

Report to: **Audit and Governance Committee**

Date: **22 November 2022**

Title: **Ombudsman Annual Review Letter**

Portfolio Area: **Cllr Chris Edmonds**
Deputy Leader & Lead Member Performance and Resources

Wards Affected: **All**

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

Date next steps can be taken:

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RECOMMENDATIONS:**That the Audit Committee:**

- 1. Reviews the Ombudsman's Annual Letter for 2022 (attached at Appendix A); and**
- 2. Notes 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 2021 to 31st March 2022 (please see Appendix A).
- 1.3 During this period, the Ombudsman considered fourteen complaints about West Devon Borough Council, of which, only one was accepted and put forward for investigation. Following detailed investigation by the Ombudsman, this complaint was upheld.

- 1.4 Members are requested to review the Ombudsman's Annual Letter 2022 and consider what lessons have been learnt from the outcome of complaints.

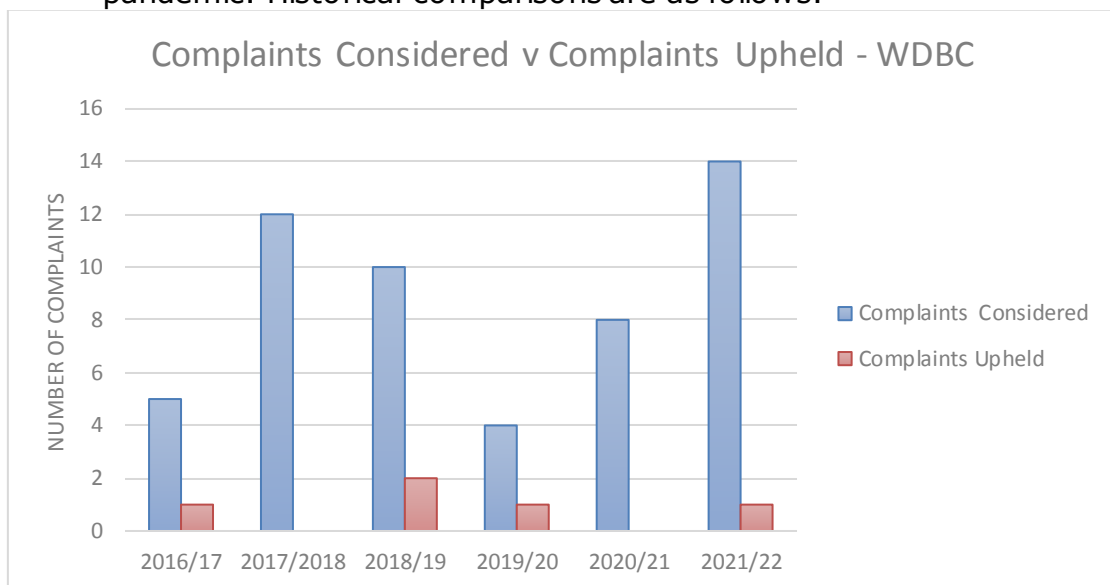
2. Background

- 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 ensure improvements are made and to avoid similar issues occurring.
- 2.2 The Ombudsman will only consider complaints where they have first been through the Council's 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 2022 is attached at Appendix A. This information is also published on the Ombudsman website along with anonymised details of the complaints and findings at <https://www.lgo.org.uk/your-councils-performance>
- 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
- 2.6 Effectively handling complaints is an important part of what we do as a Council and an important tool to identify improvements. The Ombudsman has a crucial role in providing an independent check on our approach, our thinking, and identifying any possible preconceptions, prejudices, or assumptions in our views.

3. Outcomes/outputs

- 3.1 In the Annual Letter 2022, the Ombudsman provides a breakdown of investigations that they have 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 Appendix B to this report shows complaints considered by the Ombudsman during the year.
- 3.3 In its Review of Local Government Complaints 21-22, the Ombudsman sets out that they continue to uphold 66% of complaints that they investigate about local councils.
- 3.4 The figure for West Devon Borough Council, is at 100% which is higher than average. It is however important to note that this represents the only complaint being investigated being upheld.

- 3.5 Of the fourteen complaints considered by the Ombudsman, eight were closed after initial enquiries, five were referred back to the council for local resolution, one was investigated and upheld.
- 3.6 The level of complaints raised with the Ombudsman are slightly higher than the long-term average although the Ombudsman only received complaints for 9 months of last year due to stopping taking complaints during the height of the Covid pandemic. Historical comparisons are as follows.

