

Report to: **Overview and Scrutiny Panel**

Date: **8 October 2020**

Title: **Ombudsman Annual Review Letter 2020**

Portfolio Area: Customer Satisfaction & Improvement
Cllr Nicky Hopwood

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **N**

Date next steps can be taken: Immediately following this meeting.

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RECOMMENDATIONS:

That the Panel:

- 1. Review the Ombudsman's Annual Letter for 2020 (attached at Appendix A); and**
- 2. Note the steps set out to ensure that the Council continues to address complaints fairly and in line with best practice.**

1. Executive summary

- 1.1 The Local Government and Social Care Ombudsman (LGCSO) looks at complaints about councils where the complainant considers that the Council has not sufficiently addressed their concerns
- 1.2 This report sets out the LGCSO's Annual Review Letter regarding complaints that they have considered during the period 1st April 2019 to 31st March 2020.
- 1.3 During this period, the Ombudsman received seventeen complaints about South Hams District Council, of which three were put forward for investigation. Following detailed investigation, two of those complaints were upheld by the Ombudsman.
- 1.4 Members are requested to review the Ombudsman's Annual Letter 2020 and consider what lessons have been learnt (or can be learnt) from the outcome of complaints.

2. Background

- 2.1 The Local Government and Social Care Ombudsman conducts independent, impartial and fair investigations into complaints that faults or service failure have led to an injustice. Where they find fault, they make recommendations to provide a remedy. Where evidence supports it, they can also recommend changes to policy and practice to address wider systemic failures.
- 2.2 The Ombudsman will only consider complaints where they have first been through the Councils internal complaints procedure. This is to allow the Council an opportunity to consider and respond to the complaint and where required, to offer a suitable remedy.
- 2.3 Once considered by the Ombudsman, a complainant cannot appeal against the Ombudsman's decision, but complaints may be reviewed if new information is presented to the Ombudsman.
- 2.4 The Ombudsman's Annual Review Letter 2020 is attached at Appendix A. More details on the complaints are included in Appendix B. This information is published on the Ombudsman website along with anonymised details of the complaints and findings.
- 2.5 The Ombudsman publishes data on:
 - a. The number of complaints and enquiries received
 - b. Decision
 - c. Reason for the decision and where a complaint is upheld, any suggested remedy

3. Outcomes/outputs

- 3.1 In the Annual Letter, the Ombudsman provides a breakdown of investigations that he has upheld in order to show the number of cases where the Ombudsman's recommendations have remedied the fault, and to also show where the Council had already offered a satisfactory remedy during its own investigation of the complaint.
- 3.2 Where the Ombudsman finds that the Council has acted with fault, and that fault has caused injustice to the complainant, he will make recommendations to the Council to put things right. This can include:
 - a. Asking the Council to make an apology (if it has not already done so)
 - b. Reinstating a service
 - c. Making a decision on something under the correct grounds
 - d. Reviewing existing policy
 - e. Providing information
- 3.3 If an injustice cannot be remedied through remedial action, the Ombudsman may recommend a financial payment.
- 3.4 The following table shows the number of complaints received and decided by the Ombudsman for the last five years. The difference in numbers received and the number of complaints decided is

due to those being returned to complainants by the Ombudsman or investigations being incomplete at the end of the year.

Year	Number of complaints received	Number of complaints upheld
2019/20	17	2
2018/19	17	4
2017/18	16	3
2016/17	22	5
2015/16	15	2

- 3.5 While it is unlikely that the Council will find itself in a position where no complaints are referred to the Ombudsman, It is encouraging to see that the number of complaints upheld by the Ombudsman has reduced from the previous year.
- 3.6 Of the seventeen complaints received by the Ombudsman during this period, two were not considered as the Council had not been provided with an opportunity to consider them first. A further eight were closed after initial enquiries by the Ombudsman. Three complaints were investigated by the Ombudsman. Four are still being considered by the Ombudsman and will be included in next year's report.
- 3.7 A summary of the complaints received is set out in Appendix B to this report.
- 3.8 To put the numbers of complaints considered by the Ombudsman in to context, the following table sets out the total number of complaints received by the Council in the same period 1 April 2019 to 31 March 2020

	Number of complaints received
Stage 1 Complaints (Considered by service)	285
Stage 2 Complaints (considered by a Head of Service where the customer considers that Stage 1 has not addressed their concerns)	44
Ombudsman Complaints (Where the complainant considers that our Stage 2 investigation has not addressed their concerns)	17

- 3.9 Of the 285 complaints received at Stage 1, 122 of them related to Waste and Recycling, 42 related to Development Management and 16 Council Tax. The rest were split across other Council departments. Forty-four complainants considered that our initial investigation had not sufficiently addressed their concerns and therefore asked for them to be reconsidered under Stage 2 of our complaints process.
- 3.10 Compared to similar authorities, the number of complaints about South Hams District Council upheld by the LGCSO is above average. The Ombudsman upheld 67% of complaints about South Hams compared to an average of 45% for similar authorities.

