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| Report to: | OVERVIEW PANEL |
| Date: | 7 September 2020 |
| Executive Member Reporting Officer: | Councillor Oliver Ryan, Executive Member (Finance & Economic Growth) Sandra Stewart - Director - Governance & Pensions Julie Speakman – Head of Executive Support |
| Subject: | LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGSCO) ANNUAL REPORT FOR COMPLAINTS MONITORING |
| Report Summary: | This report provides a summary of Local Government and Social Care Ombudsman (LGSCO) complaints received by them about Tameside MBC. This information can be valuable in assessing the Council's performance in handling complaints |
| Recommendations: | The Panel is asked to note the content of the update. |
| Corporate Plan: | Putting people at the forefront of services is a key element of the Council's Corporate Plan. An effective and robust complaints handling procedure is a necessary step to achieving this. |
| Policy Implications: | An effective complaint function means that residents who do not receive the best quality service can notify the Council for the purposes of redress and the improvement of services in the future. It is important for the Council to take notice of findings and guidance on complaint handling to aid best practice. As a leader for the Customer Service Excellence standard it is also important to use this as an improvement tool to inform our custom and practice for service delivery. |
| Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer) | There are no direct financial implications as a result of this report |
| Legal Implications: (Authorised by the Borough Solicitor) | The Ombudsman's jurisdiction is covered by the Local Government Act 1974 which defines the main statutory functions for the Ombudsman as: <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.</p> <p>The LGO corporate strategy is based upon twin pillars of remedying injustice and improving local public services.</p> <p>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</p> |

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 provides

Risk Management:

Failure to understand complaints received by the Council and analyse volumes and themes overall will lead to a risk of poor service delivery.

Access to Information:

The background papers relating to this report can be inspected by contacting the report writer Julie Speakman Head of Executive Support.

Background Information:

