

AUDIT AND ASSURANCE COMMITTEE

Meeting date: 17 September 2020

**From: Chief Legal Officer (Monitoring Officer) –
Corporate, Customer and Community Services**

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN - ANNUAL REVIEW LETTER 2020

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides Members with information relating to complaints made to the Local Government & Social Care Ombudsman (LG&SCO) regarding Cumbria County Council for the year ended March 2020.
- 1.2 The LG&SCO release these statistics on annual basis so this report contains a comparison of activity over the period 2015-16 to 2019-20.
- 1.3 The LG&SCO Annual Review letter for 2019 is attached at Appendix 1.
- 1.4 In the context of the number of contacts the council has with customers, the number of referrals to the Ombudsman is very small. Of these, only a proportion are upheld. This report to the Audit and Assurance Committee is provided annually to provide assurance that the learning from the LG&SCO's feedback is taken forward within the organisation, and therefore that any further risks are mitigated.

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

- 2.1 Facilitating customer access to information, and dealing with customer and service user complaints in an efficient and modern way are critical elements in achieving the Council's ambition to put customers at the heart of everything it does.
- 2.2 During the handling of all complaints, officers are mindful of the requirement to ensure information is available in a way that suits the purpose of the information, its content, its users and the available delivery mechanisms. Reasonable steps will be taken to ensure that users with specific communication needs related to disability or language can access information on an equal basis.

3.0 RECOMMENDATION

3.1 Members are asked to discuss and note the content of the report and the LG&SCO's Annual Letter for 2020 attached as Appendix 1.

4.0 BACKGROUND

4.1 The Council received its annual letter from the LG&SCO on the 22nd July 2020. The overall summary position for the Council is set out in Table 1 below. To assist members in considering these figures, the Table also includes the figures for all years from 2015/16 for comparison.

TABLE 1:

Year	Detailed investigation carried out		Other actions taken by the LGSCO				
	Upheld	Not Upheld	Advice Given	Closed after initial enquiries	Incomplete or Invalid	Referred back to CCC for local resolution	Total
2015/16	7 (12%)	4 (7%)	1 (2%)	14 (25%)	5 (9%)	25 (45%)	56 (100%)
2016/17	8 (16%)	7 (14%)	0 (0%)	14 (29%)	4 (8%)	16 (33%)	49 (100%)
2017/18	11 (19%)	9 (15%)	0 (0%)	13 (22%)	1 (2%)	25 (42%)	59 (100%)
2018/19	12 (22%)	7 (13%)	0 (0%)	17 (31%)	4 (7%)	15 (27%)	55 (100%)
2019/20	12 (19%)	4 (6%)	0 (0%)	22 (34.5%)	4 (6%)	22 (34.5%)	64 (100%)
Totals (5 year period)	50 (18%)	31 (11%)	1 (1%)	80 (28%)	18 (6%)	103 (36%)	283 (100%)

Appendix 2 provides an explanation of the terminology used by the LG&SCO

4.2 In 2019/20, there were 70 complaints or enquiries received to the LG&SCO. However, decisions were made by the LG&SCO for 64 cases as the figures include some decisions made on cases that were received by the LG&SCO in the previous year i.e. 2018/19.

- 4.3 Of the 64 LG&SCO decisions received in 2019/20, detailed investigations were carried out for 16 cases. Of the 16 cases investigated, 12 cases (75%) were upheld finding some fault with the Council's handling of the complaint; with 4 cases (25%) not upheld. Whilst fewer cases were subject to a detailed investigation than 2018/19 (19) the number of cases 'upheld' has remained static. However it must be noted that of the 12 complaints upheld 3 were found to have been satisfactorily resolved by the Council before the LG&SCO involvement. These are cases in which the Ombudsman decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint was received by the Ombudsman.
- 4.4 In 2019-20 where the LG&SCO made recommendations to remedy complaints these were implemented by the Council in all cases. This represents a compliance rate by the Council of 100%.
- 4.5 Details of the complaints upheld 2019/20 together with the remedial action recommended by the LG&SCO and the action taken by the Council to ensure learning from the complaints can be found at Appendix 3.

5.0 BENCHMARKING

- 5.1 When comparing Cumbria's number of complaints and enquiries received by the LG&SCO per 10,000 population with the nearest neighbour comparator group as defined by CIPFA, Cumbria at 1.4 sits slightly below mid table. As noted in Table 1 above 69% of complaints submitted are either 'closed after initial enquiry' or 'referred back to CCC for local resolution'.
- 5.2 Table 2 below provides a breakdown by category of the complaints and enquiries the LG&SCO received by each comparator authority. N.B This is complaints and enquiries received in 2019/20 and not the actual complaints considered.

