

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

27 SEPTEMBER 2018

**REPORT OF SENIOR
MANAGEMENT TEAM**

CABINET DECISION

Leader of the Council – Councillor Cook

**LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (“Ombudsman”) COMPLAINTS
– THE LOCAL AUTHORITY REPORT FOR STOCKTON 2017/18**

1. Summary

This report provides Cabinet with details of the Ombudsman’s annual review letter for the Council for 2017/18.

2. Recommendations

- It is recommended Cabinet note the report which sets out that no formal public interest reports have been received
- It is recommended that Cabinet note that effective procedures remain in place to ensure that all learning from Ombudsman findings takes place.

3. Reasons for the Recommendations

To ensure Members are aware of the position regarding complaints to the Ombudsman about the Council.

4. Members’ Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council’s code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member’s judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or

- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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CABINET DECISION

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (“Ombudsman”) COMPLAINTS – THE LOCAL AUTHORITY REPORT FOR STOCKTON FOR 2017/18

SUMMARY

The report provides Cabinet with details of the Ombudsman’s annual review letter for the Council for 2017/18.

RECOMMENDATIONS

- It is recommended Cabinet note the report which sets out that no formal public interest reports have been received.
- It is recommended that Cabinet note that effective procedures remain in place to ensure that all learning from Ombudsman findings takes place.

DETAIL

1. The Ombudsman has published the annual summary of statistics on the complaints and enquiries received about the Council and the decisions made in that respect for the year ended 31 March 2018.
2. It is positive to note that, whilst of course all complaints are considered very seriously and all recommendations and learning are adopted, there have been no formal public interest reports issued during the year and only five decisions upheld following detailed investigation by the LGO. Nationally the Ombudsman has seen a 40% increase in the number of public interest reports published.
3. A copy of the 2018 review letter and statistics tables are attached at **Appendix 1** to the report. A useful guide to interpretation of the Ombudsman’s statistics is available on the LGO website – <http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics> . A copy of the 2017 statistics table is also provided at **Appendix 2** for comparison purposes.
 - When comparing the two statistics tables, it can be seen that there has been a reduction in the number of complaints/enquiries received (from 39 to 32). Within this overall performance:
 - Highways and Transport are the only area with no complaints/enquiries being received and it should be noted that this area also had a significant reduction (from 3 to 0);

- There were also reductions in complaints/enquiries in a number of areas, most notably Planning and Development (from 8 to 2), Benefits and Tax (from 5 to 2), Corporate and Other Services (from 5 to 2), Housing (from 2 to 1) and Adult Services (from 6 to 5);
 - Complaints/enquiries about Education and Children's Services rose from (from 7 to 15);
 - Complaints/enquiries about Environment Services rose (from 3 to 5);
4. The number of decisions made by the Ombudsman in 2017/18 decreased significantly (from 41 to 29). The number of detailed investigations undertaken also decreased significantly (from 10 to 7). It should be noted that there was an increase in the number of complaints upheld (from 3 to 5). There are robust procedures in place for dealing with complaints about Council services at an early stage. It may be the case that the complaints which are unable to be resolved and are subsequently lodged with the Ombudsman may lead to an increased likelihood in the Ombudsman upholding the complaint.-
 5. Of the upheld complaints two related to Adult Care Services, two to Education and Children's Services and one to Planning and Development Services.
 6. The 5 upheld complaints were remedied by the Council following the Ombudsman's involvement. It is noted that the remedies suggested by the Ombudsman are of a low level and include the provision of written apologies and minor financial contribution to the complainant.
 7. It should be noted that all matters raised with the Ombudsman are reviewed at the Information Governance Steering Group to ensure that all learning is picked up by the relevant department

Annual Review of Local Government Complaints

8. The Local Government Ombudsman's annual review of Local Government complaints for 2017/18 has been published and a copy of the complete report can be viewed on the LGO website <https://www.lgo.org.uk/information-centre/news/2018/jul/ombudsman-investigations-putting-things-right-for-more-people> This provides a national context for Stockton's complaint and enquiry statistics.
9. The report shows that nationally:-
 - The number of complaints and enquiries received by the Ombudsman remained almost the same as the 2016/17 level. This contrasts with Stockton's figures, which have seen a reduction.
 - The top two categories for complaints were in Education and Children's Services and Adult Care Services which mirrors the situation in Stockton on Tees.
 - The number of detailed investigations upheld nationally increased to 57% from 53% last year. The Stockton on Tees figures have also seen an upward trend with increase in the uphold rate from 30% in 2016/17 to 71% in 2017/18.

COMMUNITY IMPACT IMPLICATIONS

10. There is no requirement for an assessment in relation to this report. The Ombudsman annual review, of itself, does not constitute a new policy, strategy or a change in the delivery of a service insofar as the Council is concerned. Any community impact implications arising as a result of responses to complaints will be assessed by the relevant service or Officer in that context, and at the appropriate time.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

11. None as a direct result of this report. The financial implications of individual complaints would be dealt with separately as part of the responses to those complaints.

Legal

12. There are no direct legal implications arising from the report. They may, however, arise on a case by case basis, depending on the particular circumstances of the complaint and related decision.

RISK ASSESSMENT

13. Existing management/operational systems and procedures are sufficient to control and minimise the risks arising to low to medium status.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

14. The Ombudsman's annual review for the Council is relevant to the Authority's organisational and operational effectiveness.

CORPORATE PARENTING IMPLICATIONS

15. There are no corporate parenting implications arising from the report.

CONSULTATION

16. Ombudsman complaints information is reported on a quarterly basis to the Senior Management Team, and to Cabinet portfolio members for relevant areas. A copy of this report, and the annual review letters and statistics will also be made accessible to all Council Members via agenda.

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<u>Education related?</u>	No
<u>Background Papers:</u>	None
<u>Ward(s) and Ward Councillors:</u>	The report affects all Members
<u>Property Implications:</u>	None

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Local Government & Social Care OMBUDSMAN

18 July 2018

By email

Neil Schneider
Chief Executive
Stockton-on-Tees Borough Council

Dear Neil Schneider,

Annual Review letter 2018

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

Future development of annual review letters

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new corporate strategy for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will therefore be seeking views from councils on the future format of our annual letters early next year.

Supporting local scrutiny

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at www.lgo.org.uk/scrutiny I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

Learning from complaints to improve services

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the reports and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: Stockton-on-Tees Borough Council
For the Period Ending: 31/03/2018

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
5	2	2	15	5	0	1	2	0	32

Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
1	0	18	3	2	5	71%	29

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
3	1

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Local Authority Report: Stockton-on-Tees Borough Council
For the Period Ending: 31/03/2017

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Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
6	5	5	7	3	3	2	8	0	39

Decisions made

Detailed Investigations				Complaints Remedied			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
3	0	14	14	7	3	30%	41

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations. The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

by LGO	Satisfactorily by Authority before LGO Involvement
3	0