



# Report to Standards and General Purposes Committee

**Date:** 2 December 2021

**Title:** Local Government & Social Care Ombudsman Report for 2020/21

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**Recommendations:** Members to note the Local Government & Social Care Ombudsman Report for 2020/21.

## 1. Background

- 1.1 The Committee was presented with the 2020/21 Compliments and Complaints report for the Council in July. At that time we did not report on the Local Government & Social Care Ombudsman (LG&SCO) cases as we had not received the annual review letter from him.
- 1.2 This report supplements the report presented in July and covers just the LG&SCO decisions made by the ombudsman for 2020/21 for Buckinghamshire Council. It also includes some cases for the legacy councils.
- 1.3 The new Customer First strategy makes the commitment that complaints, compliments and customer feedback will be fed into dashboards owned by each service. As a result, learning can be tracked more efficiently and it will help demonstrate greater accountability for complaints learning across the organisation.

## 2. Main content of report

### 2.1 Annual Review Letter

Each year the Ombudsman sends an annual review letter to the Chief Executive of the Council with the summary of complaints they have received. As well as the summary it gives an overview of the Ombudsman's year. The letter (Appendix 1) for 2020/21 reflects the unprecedented decision made to stop work on their complaints between March and June 2020 due to the pandemic.

2.2 The table below shows all LG&SCO Determinations for 2020/21 and as a comparison the figures for the five former Councils. These are decisions that they have made on complaints they have received about the Council.

<b>LG&amp;SCO Category</b>	<b>Number of Decisions 2019/20 (includes data for all 5 Councils)</b>	<b>Number of Decisions 2020/21</b>
<b>Adult Care Services</b>	23	12
<b>Benefits &amp; Tax</b>	11	5
<b>Corporate &amp; Other Services</b>	5	4
<b>Education &amp; Child Services</b>	28	23
<b>Environmental Services &amp; Public Protection &amp; Regulation</b>	36	11
<b>Highways &amp; Transport</b>	14	15
<b>Housing</b>	8	10
<b>Planning &amp; Development</b>	20	24
<b>Other</b>	2	0
<b>Total</b>	147	104

2.3 The following table shows the LG&SCO's classification decisions. It should be noted that where the ombudsman has upheld the complaint, we may also have come to that decision in our complaints process so this doesn't always reflect overturned decisions.



2020/21 Decision Classification	Outcomes for 2020/21 (2019/20 in brackets)		Comments
<b>Upheld</b>	17	(20)	Fault found by LGO in the service we provided. (NB The fault may have already been previously satisfactorily remedied by the Council.)
<b>Not Upheld</b>	9	(8)	No fault found by LGO.
<b>Advice given</b>	0	(1)	No record of these complaints – we assume advice given to complainant by the LGO without reference to the Council.
<b>Closed after initial enquiries</b>	46	(60)	Initial information supplied by the complainant and/or the Council results in the LGO deciding not to investigate these complaints (for a variety of reasons, such as that the matter falls outside of the LGO's statutory jurisdiction, or there was insufficient maladministration and/or injustice found).
<b>Incomplete/Invalid</b>	6	(6)	No record of these complaints as not communicated to the Council – we can only assume that all these complaints were not progressed with LGO.
<b>Referred back for local resolution</b>	26	(67)	The Council is not aware of all of these cases, however we can assume that some were where the LGO told the complainant to contact the Council, but the complainant chose not to pursue the matter. In other cases, the LGO asked us to put the complaint through the relevant complaint procedure.
<b>Total</b>	104	(160)	

2.4 The following table shows the number of LG&SCO upheld decisions for some other unitary councils for comparison with Buckinghamshire Council.

	<b>LG&amp;SCO Decisions</b>	<b>Upheld Decisions</b>	<b>Population</b>
<b>Wiltshire</b>	63	9 (14%)	500,024
<b>Durham</b>	100	21 (21%)	530,094
<b>Bristol</b>	95	19 (20%)	463,377
<b>Cornwall</b>	125	18 (14%)	569,578
<b>Buckinghamshire</b>	104	17 (16%)	547,100

2.5 During the year the Ombudsman has noted a public report they made about Buckinghamshire Council and the provision of school transport which related to a complaint from the previous year. The remedy was to refund costs to the customer and a recommendation that the Council review the Home to School Transport Policy. This was done and remedied to the Ombudsman’s satisfaction. The policy was re-written and training given to staff on its application.

2.6 The Ombudsman also notes in his annual review letter his concern over what he calls the erosion of effective complaint functions in local authorities, although this did not specifically refer to Buckinghamshire Council. He explains that this is no doubt due to budgetary pressures but that this will drive poor complaint handling in authorities. In order to help address the situation he is developing a new programme of work which will help utilise complaints to drive service improvement.

### **3. Next steps and review**

3.1 2020/21 was for everyone a busy year and as a new team the Complaints and Improvements Team has been looking at improvements to our processes as well as wider learning from the LGO&SCO complaints

3.2 Table of Improvements

<b>Improvement/Learning</b>	<b>Action Taken</b>	<b>Expected Results</b>
The development of a more robust process around escalating compliance with Ombudsman Decisions	A notification process put in place and extra checkpoints put into our system giving earlier alerts to both LG&SCO Link Officers	Complete compliance with LG&SCO decisions where appropriate



	and to Service Directors	
Creating more consistency and developing more robust stage 1 responses		To ensure that more stage 1 responses remedy the problem where appropriate.
Creating more robust stage 2 responses	To ensure more resolution at stage 2 but also giving clear responses that the Ombudsman can review easily	To ensure more resolution at stage 2 and also more favourable LG&SCO outcomes. This has already proved fruitful with more direct decisions for the Ombudsman (where they can adjudicate without a full investigation)
Offering time and trouble payments where appropriate earlier on in the process	This links to a number of decisions that have been made where the Ombudsman has awarded payments for cases that we have upheld at stage 2.	To ensure more compliance with the Ombudsman's view of a satisfactory outcome.
Autism training for Adult Social Care Staff	This links to 2 upheld ombudsman complaints made by people with Autism	To ensure all staff have a clear understanding of how to work well with people with Autism to improve the experience for the customer

- 3.3 The Information Management Team is in the process of implementing a new system for recording cases across all our processes, complaints, FOI, MP Enquiries, Data Protection, SARs. Etc. This system, will give more automation which will particularly help in ensuring that the Ombudsman's requirements are adhered to in a timely manner. In addition, the reporting will give a clearer picture of all cases allowing better management of workflow and escalation of problems where necessary.

