

LGSCO – INFORMING THE WORK OF SCRUTINY

The Local Government and Social Care Ombudsman (LGSO) is the final stage for complaints about councils and other organisations responsible for the provision of public services. The LGSCO also investigate complaints about adult social care providers including care homes and home care agencies. A complaint about an organisation or partner acting on behalf of a council or authority should also be signposted to the ombudsman.

When considering the number of outsourced and commissioned services it is becoming increasingly important to ensure contracts fully incorporate how complaints about a service will be dealt with and that the service provider is aware that a complainant can be directed to the Ombudsman.

The main statutory functions for the ombudsman are:

- to investigate complaints against councils and some other authorities
- to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009)
- to provide advice and guidance on good administrative practice

The Local Government Act specifies how the LGSCO can issue a decision, either as a:

- Statement of reasons
- Focus report
- Public report

Statement of reasons – for the majority of complaints received, the LGSO will report outcomes from an investigation in the form of a statement of reasons. The statement provides a summary of the complaint, the evidence gathered and judgement. This method of reporting remains unique to the individual complaint, and as such the recommendations put forward. If a common theme or issue was to arise it may be that statements of a similar nature will be used to inform a focus report.

Focus report - highlight subjects or systemic issues arising from LGSCO case work. The report draws on learning from complaints and makes recommendations on good practice to help other authorities and care providers to review internal process and address areas where improvements can be made. The focus report contributes to public policy debates and has more recently included information and tools for elected members to scrutinise local services and to inform work priorities.

Public report - cases that raise particularly serious issues or which highlight matters of public interest are given extra prominence and are issued as a public report. Such reports are published when the LGSCO believe it is in the public interest to highlight particular issues or problems. A public report may be issued because the impact of what went wrong is significant. It will also be issued if an authority does not agree with LGSCO findings or recommendations, or put things right to a satisfactory level.

Complaints raised by the public and service users can be an important source of information to help councillors identify issues that are affecting local people. Complaints can therefore play a key part in supporting the scrutiny of public services

In addition to current methods used to inform scrutiny work priorities, it is both reasonable and practical to suggest that a consistent and responsive approach is needed to review LGSCO reports and recommendations. Scrutiny will now start to review decisions made by the LGSCO on a monthly basis, to inform in-year work priorities. This will also contribute to the evidence gathered throughout the municipal year when developing annual work programmes.

Upon reviewing the LGSCO reporting methods, it is clear that the statement of reasons is specific to each individual complaint and outcome. The attention of scrutiny will concentrate primarily on the shared learning detailed within the focus reports and key questions for good practice.

It will remain important to ensure that the subject matter is appropriate, proportionate and that scrutiny can add value. The shared learning allows scrutiny to seek assurances that learning opportunities are noted by services and acted upon.