaints, a meeting was arranged on 26 January 2023. The meeting was attended by the Local Government and Social Care Ombudsman's representative, Chair and Vice Chair of the Governance and Ethics Committee, Monitoring Officer and Team Manager of the Complaints and Information Team.
6. The purpose of this meeting was to understand Ombudsman decisions in more depth in order to identify emerging themes and potential learning to prevent issues arising and resolve issues

at an earlier stage to minimise any negative impacts on residents. Some of the more recent Ombudsman decisions also appear to be taking a broader view on where the Council's responsibilities start and finish and our ability to influence others to act. The intention was to discuss and better understand the Ombudsman's perspective on how best we can embed some of their recommendations in our day-to-day activities.

7. The request for a meeting with the Ombudsman was well received. The Ombudsman stressed the importance of engagement with public bodies outside of dealing with specific complaints to enable sharing of learning from particular complaints from both perspectives in a more neutral context.
8. The meeting highlighted several key areas for continued focus moving forward and the Ombudsman made a number of helpful suggestions to improve practice. These included ensuring that Ombudsman reports are considered and signed off at Service or Corporate Director level to ensure that senior managers are sighted on the recommendations, learning and areas for improvement and can ensure that this is embedded across the Council not just in a single service area, which is more likely to be the case than if an operational manager is solely responsible for implementation. The practice in this Council of Governance and Ethics Committee reviewing all Ombudsman decisions was viewed as a positive step.
9. The Ombudsman was also positive about the Council's approach to accepting and implementing the remedies recommended by the Ombudsman. This is in the context of not all Councils doing so. However, the importance of considering the Ombudsman's recommendations carefully and challenging recommendations at the time if they are not achievable or realistic was also highlighted.
10. Another area of discussion related to communication with residents and the need for recording of and evidence that such dialogue has taken place if the Ombudsman is to take this into account in reaching his/her decision. This has been a feature repeated in several recent complaints. The Ombudsman's view reflected that of Committee Members and will be an area for even greater focus across departments going forward.
11. The Ombudsman indicated that one of the key measures of good corporate health in relation to complaints was not solely the number of complaints but, more pertinently, the rate at which complaints are upheld by the Ombudsman. The Ombudsman confirmed that Nottinghamshire's rate of 73% compares favourably with that of other County Council's with a higher rate of 77% being complaints upheld. The Ombudsman suggested that an area of focus for the Council going forward might be the number of complaints remedied before coming to the Ombudsman where the Council's rate is 5% compared to 8% for other County Council's. This has been an increasing focus for this Committee which will be continued over the coming months.

Other Options Considered

12. On-going review of the current Ombudsman complaints and their findings will ensure that the Council has a clear and effective complaints procedure in place which, in turn, improves outcomes for local people and their experience of dealing with the Council. The Committee requested that this meeting take place to assist the Council in this endeavour.

Reason for Recommendation

13. To ensure that the Council continues to learn from Ombudsman findings and uses their recommendations to support our continued service improvements.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, 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, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

- 1) That the Committee notes the content of this report and considers the recommendations made by the Ombudsman on the key areas of improvement as detailed in the report.

Marjorie Toward

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Constitutional Comments (LW 08/02/2023)

15. Governance and Ethics Committee is the appropriate body to consider the content of the report.

Financial Comments (SES 08/02/2023)

16. There are no specific financial implications arising directly from this 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