

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Audit & Standards Committee
28 September 2020

Report Title: Local Government and Social Care Ombudsman Annual Letter 2019/20

Submitted by: Chief Executive

Portfolios: Corporate and Service Improvement

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 and Social Care Ombudsman (the Ombudsman) during 2019/20.

Recommendation

That the report be received.

Reasons

The purpose of the Annual Review Letter is to provide councils with information which will help them assess their performance in handling complaints. This report provides assurance to the Committee as to the Council's use of the Ombudsman's Annual Review Letter as a tool to monitor the standard of service delivery and complaints handling, and to learn from customer complaints.

1. **Background**

- 1.1 Through the Annual Letter, the Ombudsman provides an annual summary of complaints which have been made against the Council. Annual Letters are distributed to councils in July and cover the previous 12 month period from April to March. It includes statistics on the number of enquiries and complaints received by the Ombudsman's Advice Team.
- 1.2 With the exception of some limited cases, the Ombudsman publishes its decision notices on its website. Decision notices are ordinarily published three months after a decision is made, and the information published does not name the complainant or any individual involved with the complaint. Ombudsman decisions are published so to ensure transparency in its decision making processes and to ensure public bodies are accountable to the public. However, the Ombudsman retains discretion not to publish a decision, for example where they consider it would not be in the interests of the person complaining to publish or where there is a lawful reason not to.

2. **Issues**

- 2.1 In 19/20, the total number of complaints and enquiries received by the Ombudsman about the Borough Council was 10. This compares to a figure of 20 in the previous period (2018/19). Ombudsman statistics do not necessarily align with the Corporate Complaints

data held by the Borough Council. For example, the Ombudsman may refer some complainants back to the Borough Council, where a complaint is premature (has not gone through all stages of the Council's Corporate Complaints Procedure), but the complainant may choose not to do so. In addition, some complaints may have been dealt with by the Borough Council in one financial year, but received by the Ombudsman in the following financial year.

2.2 The Ombudsman categorises complaints using the following headings:

Invalid or incomplete:

The Ombudsman was not given enough information by the complainant to consider the issue.

Advice given:

The Ombudsman 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 Ombudsman before the organisation involved has been given a chance to consider it.

Closed after initial enquiries:

The complaint is assessed, but the Ombudsman decided against completing a full investigation. There are a number of reasons why this might happen which include a complaint being too old, some other legal process being available to the complainant or because the merits of a complaint do not warrant in investigation in the public interest.

Upheld:

The Ombudsman completed a detailed investigation and found evidence of fault, or the organisation accepted fault early on.

Not upheld:

The Ombudsman completed a detailed investigation but did not find evidence of fault.

Public report:

There are many reasons why the Ombudsman 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.

2.3 Summary of Outcomes 2018/19 and 2019/20

Outcome	2018/2019	2019/2020
Invalid or incomplete	0	0
Advice given	0	0
Referred back for local resolution	10	4
Closed after initial enquiries	7	2
Upheld	0	3
Not upheld	3	1
Public report	0	0
TOTAL	20	10

2.4 Of the four complaints that the Ombudsman investigated in 2019/20, one was not upheld (Planning) and three were. In respect of the three upheld complaints, one related to a Newcastle Housing Advice case and the other two were in relation to Council Tax. The following table puts that into context in terms of the number of corporate complaints received in those services over the same period.

Ombudsman Category	Corporate Complaints received	Complaints made to the Ombudsman	Ombudsman Investigations carried out	Ombudsman Complaints Upheld (fault found)	Injustice (harm) found
Planning and Development	20	2	1	0	0
Benefits and Tax	34	4	2	2	1
Housing	4	1	1	1	1
Environmental Services and Public Protection and Regulation (this includes Operational Services and Streetscene) *	29	3	0	0	0
TOTAL	87	10	4	3	2

* (complaint number made up of Environmental Health 11, Operational Services(including Streetscene) 18)

- 2.4 It is considered overall that the Council is performing extremely well in its response to complaints made to the Ombudsman. Twenty complaints in respect of Planning matters were received and addressed through the corporate complaints procedure, compared to two that were made to the Ombudsman. One of those two was referred back to the council for local resolution and the other was investigated, but not upheld. The Ombudsman found no evidence of fault in that case and that the decisions in question were properly taken.
- 2.5 In relation to Revenues and Benefits, 34 complaints were received and addressed through the corporate complaints procedure, compared to 4 which were made to the Ombudsman. Of those four, one was referred back to the council for local resolution and another was closed after initial enquiries. However, of the remaining two that were then investigated, both complaints were upheld. Both complaints were about the robust way in which the Council had approached the collection of arrears. Whilst fault was found in both cases, the Ombudsman found that in only one of those cases did the fault lead to an injustice or harm being caused to the complainant. As recompense, the Council agreed to waive the arrears owed in that case (£310.10), which the Ombudsman was content with.
- 2.5 In relation to the Housing matter, the outcome of the complaint in question was a finding that the Council's decision (acting by Newcastle Housing Advice) to end the interim accommodation duty was affected by fault, causing the complainant an injustice because it is possible she would have been accommodated for longer if the Council had acted without fault. A payment of £300 for the distress and uncertainty caused was agreed and paid bringing the matter to a close.
- 2.6 All three upheld complaints originated because of circumstances individual to the facts of each specific case and do not, therefore, indicate an inherently flawed approach in terms of policy or process. In respect of the Revenues and Benefits cases, Members will be aware of the Council's high collection rates, which is important in the current climate and requires a robust approach. Nevertheless, officers have taken on board the findings in all three of these cases so are better equipped to avoid recurrences in similar cases in future. Officers will continue to learn from complaints and use this learning to improve and maintain the quality of the services the Council provides.

3. Equality Impact Assessment

- 3.1 None

4. **Financial and Resource Implications**

4.1 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.

5. **Major Risks**

5.1 There are no specific risk issues

6. **Sustainability and Climate Change Implications**

6.1 None

7. **Key Decision Information**

7.1 This is not a key decision

12. **Earlier Cabinet/Committee Resolutions**

12.1 N/A

13. **List of Appendices**

13.1 Year ending 31st March 2020 annual review letter and attachment

14. **Background Papers**

14.1 None