

Report To:	OVERVIEW PANEL
Date:	18 November 2019
Reporting Officer:	Sandra Stewart, Director – Governance and Pensions Sarah Dobson, Assistant Director – Policy, Performance and Communications
Subject:	LGSCO – INFORMING THE WORK OF SCRUTINY
Report Summary:	To receive for information, a summary of proposals for LGSCO reports and recommendations to be reviewed on a regular basis to inform the work of Scrutiny. That Scrutiny routinely reviews LGSCO decisions, with shared learning reported to services in order to gain assurances of practice, delivery and outcomes for residents and service users.
Recommendations:	That Overview Panel are asked to note the content of the report and approve the future role of Scrutiny to review LGSCO decisions to inform and improve local service delivery.
Links to Corporate Plan:	The work of Scrutiny is closely linked to the Council’s Corporate Plan Priorities. Scrutiny activity seeks to support effective decision making and improvement outcomes across Tameside.
Policy Implications:	Scrutiny work programmes comprise activity that seeks to check the effective implementation of the Strategic Commission’s policies and if appropriate make recommendations to the Executive with regards to development, performance monitoring, outcomes and value for money.
Financial Implications: (Authorised by the Borough Treasurer)	There are no direct financial implications as a result of this report.
Legal Implications: (Authorised by the Borough Solicitor)	<p>The Ombudsman’s jurisdiction is covered by the Local Government Act 1974 (as amended), which defines the main statutory functions for the Ombudsman as:</p> <ul style="list-style-type: none"> • 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). <p>The Ombudsmen's jurisdiction under Part III of the Act covers all local authorities (excluding town and parish councils); police and crime bodies; and school admission appeal panels. The LGSCO corporate strategy is based upon twin pillars of remedying injustice and improving local public services. The Ombudsman is confident that the continued publication of decisions, focus reports on key themes and the data in the annual review letter is helping the sector to learn from its mistakes and support better services for citizens. Recently, Councils have been urged to scrutinise data on complaints to improve services. It is important that the Council takes even greater measures to ensure that it is able to evidence that it learns from complaints and uses this learning to improve and maintain the quality of the services it commissions and</p>

provides.

Risk Management:

Regular updates to Overview Panel provide assurance that scrutiny is progressing with an effective work programme, supporting good decision making and service improvement.

Access to Information:

The background papers relating to this report can be inspected by contacting Paul Radcliffe, Policy and Strategy Lead by:



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1. BACKGROUND

- 1.1 On 9 September 2019, Overview Panel received a report on the 'Local Government and Social Care Ombudsman (LGSCO) Annual Report for Complaints Monitoring'. A recommendation was made for the Council's Scrutiny Panels to develop a consistent approach to review learning and improvement outcomes to inform future work priorities.
- 1.2 This report therefore aims to provide Overview Panel with an update on the planned approach of scrutiny to undertake work in this area. LGSCO reports and recommendations provide a wealth of evidence and information, which can be reviewed on a regular basis to inform future scrutiny work programmes and form part of the evidence base for specific reviews. There is a further opportunity for scrutiny to develop a new and more responsive approach to ensure shared learning opportunities are directly communicated with service areas and that a formal response and/or position statement be returned within an agreed timescale.
- 1.3 It will remain important to ensure that the subject matter is appropriate, proportionate and can add value. The shared learning does allow scrutiny to seek assurances that learning opportunities are noted by services and acted upon.

2. INTRODUCTION

- 2.1 The LGSCO 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.
- 2.2 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.
- 2.3 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

3. REPORTING METHODS AND SHARED LEARNING

- 3.1 The LGSCO issue a decision for every complaint received. Prior to a final decision being made, a draft decision may be sent for fact checking to the authority in question and the complainant. The reporting method for a decision will depend on the individual circumstance of the complaint. The LGSCO will determine the scale and impact of a complaint and whether there is a need to ensure key learning points are made available for other authorities to review and take action.
- 3.2 The Local Government Act specifies how the LGSCO can issue a decision, either as a:
 - Statement of reasons
 - Focus report
 - Public report
- 3.3 **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.

- 3.4 **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.
- 3.5 **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.

4. INFORMING THE WORK OF SCRUTINY

- 4.1 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
- 4.2 The LGSCO direct a range of questions and approaches to inform the future work programme of scrutiny panels, they include:
- How is the council planning for the impact on service users of change programmes?
 - How is the council ensuring that changes to eligibility criteria are lawful, based on need, and properly communicated?
 - How is the council properly managing any organisations acting on its behalf and embedding clear lines of accountability for dealing with complaints and concerns?
 - How is the council ensuring service redesigns avoid a loss of corporate memory and retain continuity for vulnerable service users?
 - How is the council using its own complaint information to anticipate problem areas for service users or training needs of its own staff?
 - How is the council demonstrating it learns from Ombudsman investigations?
- 4.3 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 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.
- 4.4 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.
- 4.5 As at the date of Overview Panel (18 November 2019) scrutiny has now identified shared learning from the following focus report. The review of local government and adult social care complaints for 2018-19 have also been shared with service leads, which provide detail on a number of landmark cases and draw attention to good practice:
- Focus report - Not going to plan? Education, Health and Care Plans two years on, (published in October 2019) – **APPENDIX 1**

- Review of Local Government Complaints 2018-19 - **APPENDIX 2**
- Review of Adult Social Care Complaints 2018-19 – **APPENDIX 3**

4.6 The focus report shown **in appendix 1** has now been shared with the appropriate service to review and respond. It is currently planned for the response to be tabled at the next meeting of the Integrated Care and Wellbeing Scrutiny Panel on 7 November 2019. Going forward, a section will be added to the Scrutiny Update report ensuring that Overview Panel are kept informed of Scrutiny activity relating to LGSO reports.

5. RECOMMENDATIONS

5.1 As set out on the front of the report