The background papers relating to this report can be inspected by contacting



Telephone: 0161 342 2142



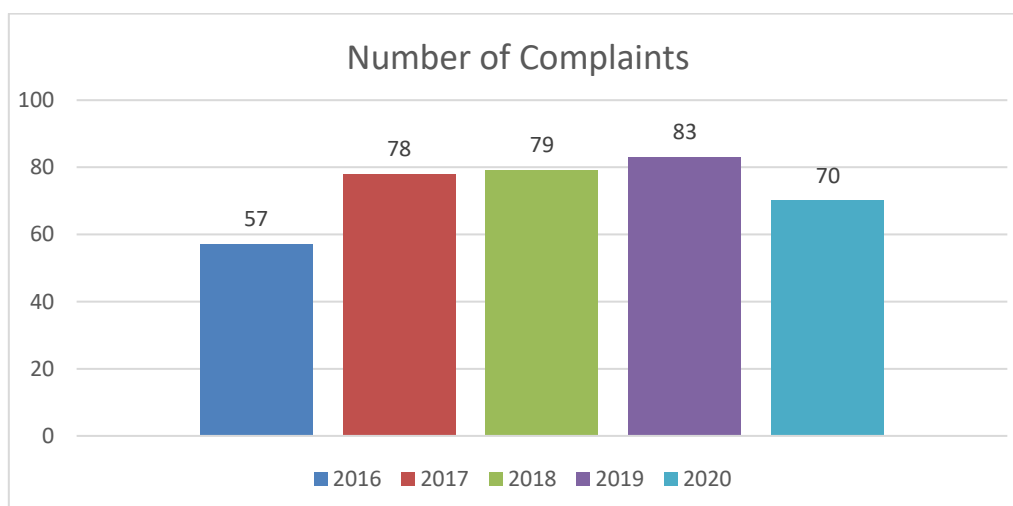
e-mail: julie.speakman@tameside.gov.uk

1. INTRODUCTION

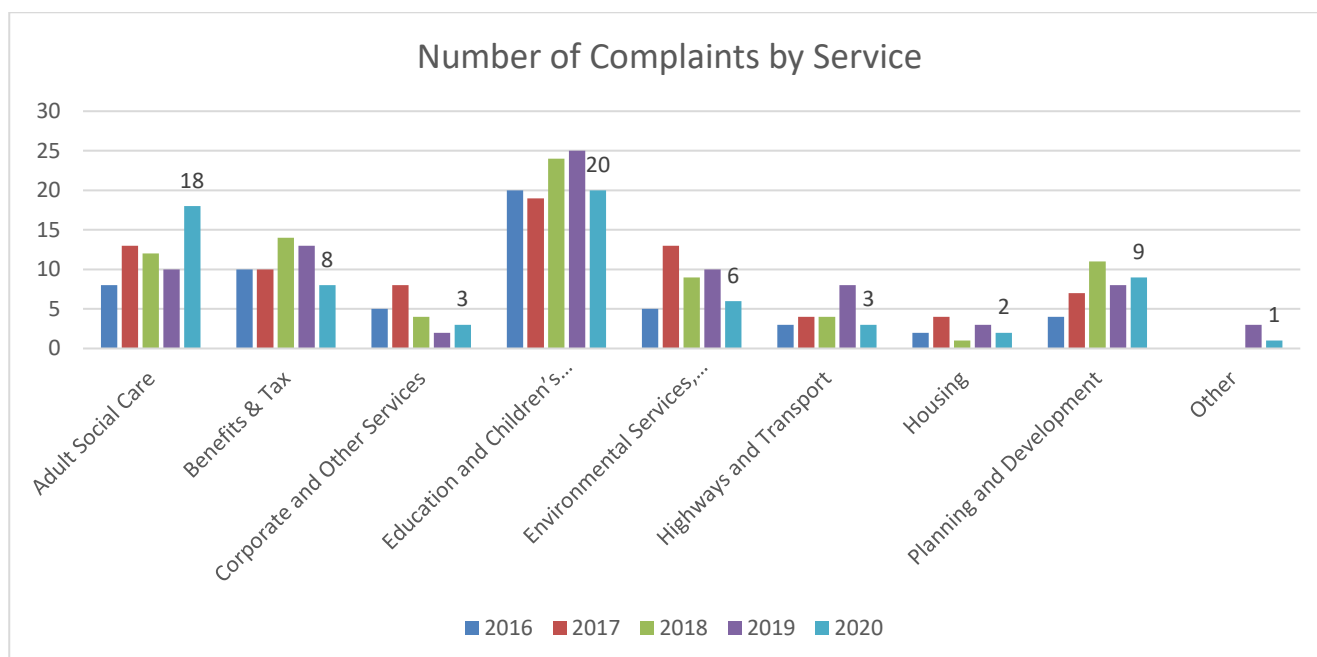
- 1.1 The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils and some other authorities and organisations, including education admissions appeal panels and adult social care providers (such as care homes and home care providers).
- 1.2 Every July the Ombudsman publishes information on the complaints and enquiries received about individual local authorities and the decisions made during that financial year. This information can be valuable in helping local authorities assess their performance in handling complaints. Intrinsic to the learning from this process the annual report is reported to Overview/Scrutiny to provide further challenge and inform learning of systems and process for improved outcomes for service delivery and customer experience from these.
- 1.3 The volume of complaints received does not necessarily, in itself, indicate the quality of a council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes, rather than always being an indicator that all is well, can be a worrying indicator that the authority is not alert to user feedback and that service users do not believe that complaining will have an effect.
- 1.3 The annual report is published on the LGSCO website and for the first time this includes data relating to compliance and recommendation made. For further general information, please refer to the LGSCO website at: <https://www.lgo.org.uk>. A copy of the annual report can be found at **Appendix A**.
- 1.4 As consequence of the exceptional circumstances surrounding the pandemic of Covid 19 casework by the ombudsman was suspended March/April and only resuming in July 2020. The impact of this will show during the second half of next years' reporting period. The ombudsman issued guidance in May 2020 aimed to support bodies in their jurisdiction during the Covid 19 crisis. The LGSCO are anticipating an increase in general in complaints and especially those that might be Covid related for which they have set up a special team to deal with those.

2. KEY POINTS

- 2.1 During the period 1 April 2019 to 31 March 2020 the authority received 70 enquiries from the LGSCO which has shown a slight decrease on the previous years, the lowest since 2016. The chart below shows the number of complaints received to the ombudsman from 2016 to the reporting period.



2.2 The number of complaints received for the reporting period were made up across a number of service areas and the chart below shows comparison of numbers to previous years:-



2.2 Of the complaints received the table below summaries the LGSCO findings over their 6 reporting categories.

| | Closed after initial enquiry | Advice given | Incomplete/invalid | Not upheld | Referred back for local resolution | Upheld |
|--|------------------------------|--------------|--------------------|------------|------------------------------------|--------|
| Adults Services | 3 | 0 | 2 | 2 | 3 | 3 |
| Benefits & Tax | 4 | 0 | 1 | 1 | 2 | 1 |
| Corporate Other | 1 | 0 | 0 | 0 | 1 | 0 |
| Education & Children's Services | 8 | 0 | 1 | 1 | 6 | 3 |
| Environmental Services & Public Protection/Regulation | 4 | 0 | 0 | 1 | 2 | 0 |
| Highways & Transport | 2 | 0 | 0 | 0 | 1 | 0 |
| Housing | 0 | 1 | 0 | 0 | 1 | 0 |
| Planning & Development | 4 | 0 | 0 | 3 | 2 | 0 |
| No Category | 0 | 0 | 1 | 0 | 0 | 0 |
| Total | 26 | 1 | 5 | 8 | 18 | 7 |

3. UPHELD DECISIONS

3.1 There were 7 upheld decisions based on a total of 15 detailed investigations during the reporting period which equates to 47% (58% last year) compared to an average of 67% in similar authorities. Please see **Appendix B** for reference.

