

Report to: **Overview & Scrutiny (Internal) Committee**

Date: **6 October 2015**

Title: **The Ombudsman's Annual Review Letter 2015**

Portfolio Area: **Customer First**

Wards Affected: **All**

Urgent Decision: **N**

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Recommendations:

1. To review the Ombudsman's Annual Letter and consider what corporate lessons may be learnt and whether further service improvements are required.

1. Executive summary

- 1) To consider the Local Government Ombudsman's Annual Review Letter 2015 regarding Ombudsman complaints received against the Council for the period 1 April 2014 to 31 March 2015.
- 2) Members are requested to review the complaints and consider what corporate lessons have been learnt or can be learnt from the outcome of the complaints and whether further service improvements can be made.

2. Background

- 1) The Local Government Ombudsman investigates complaints made by members of the public about public authorities (currently excluding parish and town councils). The Government is however, consulting on the proposal to extend the Ombudsman's jurisdiction to some town and parish councils and the outcome of that consultation is still awaited.

- 2) The Ombudsman will investigate a complaint if it relates to maladministration or injustice by the Council. The Ombudsman will not be able to investigate all of the complaints referred to her as some will fall outside of her remit and the Ombudsman can only investigate a complaint that has already been considered through the Council's own complaints procedure. The Council must have had the opportunity to consider the complaint first.
- 3) A complainant cannot appeal against the Ombudsman's decision but complaints can be reviewed if new information is presented to the Ombudsman.

3. The Annual Letter 2015 and Complaints and Decisions

- 1) The Ombudsman's office changed its business processes during 2012/13 and the Ombudsman's Annual Review Letter now only presents high level statistical information on the number of complaints received by the Council. A copy of the Annual Review Letter 2015 for West Devon Borough Council is attached as Appendix A.
- 2) However, the Ombudsman recognises that presenting the total number of complaints may not, by itself, give a clear picture of how well these complaints have been responded to and the Ombudsman is working on its internal processes so that future Annual Review Letters will focus less on the total number of complaints and more on the outcomes of those complaints.
- 3) The Review Letter shows that in 2014/15 the Ombudsman received 12 complaints and enquiries compared to 16 complaints and enquiries for the previous financial year. The Ombudsman made 13 decisions compared to 11 decisions for the same period the previous year.
- 4) A more detailed summary of the complaints and Ombudsman's decisions received by the Council is attached as Appendix B. Members will note that the figures do not correspond. On querying this we have been advised by the Ombudsman's office that they are unable to provide any further detailed information on the statistics on an individual basis as they do not have the resource available to divert from their core work of dealing with the public's complaints.
- 5) However, the Ombudsman has provided answers to frequently asked questions relating to their Review Letters which goes some way to explaining the discrepancy in the figures in the Review Letter and the Council's records. Common questions and answers are set out below:

Why are there different totals for the number of complaints & enquiries registered, and the number of decisions made?

Not every decision made will relate to a complaint made in that year. There may be complaints registered in 14/15 that have not yet been decided on, and decisions may have been made in the financial year 14/15 for complaints registered in a previous year.

I cannot match up the number of decisions the Ombudsman has made to the number I have on file

Because our figures include enquiries, they will not match what your council holds. For example the Ombudsman can offer advice on, or refer complaints back to the council. We classify these as decisions and because no contact between the Ombudsman and local authority has been made, it is unlikely you will hold a record of them.

Your data shows a complaint or enquiry about a service our council does not provide

We categorise our complaints slightly differently to how councils may record their own. For example we include disabled facilities grant complaints within either Adult Care Services or Education and Children's Services depending on the age of the person affected. We also include blue badge complaints as part of Adult Care Services.

- 6) Members will note from Appendix B that the Planning service continues to attract most complaints to the Ombudsman, and were complaints in respect of which the complaint was upheld. This is the pattern for many authorities given the nature of the service.
- 7) The key purpose of the review of the Ombudsman's letter is to improve services as a result of learning from the complaints received. It is not suggested that each complaint is reviewed by the Committee but to review whether there are underlying problems or service improvements required. The final column in Appendix B shows the learning outcomes for those complaints where there has been a finding against the Council, but Members should note that the Ombudsman presents complaints as 'upheld' even where the Council has already negotiated a solution acceptable to the complainant.

5. Proposed Way Forward

- 1) The Council is currently considering its internal complaints policy and clearly if the Council can resolve complaints effectively at a local level this will reduce the number of complaints referred to the Ombudsman (and hence resources utilised).
- 2) Senior staff will be receiving training on Ombudsman complaints in the Autumn which, combined with a more proactive approach, is anticipated to reduce the number of decisions which are upheld by the Ombudsman.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Local Government Ombudsman is governed by the Local Government Act 1974. Overview & Scrutiny is responsible for having an

		<p>overview of complaints handling and for an overview of Ombudsman complaints, and the Ombudsman Annual Review Letter is an important part of that process.</p> <p>The decisions in respect of each case are provided to the relevant service in order that any recommendations made by the Ombudsman are acted upon and lessons learnt can be implemented.</p>
Financial	Y	<p>Where is it necessary to settle a complaint by the payment of compensation (or the Council has already offered a settlement) payment is made out of the current year's revenue budget for the service in question. In 2014/15 this amounted to £2, 450 the Planning budget.</p> <p>There are resource implications in the officer time spent in dealing with the complaint in both the initial stages under the Council's internal complaints policy as well as the resources required in responding to the Ombudsman complaint, but it is not currently possible to quantify this time.</p>
Risk	Y	<p>It is important that the Council is aware of the number and type of complaints made to the Ombudsman together with the outcomes and lessons learnt.</p> <p>Whilst it is not possible to eliminate complaints, it is possible to manage the complaints efficiently and learn from the outcomes of these complaints to mitigate the risk of recurrence and deliver service improvements.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		This is considered within the individual complaints
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		N/a
Other implications		

Supporting Information

Appendices:

Appendix A: the Local government Ombudsman Annual Review Letter 2014/15

Appendix B: table of Ombudsman complaints received and decided upon during 2014/15

Background Papers:

None

Approval and clearance of report

All reports must have Finance Service clearance and Legal Service clearance. Your report will only receive clearance if the implications in Section 6 are considered by the Finance and Legal Services to be complete and accurate. Make sure you contact the Finance Service and the Legal Service early on for advice where there are potentially financial or legal implications. If there are other resource implications you must forward your report to the appropriate officer for clearance. If those clearing the report make amendments they will advise you of that fact and refer you to the relevant changes. As report author you are responsible for finalising the report and its content but you are required to have regard to the comments of the Finance and Legal Services and clear reasons for not following their advice.

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes/No