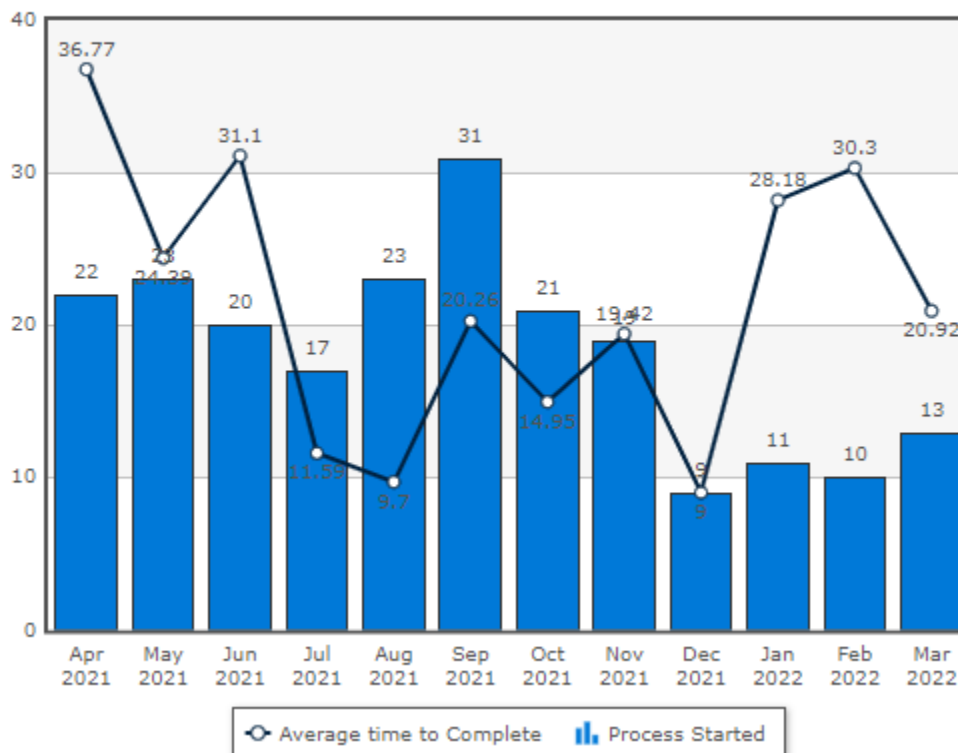


Complaints

- 3.7 The single upheld complaint related to the planning service.
- 3.8 A complaint had been received by the council regarding alleged inaccuracies in a planning officers report regarding a planning application. The complaint was quickly considered by the Monitoring Officer and as a result, the decision was taken to defer a decision at Committee until the complaint could be considered.
- 3.9 As a result, the officers report was updated and referred to a later committee, clearly highlighting the changes from the previous report and correcting some minor inaccuracies.
- 3.10 The complainant remained dissatisfied and as a result escalated their complaint to the Ombudsman. The Ombudsman considered the complaint and found that if there were any remaining inaccuracies in the final report to committee, it was not so significant as to call into question the committee's decision to approve the application.
- 3.11 The Ombudsman required that the Council write to the complainant to apologise for the unnecessary time and trouble it took to put the matter right.

3.12 To put this the Ombudsman complaints in to context, during 2021/22, West Devon Borough Council received a total of 219 complaints from customers, with a total of seven complaints being upheld by the investigating officer. The following chart sets out the complaints received by month and the average length of time to complete investigation of a complaint by Council Officers.

Average time to complete



- 3.13 On average, complaint investigation was completed within 20 days and therefore in line with our policy. We continue to implement further improvements to the way we deal with complaints to improve the quality of our response and our response speed.
- Active management of overdue complaint response time has improved performance
 - A focus on talking to the customer directly and early in the process has improved contact in recent months.
 - Automated reporting for Heads of Service to actively monitor complaints.
 - Learning opportunities highlighted from complaints are better captured and reviewed quarterly.
- 3.14 Additionally, we have commissioned the Local Government Ombudsman to deliver training staff in key service areas in order to further improve our complaints handling. These sessions will be held in November and December.

4. Proposed Way Forward

- 4.1 It is recommended that the Audit Committee notes the content of the Local Government Ombudsman Annual Review Letter as set out in Appendix A to this report.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<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. The Overview and Scrutiny Committee 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. 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 include reference to value for money	Y	<p>There are resource implications in officer time spent dealing with complaints in both the initial 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. 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	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. The Senior Leadership Team are updated on the numbers and types of complaints and the Business Managers and Customer</p>

		<p>Improvement Manager now monitor response times weekly to ensure timely replies to customers.</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		
Comprehensive Impact Assessment Implications		
Equality and Diversity		This has been considered in the Complaints policy and within the individual complaints where relevant. No complaints have been received regarding Equality and Diversity.
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 Complaints – Decided

Background Papers:

None