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| CABINET | DATE 15.12.2021 | ITEM NO 12 |
| TITLE Local Government Ombudsman Complaints Annual Review Letter 2021 | WARD (S) All | |
| CHIEF OFFICER Director of Legal & HR/Monitoring Officer | CABINET MEMBER Leader of the Council | |
| DECISION CLASSIFICATION - Non-Key - Non-exempt | FINAL DECISION To be made at this meeting on the recommendations in this report | |

1. **Decision required**

Cabinet is requested to

- 1.1 Note the content of the Local Government and Social Care Ombudsman Annual Review Letter for 2021.

2. **Links to the Royal Greenwich high level objectives**

- 2.1 This report relates to the Council's agreed high level objectives as follows:

- A Healthier Greenwich
- A Safer Greenwich
- A Great Place to Grow Up
- Delivering Homes Through Economic Growth
- A Cleaner, Greener Greenwich
- Economic Prosperity for All
- A Great Place to Be
- A Strong Vibrant and Well-run Borough

- 2.2 The report considers complaints which have been received in respect of the full range of Council functions.

3. **Purpose of Report and Executive Summary**

- 3.1 Each year the Local Government and Social Care Ombudsman produces an Annual Review Letter which is a summary/review of complaints made against the Council during the preceding year. The letter is intended to enable councils to assess their performance.

3.2 This annual report summarises the contents of the letter and describes the actions taken by Officers in response.

4. **Introduction and Background**

4.1 The office of the Local Government and Social Care Ombudsman (LGO) was created by the Local Government Act 1974. The main functions of the LGO are to:

- investigate complaints against Councils and other public authorities
- investigate complaints about social care providers from people who arrange or fund their adult social care (Health Act 2009).

4.2 Complaints against the Council are dealt with under the Council's Complaints procedure or in the case of Adults and Children's Services, through the statutory complaints procedure. Where a Complainant remains dissatisfied with the outcome, he/she has the right to refer the matter to the LGO. The LGO however has the power to accept and investigate a complaint even if the internal or statutory complaints procedure has not been exhausted in certain circumstances.

4.3 Each year the LGO produces an Annual Review Letter which is a summary/review of complaints made against the Council during the preceding year. The letter is intended to enable councils to assess their performance. The letter acknowledges the unique situation local authorities have found themselves in this year and provides insight so that they may continue to deal with the current situation and plan for the future. The Ombudsman Annual Review Letter 2021 is at Appendix A.

4.4 The Annual Review Letter for 2019/20 was considered by Cabinet in December 2020. Since the date of that report, internal work has continued to embed the use of the case management system and look at ways of reporting, including capturing lessons learned for continuous improvement.

4.5 The Annual Review Letter dated 21 July 2021 details the number of complaints and outcomes for 2020/21. It includes information regarding the Council's compliance with recommendations made by the Ombudsman. Recommendations are specific and often include a timeframe and the letter set out details of the Ombudsman's monitoring of compliance with remedies.

4.6 The Annual Report details 87 new complaints within the financial year 2020/21. In addition, there would have been open cases from the previous

period. This is a decrease from 2019/20 where there were 127 complaints, but this is likely to be linked to the pandemic given that the LGO did not accept new complaints between March and June 2020. There was an increase in detailed investigations of complaints this year at 32% of those submitted, in comparison to 24% of complaints last year. Upheld decisions decreased to 75% percent this year as opposed to 83% last year.

- 4.7 The Ombudsman carried out 28 detailed investigations with 21 upheld cases resulting in remedies. The Ombudsman has confirmed satisfaction with compliance in 100% of cases where the Council accepted and implemented the recommendations. The Ombudsman referred to 7 cases where remedies were completed late – none remain outstanding.

5. **Available Options**

- 5.1 Option 1 - note the content of the Local Government and Social Care Ombudsman Annual Review Letter for 2021.

- 5.2 Option 2 – do nothing.

6. **Preferred Option**

- 6.1 Option 1 - note the content of the Local Government and Social Care Ombudsman Annual Review Letter for 2021.

7. **Reasons for Recommendations**

- 7.1 The annual report to Cabinet on LGO complaints is an important part of the Council's corporate governance framework and provides an opportunity for continuous improvement through learning for the future. Reporting the contents of the letter, together with the actions taken by Officers in response, also ensures that the Council is being transparent about LGO complaints.

8. **Consultation Results**

- 8.1 The issues covered by this report do not require public consultation.

9. **Next Steps and actions to be taken**

9.1 Officers have analysed the information in the annual review letter and identified relevant issues. Following an ongoing review of the internal handling of the Ombudsman complaint process, some improvements have been made to the monitoring and escalation process. Regular meetings have taken place with complaints officers and new processes are being embedded.

10. Cross-Cutting Issues and Implications

| Issue | Implications | Sign-off |
|---|---|---|
| Legal including Human Rights Act | The report raises no specific legal issues. | John Scarborough, Director of Legal & HR, 29 November 2021 |
| Finance and other resources including procurement implications | There are no financial implications arising from this report. | Michael Bate Assistant Director of Corporate Finance 29 November 2021 |
| Equalities | The report raises no equalities issues and does not make any specific contribution to the Council's Equality and Equity Charter and the Council's Equality Objectives 2020-2024. However, the processes described above provide opportunities for learning and continuous improvement which may be relevant for the Charter/Objectives in individual cases. | Emma Newby, Legal Practice Manager, 29 November 2021 |
| Climate change | The report does not make any specific contribution to the Council's to the Greenwich Carbon Neutral Plan. However, the processes described above provide opportunities for learning and continuous improvement which may be relevant for the Plan in individual cases. | Emma Newby, Legal Practice Manager, 29 November 2021 |
| Risk management | Failure to comply with an Ombudsman determination may result in the | Emma Newby, Legal Practice |

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| | publication of a Public Report resulting in reputational damage. Whilst an Ombudsman report is not binding legal authority, it is relied on as a persuasive authority. | Manager, 29 November 2021 |
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11. **Report Appendices**

11.1 Appendix A: Annual Review Letter 2021

12. **Background Papers**

12.2 None.

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