

Bolsover District Council

Executive

16th September 2019

Annual Letter from the Local Government & Social Care Ombudsman 2018/19

Report of the Portfolio Holder - Corporate Governance

This report is public.

Purpose of the Report

- To provide information contained within the Annual Letter from the Local Government & Social Care Ombudsman (LGSCO) 2018/19.

1 Report Details

- 1.1 The document contains an annual summary of statistics on the complaints made about the Authority for the financial year ending 31st March 2019. Please note that the data provided by the LGSCO may not align with the data this Council holds. This is because their numbers include enquiries from people who have been signposted by the LGSCO back to the Council, but who may then choose not to pursue their complaint.
- 1.2 The Annual Letter 2018/19 has been appended (Appendix 1) and supporting information Complaints Decided (Appendix 2), Complaints Received (Appendix 3), Compliance (Appendix 4) for your information.
- 1.3 Key points from the letter, specifically in relation to Bolsover District Council:
 - The LGSCO received 15 enquiries and complaints during 2018/19, none of which was subject to a detailed investigation.
 - The LGSCO decided 9 complaints, of which 2 were incomplete or invalid, advice was given in 1, 2 were referred back to the Council and 4 were closed after initial enquiries.

Benchmarking information - CIPFA Nearest Neighbour

- 1.4 When looking at close neighbouring authorities, the following is noted:

	Detailed investigations	Upheld complaints	Compliance rate	Total complaints received
Ashfield District Council	2	1	100%	19
Bassetlaw District Council	5	1	100%	14
Bolsover District Council	0	0	0*	15
Chesterfield District Council	2	0	0*	7
Erewash District Council	0	0	0*	7
Mansfield District Council	1	0	0*	14
NE Derbyshire District Council	1	0	0*	3

*No recommendations were due for compliance in this period

- 1.5 Whilst Bolsover District Council received 15 complaints against its services, none were the subject of a detailed investigation.
- 1.6 The LGSCO carried out 4,232 detailed investigations (up from 4,020 in 2017/18)
- 1.7 It is pleasing to report that there were no complaints upheld against this Council, against a background of the LGSCO upholding 58% (up from 57% in 2017/18) of complaints submitted to them.
- 1.8 The Ombudsman notes in his annual letter that the number of complaints does not in itself indicate reliably the Council's performance. The volume of complaints should be considered alongside the **upheld** rate (how often the LGSCO found fault when they investigated a complaint) alongside statistics that indicate the authority's willingness to accept fault and put things right when they go wrong.
- 1.9 They also provide a figure for the number of cases where Councils provided a satisfactory remedy before the complaint reached them, and new statistics about the Council's compliance with recommendations have been made.
- 1.10 The statistics on compliance are the result of a series of changes the LGSCO has made to how they make and monitor recommendations to remedy any fault they find. Recommendations are specific and often include a time-frame for completion, allowing them to follow up with authorities and seek evidence that recommendations have been implemented. As no complaints were upheld, there were no recommendations due for compliance in this period.

- 1.11 Although this report is regarding complaints directed to the LGSCO, the Council received no complaints via the Housing Ombudsman (HO) for the same period. There was 1 complaint outstanding from 2017/18 in which the HO recorded a decision of 'Service failure in the Council's handling of this matter with regard to updating the complainant'. The case was a particularly complex one and the HO noted:

To a large extent the speed at which this situation could be resolved was beyond the Council's control as it was reliant on DCC (Derbyshire County Council), which was responsible for Mr A's (the previous occupant who kept trying to access his former home) care, to consider its concerns and take the decision to relocate him.

It would therefore be unfair to criticise the Council for any delays in achieving that end, in particular as it has demonstrated that it was taking active steps to influence Mr A's care providers.

and

There is one particular aspect of this case, however, which the Council could have improved upon. Although it did not specify the regularity with which it would keep [the complainant] updated it did commit to do so in its letters to him of 7 and 31 August 2017. There is evidence that it kept him sufficiently informed during August 2017, however, its communication with him trailed off in the lead up to Mr A leaving his property at the beginning of December 2017.

- 1.12 The department has since put a process in place to give regular updates to customers who are awaiting information and, in the corporate Customer Service training, we reiterate that it is important to be more specific about the regularity of those updates, for example, weekly/ monthly etc.

2 Conclusions and Reasons for Recommendation

- 2.1 The report is to keep Elected Members informed of volumes and trends regarding LGSCO/ HO complaints.

3 Consultation and Equality Impact

- 3.1 The report is to keep Elected Members regularly informed of volumes and trends regarding LGSCO/ HO complaints. No consultation or equality impact assessment is required.

4 Alternative Options and Reasons for Rejection

- 4.2 Not applicable as the report is keep Elected Members informed rather than to aid decision making.

5 Implications

5.1 Finance and Risk Implications

5.1.1 Whilst there are no direct financial implications with regard to the report, the Council is at risk of recommendations or decisions by the Local Government & Social Care Ombudsman and the Housing Ombudsman if complaints are not handled well.

5.1.2 In cases of maladministration, financial penalties can be imposed by the Local Government & Social Care Ombudsman or the Housing Ombudsman.

5.2 Legal Implications including Data Protection

5.2.1 The Council is at risk of recommendations or decisions by the Local Government & Social Care Ombudsman or the Housing Ombudsman. There are no Data Protection implications.

5.3 Human Resources Implications

5.3.1 Not applicable as the report is to keep Elected Members informed.

6 Recommendation

6.1 That Executive receive the report and the Annual Letter from the Local Government & Social Care Ombudsman 2018/19.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	<p>Providing Our Customers with Excellent Service.</p> <p>Transforming Our Organisation – good governance.</p>

8 Document Information

Appendix No	Title
1:	Annual Letter from the Local Government & Social Care Ombudsman 2018/19
2:	Complaints Decided
3:	Complaints Received
4:	Compliance
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Report Author	Contact Number
Customer Standards and Complaints Officer	Ext: 2353