

Report of the Executive Director – Core Services

AUDIT COMMITTEE – 16th September 2020

Local Government and Social Care Ombudsman Annual Review Letter 2020

1. Purpose of the Report

- 1.1 This brief covering report presents the Annual Review Letter for Barnsley MBC of the Local Government and Social Care Ombudsman (LGSCO). The letter is attached to this report.
- 1.2 Whilst this is a public document and has already been published by the LGSCO, it is brought to the specific attention of the Audit and Governance Committee as part of the independent assurance role the Committee has.

2. Recommendations

- 2.1 **The Committee is recommended to consider the Annual Letter of the LGSCO and acknowledge the response from the Council with regards to the fundamental review of the corporate processes that aim to ensure a higher level of compliance.**
- 2.2 **The Committee is also recommended to receive a further report following the review currently being undertaken.**

3. Background

- 3.1 The LGSCO look at individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It is a free service and investigates complaints in a fair and independent way. The LGSCO's mission is "Remedy injustice – help improve local services".
- 3.2 Despite our best endeavours there will inevitably be times when the Council does or does not do something that gives rise to a complaint. Whilst we have a robust complaints procedure, incorporating an internal review stage, there are occasions where this process does not produce a satisfactory outcome for the complainant and their next recourse is to the LGSCO.
- 3.3 Following their own investigation, the LGSCO will make a decision such as maladministration has occurred and caused injustice, or a referral back for local resolution (perhaps on the basis of a premature decision having been taken by

the Council or the matter having not completed the Council's corporate complaints process), or indeed that no maladministration was found. Recommendations are made which will cover how the Council should improve its services but also to recommend a payment to the complainant by way of recompense or compensation.

3.4 The Committee will recall that specific within its Terms of Reference is to:

S) To consider any payments in excess of £2,000 or provide other benefits in cases of maladministration by the Authority within the scope of Section 92 of the Local Government Act 2000.

3.5 It should be noted that one payment in excess of £2,000 was recommended by the LGSCO. A separate report will be presented to the Committee at a subsequent meeting.

4. Annual Letter 2020 and Action

4.1 The key message from the Letter is in relation to delays in providing responses to "*several investigation enquiries and in completing the recommendations agreed with us*".

4.2 The letter, attached, provides three key indicators - the percentage of complaints upheld, compliance with Ombudsman recommendations and satisfactory remedies provided by the authority.

4.3 Clearly the Council is disappointed with this performance and has instigated a fundamental review of the process and supporting procedures to ensure we understand fully the reasons for the delays and to ensure better compliance moving forward.

4.4 This review is well underway and includes the development of a new SharePoint based system to manage and track complaints and other contacts from customers such as requests under the Freedom of Information Act or the Environmental Information Regulations or Subject Access Requests under the Data Protection Act. Using the business intelligence tool, improved performance monitoring is being developed to track progress of cases and therefore highlight at an earlier stage where delays may be occurring. The review is being supported by the Data Protection Officer and in due course the new processes and procedures will be audited.

4.5 The Committee should be assured of the priority this review has and the commitment to ensure a significant improvement in performance.

- 4.6 Our ability to provide quality services to the public is our top priority but equally we recognise that in a difficult financial period and with ever increasing pressure and public expectations we may not always get things right. Our ability to find timely remedies to complaints (or responses to information requests) is also of critical importance.
- 4.7 The recent annual governance review process also highlighted and recognised that there was scope to improve the timeliness of responses from the various services, but also to support that, there was a need to review the corporate processes and procedures.
- 4.8 The Committee will be kept informed of progress of the review and in due course receive a presentation / report on the outcome.

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