

Report of the Executive Director – Core Services

AUDIT COMMITTEE – 15th September 2021

Local Government and Social Care Ombudsman Annual Review Letter 2021

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 delivery of mandatory complaints training to staff, ensuring a higher level of satisfactory remedy is offered before a complaint is escalated to the LGSCO.**

3. Background

- 3.1 The LGSCO looks 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 decide if maladministration has occurred and caused injustice, or if a referral back for local resolution is needed (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 no payments in excess of £2,000 was recommended by the LGSCO.

4. Annual Letter 2021 and Action

4.1 The key message from the Letter is in relation to how the Council offers a satisfactory remedy to a complaint before it is escalated to the LGSCO and it is observing a national "*erosion of effective complaint functions in local authorities*".

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 the latter key indicator which states '*In 0% of upheld cases we found the Council had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to an average of 11% in similar authorities*'. The Council has not previously received such feedback, which questions what has gone wrong. It is also unclear what criteria the LGSCO applied when arriving at this decision, nor has the Council been furnished with examples of where the LGSCO considers the Council to have not offered a satisfactory remedy. As a result, the Council has sought clarification from the LGSCO to enable a better understanding of this.

4.4 A benchmarking exercise undertaken with authorities of a similar size showed the LGSCO to have reported a comparative picture; citing failings in the provision of satisfactory remedies to complaints received – a theme also evident in neighbouring authorities.

4.5. The LGSCO acknowledges that prolonged budget and demand pressures placed on services in response to the Covid-19 pandemic in 2020/21 has amplified the issues highlighted. In essence, reduced capacity has had a great impact on local authorities' ability to deal effectively with complaints. However,

it is accepted more work needs to be undertaken in seeking a satisfactory remedy before a complaint is referred to the LGSCO.

- 4.6 Despite the pressures placed upon services during 2020/21, the Committee should be assured of the Council's priority to address this and its commitment to ensure improvement in this area with the development and delivery of mandatory complaint handling training to services across the Council. This will comprise of several key factors, including the importance of complaints, the opportunities a complaint brings in shaping future service delivery and more so, the learning that can be borne as a result. This will be further complimented by the LGSCO with the introduction of a new programme of work and additional training packages that will also utilise complaints to drive improvements in local complaint systems and services. This will enable targeted support to be provided to services who need it most.
- 4.7 In essence, 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 offer satisfactory remedies to complaints (or responses to information requests) is will continue to remain of critical importance.
- 4.8 The Committee will be kept informed of progress made in the delivery of mandatory complaints training and the impact this has on the quality of complaint responses issued.

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