

Report to: **Audit & Governance Committee**

Date: **20 October 2022**

Title: **Ombudsman Annual Review Letter**

Portfolio Area: Customer Satisfaction & Improvement  
Cllr Nicky Hopwood

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:

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**RECOMMENDATIONS:**

**That the Audit & Governance Committee:**

- 1. Reviews the Ombudsman's Annual Letter for 2021 (attached at Appendix A); and**
- 2. Notes the steps set out to ensure that the Council continues to address complaints fairly and in line with best practice.**

**1. Executive summary**

- 1.1 The Local Government and Social Care Ombudsman (LGCSO) looks at complaints about councils where the complainant considers that the Council has not sufficiently addressed their concerns.
- 1.2 This report sets out the LGCSO's Annual Review Letter regarding complaints that they have considered during the period 1st April 2021 to 31st March 2022 (please see Appendix A).
- 1.3 During this period, the Ombudsman received twenty-seven complaints about South Hams District Council, of which five were put forward for investigation. Following detailed investigation, two of those complaints were upheld by the Ombudsman, with one recommendation issued.
- 1.4 On average, the Ombudsman upholds 66% of complaints about Councils. South Hams District Council has seen 40% of investigated complaints upheld, below the national average and an improvement on our performance from 2020/21.

- 1.5 Members are requested to review the Ombudsman's Annual Letter 2022 and consider what lessons have been learnt from the outcome of complaints.

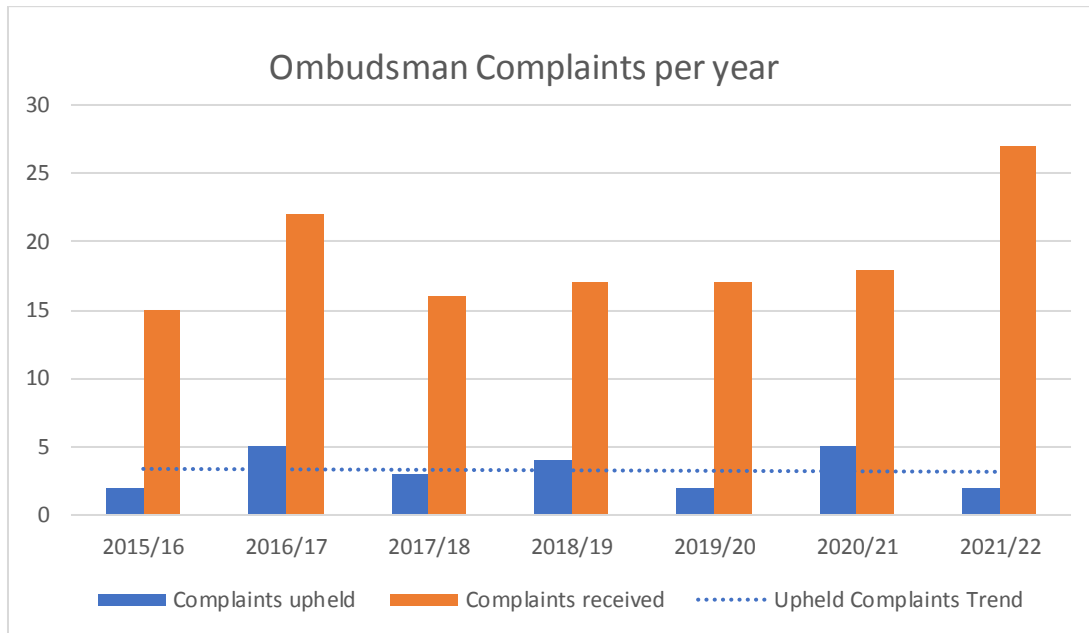
## **2. Background**

- 2.1 The Local Government and Social Care Ombudsman conducts independent, impartial and fair investigations into complaints that faults or service failure have led to an injustice. Where they find fault, they make recommendations to provide a remedy. Where evidence supports it, they can also recommend changes to ensure improvements are made and to avoid similar issues occurring.
- 2.2 The Ombudsman will only consider complaints where they have first been through the Council's internal complaints procedure. This is to allow the Council an opportunity to consider and respond to the complaint and where required, to offer a suitable remedy.
- 2.3 Once considered by the Ombudsman, a complainant cannot appeal against the Ombudsman's decision, but complaints may be reviewed if new information is presented to the Ombudsman.
- 2.4 The Ombudsman's Annual Review Letter 2022 is attached at Appendix A. More details on the complaints raised with the Ombudsman are included in Appendix B. This information is also published on the Ombudsman website along with anonymised details of the complaints and findings at <https://www.lgo.org.uk/your-councils-performance>
- 2.5 The Ombudsman publishes data on:
  - a. The number of complaints and enquiries received
  - b. Decision
  - c. Reason for the decision and where a complaint is upheld, any suggested remedy
- 2.6 Effectively handling complaints is an important part of what we do as a Council and an important tool to identify improvements. The Ombudsman has a crucial role in providing an independent check on our approach, our thinking, and identifying any possible preconceptions, prejudices, or assumptions in our views.