- 3.11 It is important to note that this means that a single complaint took the Council above average. If one less were to have been upheld, we would have fallen significantly below average. We have requested that the Ombudsman consider how this information if reported in the future considering Councils such as South Hams have such a small number of complaints investigated.
- 3.12 The Ombudsman did find that the Council failed to satisfactorily remedy one upheld complaint prior to their consideration of the matter.
- 3.13 The first upheld complaint was in respect of a planning administrative error whereby the Officer did not fully complete the check boxes within the Planning Application Officer report. This did not impact the decision to approve the planning application and the Council had already apologised for the administrative error. The Ombudsman did not consider that further action was required by the Council.
- 3.14 The second upheld complaint was in relation to the Council's Corporate Debt Recovery policy not having a detailed enough explanation of when a customer can be considered Vulnerable. This resulted in the debt owed by a customer being passed to enforcement agents when this was not an appropriate route for debt recovery. The Ombudsman found that the Council should review its Debt Recovery Policy (scheduled for Council in December 2020). It also found that the Council should recall the debt from enforcement agents.
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- 3.16 The Council has agreed to the recommended remedies for both complaints.
- 3.17 Efficient management of all complaints is important for the Council in order to ensure lessons are learnt and service improvements can be implemented. During the 2019/20 year, the following steps were taken to improve the customer experience and hopefully reduce the number of complaints received.
- 3.17.1 Implemented a screening of all complaints received within 1 working day
Rather than pushing all complaints through the formal process (which allows 30 days), we now carry out a screen of complaints and attempt to make telephone contact with the complainant in order to resolve their concerns without progressing through the formal process. This has meant that 40% of the complaints received were resolved in seven days or less.
- 3.17.2 Ensured we focus resource on improving the customer experience
The Council have appointed a Customer Improvement Manager to ensure we consider all aspects of customer satisfaction and that we learn from complaints

received. The Customer Improvement Manager provides regular Customer Satisfaction updates to the Overview and Scrutiny Committee (the last being February 2020). The Council has also recently refocused one of its Case Managers to ensure that our Website is accessible and easy to use.

- 3.18 In the coming months we will be reviewing our complaints process with a view to further increasing the number of complaints that are resolved under seven days and also reducing the number of complaints that are escalated to Stage 2 of the complaints process. In a significant majority of cases, our Stage 2 complaints find that the Stage 1 complaint was correctly undertaken and so this is unnecessary reworking.
- 3.19 We will also consider which staff undertake complaint handling. Currently the management of complaints at both Stage 1 and Stage 2 is dispersed across the organisation. It may be the case that centralising some of the complaint handling is a more efficient way of processing and resolving complaints.

4. Proposed Way Forward

- 4.1 Committee is recommended to note the content of the Local Government Ombudsman Annual Review Letter as set out in Appendix A to this report.
- 4.2 Note the high level actions to improve the customer experience as set out in 3.17
- 4.3 Members are also requested to note the proposed future actions as set out in 3.18 and 3.19

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>The Local Government & Social Care Ombudsman is governed by the Local Government Act 1974 and is responsible for considering complaints against local authorities which the complainant considers have not been resolved locally by the Council.</p> <p>The Overview and Scrutiny Committee Panel is responsible for having an 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 implications to		There are resource implications in officer time spent dealing with complaints in both the initial

include reference to value for money		<p>stages under our own policy as well as the resources in supporting an Ombudsman complaint. The Council does not have a dedicated Complaints Officer and it is therefore not possible to quantify this time.</p> <p>Good complaints management which we learn from mistakes is important in ensuring that the Council is efficient and provides value for money in the future by not making the same mistakes again.</p> <p>Where it is 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.</p>
Risk		<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 complaints efficiently and learn from the outcomes of these complaints to mitigate the risk of recurrence and deliver service improvement.</p>
Supporting Corporate Strategy		Efficient and Effective Council
Climate Change - Carbon / Biodiversity Impact		There are no direct impacts
Comprehensive Impact Assessment Implications		
Equality and Diversity		<p>This has been considered in the Complaints policy and within the individual complaints where relevant.</p> <p>No complaints have been received regarding Equality and Diversity.</p>
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		None

Supporting Information

Appendices:

Appendix A – Ombudsman Annual Letter

Appendix B – Ombudsman Annual Summary of Complaints

Background Papers: None