Authority	Adult Social Care	Bens & Tax	Corp & Other Servs	Education & Children's Services	Environmental Services, Public Protection & Regulation	Highways & Transport	Plan. & Dev.	Other	Total No.	Rate per 10,000 population
Warwickshire	17	0	5	17	1	5	1	1	47	0.8
Lincolnshire	35	0	2	18	1	11	0	0	67	0.9
Worcestershire	16	1	3	30	6	9	0	0	65	1.1
Leicestershire	23	0	3	36	2	8	1	2	75	1.1
Devon	32	0	2	36	4	15	2	2	93	1.2
Nottingham	43	0	6	40	4	8	0	1	102	1.2
Somerset	24	0	2	33	1	9	4	1	74	1.3
North Yorkshire	30	1	4	25	6	10	2	1	79	1.3

Cumbria	23	0	5	32	2	8	0	0	70	1.4
Lancashire	62	0	6	74	4	22	0	0	168	1.4
Suffolk	25	0	1	54	5	18	0	0	103	1.4
Gloucestershire	18	0	6	44	2	21	2	0	93	1.5
Derbyshire	19	1	8	67	5	20	1	2	123	1.5
Norfolk	67	0	9	60	0	6	1	0	143	1.6
Staffordshire	41	0	1	73	5	26	1	0	147	1.7

5.3 Table 3 below provides a comparison of cases upheld by the LGSCO as a % of upheld cases further to detailed investigations being undertaken. At 12 cases and an upheld rate of 75% Cumbria is placed just below mid table but has the third least number of upheld cases at 12.

Table 3 Shows cases upheld by the LGSCO as a % of detailed investigations

Authority	No Cases Upheld	Upheld Rate %
Lincolnshire	9	45
Gloucestershire	12	52
Devon	21	58
Staffordshire	26	59
Norfolk	37	63
Lancashire	28	64
North Yorkshire	18	67
Nottingham	27	68
Cumbria	12	75
Somerset	21	75
Warwickshire	6	75
Suffolk	23	77
Leicestershire	18	78
Derbyshire	19	79
Worcestershire	19	86

6.0 ANALYSIS

- 6.1 The information shows that the number of 'Upheld' decisions has remained static at 12 cases in 2019/20 compared with 2018/19 (also 12 cases). However, 3 of the cases upheld by the Ombudsman were found to have been suitably resolved before they were escalated to the Ombudsman. Where the LG&SCO has upheld a complaint and has recommended a course of remedial action, the Council has complied with those recommendations in all cases.
- 6.2 Cumbria sits below mid table when considering the number of cases referred per 10,000 head of population when compared to comparator local authorities. However, 69% of complaints submitted were either 'closed after initial enquiry' or 'referred back to CCC for local resolution' suggesting a referral was not appropriate at the time it was made.
- 6.3 Case investigations with the LG&SCO are used to provide learning and improvement opportunities and all the LG&SCO decisions and recommendations are shared with the appropriate service as part of feedback on complaint handling and to ensure any learning is shared across the service and other Directorates. In addition, in order to further improve the Council's oversight of recommendations received as a result of the LG&SCO decision notices, performance is reported on as part of the Business Assurance Framework, which is received by the Corporate Governance Group on a quarterly basis.

7.0 OMBUDSMAN'S VIEW & PILOT INITIATIVE

- 7.1 The LG&SCO is of a view that councils are best placed to put things right when they go wrong and it is keen to increase the number of complaints councils resolve in the early stages so that they never need to be referred to the LG&SCO.
- 7.2 To support councils to do this the LG&SCO commenced a pilot initiative during 2019/20. Cumbria County Council put itself forward to be part of the pilot exercise and was accepted. The LG&SCO's training coordinator began working with the Council in October 2019 offering support with the Council's complaint handling and how it responds to the LG&SCO investigations. The work has been delayed as a result of Covid19 and the Ombudsman's decision to suspend complaint handling but it is recommencing with training being offered to the Council's Extended Leadership Team in September 2020.
- 7.3 By the end of the pilot the LG&SCO wants to evaluate its impact and decide if it could offer a permanent targeted, tailored support programme to bodies in its jurisdiction as part of its future work.

urgent and exempt from call-in and the Head of Member Services and Scrutiny has obtained the necessary approvals.

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS
[including Local Committees]

No previous relevant decisions.

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny.

BACKGROUND PAPERS

No background papers.

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