

**AGENDA ITEM**  
**REPORT TO CABINET**  
**17 SEPTEMBER 2020**  
**REPORT OF SENIOR**  
**MANAGEMENT TEAM**

**CABINET DECISION**

**LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN ( LGSCO)**  
**COMPLAINTS. LOCAL AUTHORITY REPORT FOR STOCKTON FOR 2019/20**

**SUMMARY**

The report provides Cabinet with details of the Ombudsman's annual review letter for the Council for 2019/20. 40 enquiries were submitted to the Ombudsman during the year, of these 10 met the threshold for a detailed investigation by the Ombudsman. Of the 10 complaint investigations, six were upheld. All recommendations made by the Ombudsman have been implemented.

**RECOMMENDATIONS**

1. Cabinet note the report which sets out that no formal public interest reports have been received.
2. Cabinet note that effective procedures remain in place to ensure that all learning from Ombudsman recommendations and findings take place.

**REASONS FOR THE RECOMMENDATIONS**

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

**DETAIL**

1. The Ombudsman published its annual letter and summary of statistics on the complaints and enquiries it has received about Stockton on Tees Borough Council and the decisions made in that respect, for the year ended 31 March 2020 in July 2020.
2. It is positive to note that, whilst all complaints are considered very seriously, and all recommendations and learning are adopted, there have again been no formal public interest reports issued during the year and of the 43 complaints and enquiries dealt with by the Ombudsman in 2019/20, 10 received a detailed investigation, with 6 of the 10 complaints being upheld.
3. A copy of the 2020 review letter is attached at **Appendix 1** to the report. A useful guide to interpretation of the Ombudsman's statistics is available on the [LGO website](#).
4. **Number of complaints received** - There has been a reduction in the number of complaints made to the Ombudsman from 48 in 2018/29 to 40. To provide some

context for the number of complaints for the Borough – the Ombudsman received a total of 17,019 complaints in 2019/20 for the 343 Local Authorities in England. The profile of the complaints received across the categories set by the Ombudsman is as follows:

| <b>Category</b>   | <b>Complaints received 2019/20</b> | <b>Complaints received 2018/19</b> |
|---|------------------------------------|------------------------------------|
| Adult Care Services                                     | 5                                  | 11                                 |
| Benefits & Tax  | 2                                  | 7                                  |
| Corporate and Other                                     | 2                                  | 1                                  |
| Education and Children's Services                       | 22                                 | 14                                 |
| Environmental Services & Public Protection & Regulation | 4                                  | 4                                  |
| Highways & Transport                                    | 1                                  | 5                                  |
| Housing   | 1                                  | 2                                  |
| Planning & Development                                  | 1                                  | 3                                  |
| Other / "Null" insufficient information to categorise   | 2                                  | 1                                  |
| <b>Total</b>  | <b>40</b>                          | <b>48</b>                          |

5. **Number of decisions made by the Ombudsman in 2019/20** – The Ombudsman made 43 decisions in 2019/20 this is consistent with 2018/19. 11 of the decisions made in 2019/20 relate to complaints received in 2018/19.

| <b>Decision outcome</b>             | <b>2019/20</b> | <b>2018/19</b> |
|-------------------------------------|----------------|----------------|
| Closed after initial enquiry        | 15             | 12             |
| Incomplete or invalid               | 4              | 3              |
| Detailed investigation - Not Upheld | 4              | 8              |
| Detailed investigation - Upheld     | 6              | 5              |
| Referred back for local resolution  | 14             | 15             |
| <b>Total</b>                        | <b>43</b>      | <b>43</b>      |

6. **Number of detailed investigations undertaken and uphold rate** - Detailed investigations decreased from 13 in 2018/19 to 10 in 2019/20 and the number of complaints upheld increased slightly from five to six. This uphold rate of 60% compares with a national rate of 61%. Of the six complaints upheld, three related to Adults Care Services (up from one in 2018/19) one to Planning & Development, one to Benefits & Taxation and one to Education and Children's Services (down from four in 18/19). However of the 10 detailed investigations in 2019/20 only 2 related to 2019/20 complaints and neither of these complaints were upheld. The overall position for 2019/20 is that for the 40 complaints received, 8 are outstanding and to date none have been upheld.
7. **Satisfactory remedies provided by the authority** - The Council's Customer Feedback and Complaints policy provides robust procedures for dealing with complaints about Council services at an early stage. The LGSCO annual report and figures suggest that the council is managing it's early resolution processes well and in two of the 6 cases upheld, provided a satisfactory remedy before the complaint was investigated by the Ombudsman. This satisfactory remedy rate of 33% compares to an average of 13% in similar authorities and significantly reduces the workload of the Ombudsman and subsequently the Local Authority. It demonstrates that the Early Resolution process, which was introduced across the whole authority from October 2019 is working well. It is also noted that the remedies suggested by

the Ombudsman in the six upheld cases are of a low level and include the provision of written apologies and financial remedy for injustice / time and trouble 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.

8. **Compliance with Ombudsman recommendations** – This is a key indicator monitored by the Ombudsman and performance in 2019/20 shows that 100% of the recommendations made by the Ombudsman with respect to any complaints upheld have been actioned. This compares with a national compliance rate of 99.4%
9. **Public Interest Reports** – The Ombudsman publishes public interest reports for more serious cases in order to share the lessons learned from the cases they investigate, as well as holding authorities to account. In 2019/20 63 Public Interest Reports were issued nationally. It is pleasing to note that no reports were published for the Borough in 2019/20.
10. **Learning** - All matters raised with the Ombudsman are reviewed by the Corporate Governance Group and by the Council's Corporate Management Team on a quarterly basis to ensure that all learning is shared and picked up by the relevant department. Detailed reviews are also shared with the appropriate Directors and Cabinet Portfolio leads to ensure that appropriate action is taken. The Corporate complaints team have also benefitted from national training provided by the LGSCO and have a positive and constructive relationship with the Ombudsman via the link officer seminars. The guidance issued this year on good administrative practice and handling of complaints during the Covid-19 crisis has been of particular relevance and value this year.

## **COMMUNITY IMPACT IMPLICATIONS**

11. 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**

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

## **FINANCIAL IMPLICATIONS**

13. 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**

14. 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 and Legal Service input is called upon in these cases. The Corporate Governance Group also has a Legal Service representative.

## **RISK ASSESSMENT**

15. 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**

16. 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**

17. The Ombudsman complaints information does not indicate any significant ward specific information or trends.

## **BACKGROUND PAPERS**

18. The Local Government and Social Care Ombudsman's annual review of Local Government complaints for 2019/20 has been published and relevant extracts have been include in this report. A copy of the complete report can be viewed on the [LGO website](#).

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