3.2 In relation to compliance the LGSCO was satisfied the council had successfully implemented the reported recommendations in 100% of cases (7).

- 3.3 In 29% (2 cases out of 15) the LGSCO found that the council had provided a satisfactory remedy before the complaint reached the ombudsman, this compares to an average of 11% in similar authorities. Please see **Appendix C** for reference.

4. LGSCO RECOMMENDATIONS

- 4.1 The LGSCO made recommendations for service improvements on 5 complaints during the last reportable period of April 2018 March 2019 as reported to Overview September 2019. When the LGSCO find fault they carefully look at the root cause and propose recommendations for improvements to systems and processes so that the issues do not reoccur. It is pleasing to note that there have been no new service improvement recommendations during the most recent reportable period of April 2019 – March 2020.

5. LGSCO DECISIONS REPORTED

- 5.1 As an open and accountable ombudsman service the LGSCO are committed to having transparent decision making processes. The LGSCO publish all of their decisions. Real names are not used. In certain cases, where it is not in the complainant's interest or anonymity may be compromised, they can decide not to publish a decision. Decisions are published three months after the date of completion.
- 5.2 For the reporting period of April 2019 - March 2020 there have been no Public Reports published for the council by the Ombudsman.

6. SUPPORT FOR DEALING WITH COMPLAINTS

- 6.1 The Council recognises the importance of dealing with complaints in a timely and effective manner is crucial. To support officers in the organisation to do this, the LGSCO continue to be engaged to support the organisation with the delivery of their Effective Complaint Handling training course. During Summer 2019 this course was delivered over three themes: -
- a) Adult Social Care
 - b) Children's Social Care
 - c) General complaints
- 6.2 There were nearly 40 key line managers that attended the training for their specialist areas. The feedback from the training during 2019 was very positive. Elements of this training and learning has also been built into the Councils own organisational and development training and a refreshed programme is due to be launched. The LGSCO were due to return in summer 2020 however due to Covid 19 this has now been postponed until further notice.
- 6.3 A new corporate complaints case management was also implemented on 15 June 2020 across the whole of the Council and is a reciprocal for all complaints, information and data requests (eg Freedom of Information, Subject Access). This system will give the authority a holistic view of how the organisation and its services are performing in addition to what information is of importance/interest to our customers whilst also ensuring that the learning is used to inform improved service delivery and enhance the customer journey experience.

7. LEARNING

- 7.1 As part of the annual data that the LGSCO share with local authorities, there is also a plethora of information that is shared through learning workshops with Information Link

Officers that are held across the country and more so a library of material held on the Ombudsman's website.

- 7.2 A section of the website that is useful to note is that relating focus reports that have been developed by the ombudsman. Focus reports highlight common or systemic issues the ombudsman sees that are brought to life with case studies from complaints. The focus report share learning from complaints to help other councils and care providers make improvements, contribute to public policy debates and give elected members tools to scrutinise local services and help to inform their future programme of work. The reports can be found by visiting <https://www.lgo.org.uk/information-centre/reports/focus-reports>
- 7.3 Focussed reports that have been published during the reportable period include: -
- Children's Services & Education – Not going to Plan? Education, Health and Care Plans two years on. (Oct 2019)
 - Housing – Home Truths – how well are councils implementing the Homelessness Reduction Act? (July 2020)
 - Benefits & Taxation
 - Focus on Housing Benefits (January 2020)
 - Council Tax reduction: guidance for practitioners (August 2019)
 - Other subjects: Armed Forces Covenant guidance (November 2019)
- 7.4 In addition the LGSCO believe that complaints raised by the public 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. Each of the focussed reports that are published offer within a range of questions that councillors could ask their local authorities on different topics.
- 7.5 A further key area of learning providing by the LGSCO is their annual review of local government complaints and a summary report of their review was published in July 2020 and this can be found at **Appendix D**.

8. RECOMMENDATIONS

- 8.1 As set out on the front of the report.