

Bolsover District Council

Customer Service & Transformation Scrutiny Committee

14th September 2020

Annual Letter from the Local Government & Social Care Ombudsman 2019/20

Report of the Head of Corporate Governance and Monitoring Officer

This report is public.

Purpose of the Report

- To provide information contained within the Annual Letter from the Local Government & Social Care Ombudsman (LGSCO) 2019/20.

1 Report Details

The document contains an annual summary of statistics on the complaints made about the Authority for the financial year ending 31st March 2020. 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.

The Annual Letter 2020 has been appended (Appendix 1) and supporting information Excel workbook (Appendix 2) including 'Complaints Received', 'Complaints Decided', and Compliance for your information.

Key points from the information provided, specifically in relation to Bolsover District Council:

- The LGSCO received 11 enquiries and complaints during 2019/20, four of which were subject to a detailed investigation.
- The LGSCO decided 16 complaints, of which 2 were incomplete or invalid, 8 were closed after initial enquiries, 2 were referred back to the Council and 3 were 'no maladministration'. The remaining one was decided as 'Maladministration and injustice'. This was a particularly complex case and fault was found in the delays which occurred.

Benchmarking information - CIPFA Nearest Neighbour

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

	Detailed investigations	Upheld complaints (average for similar authorities - 45%)	Compliance rate	Satisfactory remedy before complaint reached the Ombudsman
Ashfield District Council	4	1 (25%)	100%	0
Bassetlaw District Council	4	2 (50%)	100%	0
Bolsover District Council	4	1 (25%)	100%	0
Chesterfield District Council	0	0	No recommendations were due for compliance in this period	The Ombudsman did not uphold any detailed investigations during this period
Erewash District Council	0	0	No recommendations were due for compliance in this period	The Ombudsman did not uphold any detailed investigations during this period
Mansfield District Council	2	1 (50%)	100%	0
NE Derbyshire District Council	2	0	No recommendations were due for compliance in this period	The Ombudsman did not uphold any detailed investigations during this period

One complaint was upheld against this Council (25%). Whilst 25% may appear to be high, it needs to be borne in mind that this is based on a small number on detailed investigations (4 in this period). By way of background information, the LGSCO upheld 61% of complaints submitted to them in 2019/20 (up from 58% in 2018/19) with the average being 45% for similar authorities.

Although this report is regarding complaints directed to the LGSCO, the Council received one complaint via the Housing Ombudsman (HO) for the same period, which was also reviewed by them. In both cases the decision was to 'close the case - there was no maladministration'.

2 Conclusions and Reasons for Recommendation

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

3 Consultation and Equality Impact

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

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

5 Implications

5.1 Finance and Risk Implications

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.

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

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

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

6 Recommendation

- 6.1 That Scrutiny Committee receive the report and the Annual Letter from the Local Government & Social Care Ombudsman 2019/20.

7 Decision Information

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:</i> <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC:</i> <i>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>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	Providing Our Customers with Excellent Service. Transforming Our Organisation – good governance.

8 Document Information

Appendix No	Title
1:	Annual Letter from the Local Government & Social Care Ombudsman 2019/20
2:	Excel workbook: Complaints Received Complaints Decided Compliance
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)	
Report Author	Contact Number
Customer Standards and Complaints Officer	Ext: 2353