

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
REPORT TO AUDIT AND STANDARDS COMMITTEE

23rd September 2019

1. LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER 2018/19

Submitted by: Ombudsman Link Officer

Ward(s) affected: All

Purpose of the Report

To inform the Members of the Committee of the Council's performance in relation to complaints made to the Local Government Ombudsman (LGO) for the year ended 31st March 2019.

RECOMMENDATION:

That the report be received.

Reasons

The aim of the Annual Review Letter is to provide councils with information which will help them assess their performance in handling complaints.

Background

- 1.1 The LGO provides an annual summary of complaints they have received against the Council. This annual letter is distributed to councils in July and covers the 12 month period from April to March. It includes statistics on the number of enquiries and complaints received by the LGO Advice Team.
- 1.2 Decision statements are published on the LGO website no earlier than three months after the date of the final decision. The information published does not name the complainant or any individual involved with the complaint.
- 1.3 Part of being an open and accountable Ombudsman service is having transparent decision making processes. The LGO publishes its decisions so that the public and bodies within its jurisdiction see the full range of decisions and can feel reassured that they are fair, thorough and impartial.
- 1.4 Publishing decisions also recognises the key role the LGO plays in helping to ensure that public services are accountable to the public, who use and fund those services. Greater transparency of the LGO's decisions means greater transparency of public services.
- 1.5 The LGO does however retain discretion not to publish a decision, for example where it would not be in the interests of the person complaining to publish or where there is a reason in law not to.

Issues

2.1 Last year, the total number of complaints and enquiries received by the LGO about the Borough Council was 18. This year the total number is 20. These statistics comprise the data held by the LGO and do not necessarily align with the data held by the Borough Council. For example, some complainants may be signposted back to the Borough Council by the LGO, but the complainant may not choose to do so. In addition, some complaints may have been dealt with by the Borough Council in one financial year, but received by the LGO in the following financial year.

2.2 The LGO categorises complaints using the following headings:

Invalid or incomplete: The LGO were not given enough information by the complainant to consider the issue

Advice given: The LGO provided early advice or explained where to go for the right help

Referred back for local resolution: When a complainant has brought a complaint to the LGO before the organisation involved has been given a chance to consider it

Closed after initial enquiries: The complaint is assessed, but the LGO decided against completing a full investigation. This might be because the law says the LGO is not allowed to investigate it, or because it would not be an effective use of public funds if they did.

The LGO cannot usually consider a complaint if:

- More than 12 months have elapsed since the problem arose
- The matter does not affect a complainant personally or caused them an injustice
- The issue affects most people in a council's area
- The complainant has, or had, a right of appeal or to take legal action and the LGO considers that it is reasonable for them to have done so. This might be to:
 - A tribunal (such as the Housing Benefit Appeals Service)
 - A government minister (such as a planning appeal)
 - The courts
- The complaint is about personnel matters (such as employment or disciplinary issues)

Upheld: The LGO completed a detailed investigation and found evidence of fault, or the organisation accepted fault early on

Not upheld: The LGO completed a detailed investigation but did not find evidence of fault

Public report: There are many reasons why the LGO might issue a public report. The main reason being that they believe it is in the public interest to highlight particular issues or problems. In addition, a public report may be issued because what went wrong was significant or because the impact on the complainant was significant.

The LGO will always issue a public report if an organisation does not agree with their findings or recommendations, or put things right to their satisfaction. The LGO considers that issuing public reports is one way that helps ensure that councils, and other organisations providing public services, remain accountable to people who use those

services. By highlighting the learning from complaints the LGO helps to improve services for others.

2.3 Last year, the total number of decisions made was 18, of which 9 were referred back for local resolution, 4 were closed after initial enquiries, 4 were upheld and one was not upheld. No public reports were issued against the Council. This year, the total number of decisions made has increased slightly to 20, out of which 10 were referred back for local resolution, 7 were closed after initial enquiries, and 3 were not upheld. Again, no public reports have been issued against the Council.

2.4 It is considered overall that the Council is performing extremely well in its response to complaints made to the LGO. The expectation of customers regarding service delivery does not reduce in line with the challenges currently faced by councils, and customers are prepared to elevate their dissatisfaction beyond the Council's own complaints procedure. Complaints to the LGO do not always involve the Council having done anything wrong. Such complaints may come from persons who would have liked something more, or better, or a different outcome. Officers will continue to learn from complaints and use this learning to improve and maintain the quality of the services the Council provides.

3. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

The LGO service contributes to the Council's priority of delivering high quality community driven services.

4. Legal and Statutory Implications

There are no new legal or statutory implications. The Local Government Ombudsman's powers are defined by the Local Government Act 1974 as amended by the Local Government and Public Involvement in Health Act 2007.

5. Equality Impact Assessment

No differential equality impact issues have been identified.

6. Major Risks

There are no specific risk issues.

7. Financial Implications

There are no financial implications flowing from this report but the Council does face the risk of financial penalty in cases where there has been a finding of fault causing injustice.

8. List of appendices

Year ending 31st March 2019 annual review letter.