

Report of the Executive Director – Core Services

AUDIT COMMITTEE – 14th September 2022

Local Government and Social Care Ombudsman - Annual Review Letter 2022

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.

1.3 The letter brings focus on the Council's approach to complaints, concentrating upon the performance from the statistical data collected by the Ombudsman's office.

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 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.

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 based on a premature decision having been taken by the Council or the matter having not completed the Council's complaints process), or indeed that no maladministration was found. Recommendations are made which will cover how the Council should improve its services, as well as how the Council should remedy the complaint – this may result in financial redress being recommended.

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

To consider any payments more than £2,500 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 there was financial redress of £2700 for one complaint in 2021-2022.

4. Annual Letter 2022 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.

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 Council performance (based on a total of 13 investigations for the period 1 April 2021 to 31 March 2022) for complaints upheld was 69% which is an improvement on last year's position of (83%) but appreciating the number of complaints received is higher. Our compliance with recommendations continues to be 100% for all cases which is positive to note. In relation to satisfactory remedy, which relates to the number of cases that the Ombudsman considers to be resolved and remedied satisfactorily by the Council before reaching them, remains at 0%. Additional support measures were implemented by the Customer Resolution Team following this result last year to support services in this area, which unfortunately we have not yet seen an impact in improved performance for during 21-22, work will continue to be undertaken in the areas below to support services, with the aim of seeing an improvement in our performance.

4.3.1 Continue to discuss the area of resolution and remedy through support and training to services.

4.3.2 Continue to provide a challenge to services in our quality checking of responses of how they have remedied the complaint.

4.3.2 Continue to promote the use of the Ombudsman's guide to remedies.

4.4 The Ombudsman's letter also highlights the increasing concerns they have about the erosion of effective complaint functions in authorities, finding poor local complaint handling practices, and reductions in the overall capacity, status, and visibility of local redress systems. The Council's complaint's function has recently been reviewed as part of the Business Improvement, Human Resources and Communications restructure with the creation of the Customer Resolution Team sitting in the Business Improvement team. There has been an additional Customer Resolution Officer added to this service.

4.5 A commitment was made in last year's report to deliver complaints training during 2021-22 to services and work in this area has been ongoing and will continue into 2022-23. We will soon be able to launch an online POD course for all staff members to access, training has been delivered to officers within SEN services, and is underway at present with Adult Social Care staff members. Discussions are ongoing with Children's Services in respect of them being the next service to receive training in complaints management.

4.6 Whilst this is positive, the continued success of any complaints service lies in the wider functionality and cooperation of all Council's services in working with the Customer Resolution team in response to complaints. Using the summary analysis table and intelligence held within the team, the areas which present a particular risk to the organisation in the management of complaints include services capacity to respond to complaints and allocate resource, ensuring the investigation is thorough and of high quality and improving the quality of the response back to the customer.

4.7 Our ability to provide quality services to the public continues to be 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 will continue to remain of critical importance and focus, with ongoing training and support offered by the Customer Resolution team in working with services.

Contact Officer: Service Director - Business Improvement, HR and Communication

Email: michaelpotter@barnsley.gov.uk

Date: 05 September 2022