

AGENDA ITEM

REPORT TO CABINET

12 SEPTEMBER 2019

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

Leader of the Council – Councillor Bob Cook

**LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (“Ombudsman”) COMPLAINTS - THE
LOCAL AUTHORITY REPORT FOR STOCKTON-ON-TEES 2018/19**

SUMMARY

The report provides Cabinet with details of the Ombudsman’s annual review letter for the Council for 2018/19. Of 48 enquiries received, the Ombudsman made decisions in 43 cases with only 13 of these resulting in a detailed investigation. Of the 13 investigations, five complaints were upheld. All recommendations made by the Ombudsman have been implemented.

REASONS FOR RECOMMENDATIONS/DECISIONS

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

RECOMMENDATIONS

1. It is recommended Cabinet note the report which sets out that no formal public interest reports have been received,
2. It is recommended that Cabinet note that effective procedures remain in place to ensure that all learning from Ombudsman recommendations and findings take 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 2019.
2. It is positive to note that, whilst 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. Of the 48 complaints and enquiries received by the Ombudsman in 2018/19 a total of 13 received a detailed investigation, with only 5 of the 13 complaints being upheld.
3. A copy of the 2019 review letter which includes the table of statistics is 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 2017/18 statistics table is provided at **Appendix 2** for comparison purposes.

4. When comparing the two statistics tables, it can be seen that there has been an increase in the number of complaints/enquiries received by the Ombudsman (from 32 to 48). Within this overall performance:
 - All service areas have recorded at least one enquiry.
 - Adult Social Care, Benefits and Council Tax and Highways and Transportation have seen the biggest increase from last year.
 - There has been a slight reduction (by 1) in Corporate and Other, Education and Children's Social Care and Environmental Services.
5. The number of decisions made by the Ombudsman in 2018/19 increased from 29 in 2017/18 to 43 in 2018/19 with the number of detailed investigations undertaken also increasing from 7 to 13. It should be noted that despite an increase in both complaints / enquiries and detailed investigations the number of complaints upheld remains at 5 which is consistent with 2017/18.
6. There are robust procedures in place for dealing with complaints about Council services at an early stage. The annual report and figures suggest that despite an increase in enquires received by the Ombudsman, the council is managing its early resolution processes well and in one of the 5 cases upheld, provided a satisfactory remedy before the complaint was investigated by the Ombudsman. This approach significantly reduces the workload of the Ombudsman and subsequently the Local Authority. This approach is something that the Authority would look to improve further, particularly at the Stage 2 of the Corporate Procedure.
7. Of the 5 complaints upheld, four related to Education and Children's Services and one to Adult Care Services.
8. 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 financial contribution to the complainant. The Council's web site and associated complaint paperwork have also been strengthened to make it clear what support is available for those who require further assistance with Mental Health and Wellbeing matters.
9. A new statistic produced by the Ombudsman shows that 100% of the recommendations made by the Ombudsman with respect to any complaints upheld, have been actioned. This is something that the Ombudsman now follows up in a timely way and will be included as a statistic in future annual reports.
10. It should be noted that all matters raised with the Ombudsman are reviewed at the Corporate Governance Steering Group and by the Councils Corporate Management Team quarterly, to ensure that all learning is shared and picked up by the relevant department

Annual Review of Local Government Complaints

11. The Local Government Ombudsman's annual review of Local Government complaints for 2018/19 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.
12. The report shows that nationally:
 - The number of complaints and enquiries received by the Ombudsman has increased from the previous year with some 16,899 complaints/ enquiries received a third of which

relate to Children Education and Adults Social Care. This is in line with Stockton figures, which mirror similar statistics.

- The number of detailed investigations upheld nationally increased to 58% from 57% last year. Although Stockton had more cases investigated the upheld rate remains the same at 5 cases. This is an improvement on the national trend.
- London has the highest upheld rate at 63% with the North East having the lowest upheld rate at 46%
- The North East has the highest proportion of Children Education and Adult Social Care Complaints with the East Midlands the lowest rate on both.

13. In summary Stockton is in line with National trends but maintains a lower level of cases upheld. This is a positive position considering the North East region makes the highest level of complaints/ enquiries particularly in the areas of Adults and Children's Social Care and Education. This suggests that the councils approach to dealing with and managing complaints is robust. Learning from this report and the trend in rising national figures, will be considered in future policy developments and staff training.

COMMUNITY IMPACT IMPLICATIONS

14. 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.

CORPORATE PARENTING IMPLICATIONS

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

FINANCIAL IMPLICATIONS

16. 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 IMPLICATIONS

17. 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

18. 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

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

WARDS AFFECTED AND CONSULTATION WITH WARD / COUNCILLORS

20. 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 Egenda.

BACKGROUND PAPERS

21. None.

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