

Bolsover District Council**Executive****11th September 2017**

Annual Letter from the Local Government & Social Care Ombudsman 2016/17

Report of the Joint Assistant Director of 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 (LG&SCO) 2016/17.

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 2017. Please note that the data provided by the LG&SCO may not align with the data this Council holds. This is because their numbers include enquiries from people who have been signposted by the LG&SCO back to the Council, but who may then choose not to pursue their complaint.

The Annual Letter 2016/17 has been appended (Appendix A) and supporting information Complaints Decided (Appendix B) and Complaints Received (Appendix C) for your information.

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

- The LG&SCO received 7 enquiries and complaints during 2016/17, only 2 of which were subject to detailed investigations.
- The LG&SCO decided 9 complaints, 2 were referred back to the Council, 4 were closed after initial enquiries and the remaining 3 were upheld (one of which was from the previous year).

Benchmarking information - CIPFA Nearest Neighbour

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

	Detailed investigations	Total complaints received
Ashfield District Council	2	18
Bassetlaw District Council	9	20
Bolsover District Council	2	7
Chesterfield District Council	1	11
Erewash District Council	1	8
Mansfield District Council	1	16
NE Derbyshire District Council	3	11

Whilst Bolsover District Council received 7 complaints against its services, only 2 were the subject of detailed investigations.

It is noteworthy that 4 complaints were closed after initial enquiries and 2 were referred back to the Council to put through its complaints system. This appears to indicate that the LG&SCO is satisfied that the Council is administering its complaints procedure fairly.

Although this report is regarding complaints directed to the LG&SCO, the Council did not receive any complaints via the Housing Ombudsman (HO) for the same period.

2 Conclusions and Reasons for Recommendation

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

3 Consultation and Equality Impact

The report is to keep Elected Members regularly informed of volumes and trends regarding LG&SCO/ 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

That Executive receive the report and the Annual Letter from the Local Government & Social Care Ombudsman 2016/17.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	N/a
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
A:	Annual Letter from the Local Government & Social Care Ombudsman 2016/17
B:	Complaints Decided
C:	Complaints Received
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

Appendix A
20 July 2017

By email

Daniel Swaine
Chief Executive
Bolsover District Council

Dear Daniel Swaine,

Annual Review letter 2017

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGO) about your authority for the year ended 31 March 2017. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. I was delighted to be appointed to the role of Ombudsman in January and look forward to working with you and colleagues across the local government sector in my new role.

You may notice the inclusion of the '*Social Care Ombudsman*' in our name and logo. You will be aware that since 2010 we have operated with jurisdiction over all registered adult social care providers, able to investigate complaints about care funded and arranged privately. The change is in response to frequent feedback from care providers who tell us that our current name is a real barrier to recognition within the social care sector. We hope this change will help to give this part of our jurisdiction the profile it deserves.

Complaint statistics

Last year, we provided for the first time statistics on how the complaints we upheld against your authority were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us.

We have chosen not to include a 'compliance rate' this year; this indicated a council's compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.

This is likely to be just one of several changes we will make to our annual letters and the way we present our data to you in the future. We surveyed councils earlier in the year to find out, amongst other things, how they use the data in annual letters and what data is the most useful; thank you to those officers who responded. The feedback will inform new work to

provide you, your officers and elected members, and members of the public, with more meaningful data that allows for more effective scrutiny and easier comparison with other councils. We will keep in touch with you as this work progresses.

I want to emphasise that the statistics in this letter comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

The statutory duty to report Ombudsman findings and recommendations

As you will no doubt be aware, there is duty under section 5(2) of the Local Government and Housing Act 1989 for your Monitoring Officer to prepare a formal report to the council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by my office. I have received several enquiries from authorities to ask how I expect this duty to be discharged. I thought it would therefore be useful for me to take this opportunity to comment on this responsibility.

I am conscious that authorities have adopted different approaches to respond proportionately to the issues raised in different Ombudsman investigations in a way that best reflects their own local circumstances. I am comfortable with, and supportive of, a flexible approach to how this duty is discharged. I do not seek to impose a prescriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

As a general guide I would suggest:

- Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period. In a small authority this may be adequately addressed through an annual report on complaints to members, for example.
- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.
- In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

The duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all authorities in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, whenever my office issues a formal, public report to your authority you are obliged to lay that report before the council for consideration and respond within three months setting out the action that you have taken, or propose to take, in response to the report.

I know that most local authorities are familiar with these arrangements, but I happy to discuss this further with you or your Monitoring Officer if there is any doubt about how to discharge these duties in future.

Manual for Councils

We greatly value our relationships with council Complaints Officers, our single contact points at each authority. To support them in their roles, we have published a Manual for Councils, setting out in detail what we do and how we investigate the complaints we receive. When we surveyed Complaints Officers, we were pleased to hear that 73% reported they have found the manual useful.

The manual is a practical resource and reference point for all council staff, not just those working directly with us, and I encourage you to share it widely within your organisation. The manual can be found on our website www.lgo.org.uk/link-officers

Complaint handling training

Our training programme is one of the ways we use the outcomes of complaints to promote wider service improvements and learning. We delivered an ambitious programme of 75 courses during the year, training over 800 council staff and more 400 care provider staff. Post-course surveys showed a 92% increase in delegates' confidence in dealing with complaints. To find out more visit www.lgo.org.uk/training

Yours sincerely

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

Michael King
Local Government and Social Care Ombudsman for England
Chair, Commission for Local Administration in England

Local Authority Report: Bolsover District Council
For the Period Ending: 31/03/2017

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	2	1	0	0	0	1	3	0	7

Decisions made

Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Detailed Investigations			Total
				Not Upheld	Upheld	Uphold Rate	
0	0	2	4	0	3	100%	9

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
2	1

Appendix B –Complaints Decided

Referenc/Authority	Category	Decision D	Decision	Remedy
1 15014152	Bolsover District Council Corporate & Other Services	07-Apr-16	Upheld	Financial Redress
2 15018144	Bolsover District Council Planning & Development	25-Apr-16	Closed after initial enquiries	Null
3 15019627	Bolsover District Council Benefits & Tax	05-Jul-16	Upheld	Satisfactory BinJ remedy
4 16005176	Bolsover District Council Corporate & Other Services	15-Aug-16	Closed after initial enquiries	Null
5 16005937	Bolsover District Council Benefits & Tax	27-Oct-16	Upheld	Financial Redress,New appeal/review,Reimbursement/unquantified payment
6 16007085	Bolsover District Council Housing	16-Aug-16	Referred back for local resolution	Null
7 16008086	Bolsover District Council Planning & Development	25-Oct-16	Closed after initial enquiries	Null
8 16015708	Bolsover District Council Benefits & Tax	14-Feb-17	Closed after initial enquiries	Null
9 16015978	Bolsover District Council Planning & Development	02-Feb-17	Referred back for local resolution	Null

Appendix C Complaints Received

Reference	Authority	Category	Received
1	Bolsover District Council	Planning & Development	11-Apr-16
2	Bolsover District Council	Corporate & Other Services	11-Jul-16
3	Bolsover District Council	Benefits & Tax	26-Jul-16
4	Bolsover District Council	Housing	16-Aug-16
5	Bolsover District Council	Planning & Development	06-Sep-16
6	Bolsover District Council	Benefits & Tax	30-Jan-17
7	Bolsover District Council	Planning & Development	02-Feb-17