## **3. Outcomes/outputs**

- 3.1 In the Annual Letter 2022, the Ombudsman provides a breakdown of investigations that they have upheld in order to show the number of cases where the Ombudsman's recommendations have remedied the fault, and to also show where the Council had already offered a satisfactory remedy during its own investigation of the complaint.
- 3.2 Appendix B to this report shows complaints decided by the Ombudsman.
- 3.3 The mismatch between complaints received and investigated is due to the automatic reporting being based on the date of submission for complaints received, and the date of decision for investigations decided, and the Ombudsman only reports on matters within the financial year 2021 - 2022.

- 3.4 In its Review of Local Government Complaints 21-22, the Ombudsman sets out that they continue to uphold 66% of complaints that they investigate about local councils.
- 3.5 The figure for South Hams District Council is a 40% rate of upheld complaints which is below the national average. Furthermore, the Ombudsman found that in 100% of cases they were satisfied that we had implemented their recommendations.
- 3.6 One of the complaints upheld was received late last year, and one case reported this year has yet to be investigated.

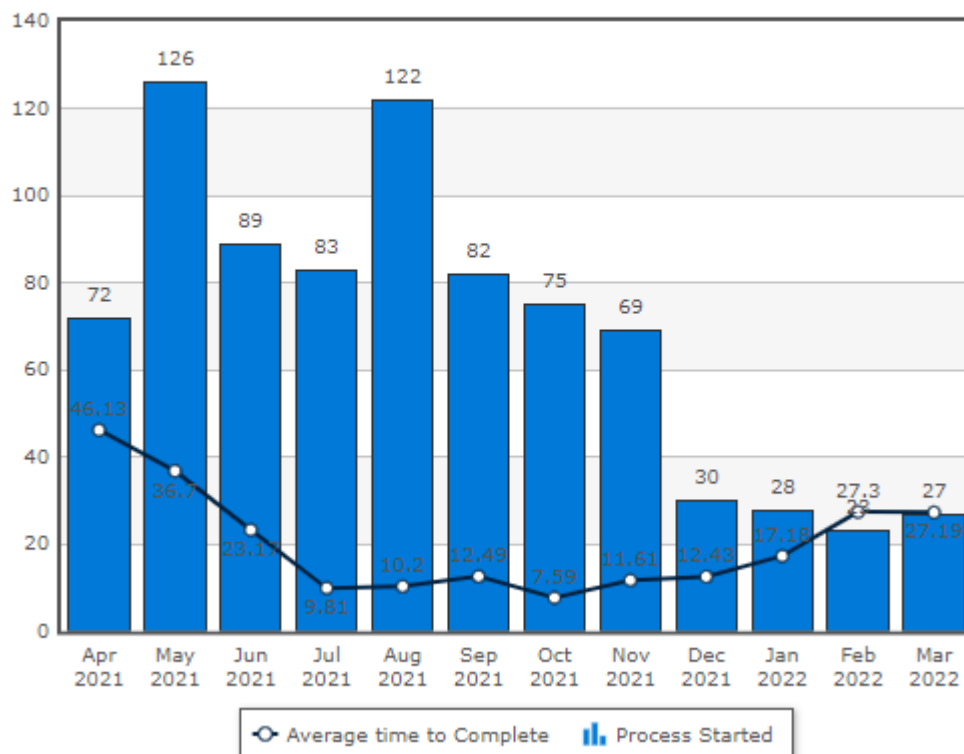


- 3.7 Of the twenty-seven complaints received by the Ombudsman, eight were closed after initial enquiries, twelve were referred back to the council for local resolution, three were incomplete, two were investigated but not upheld, and two were upheld.
- 3.8 The level of complaints raised with the Ombudsman are slightly higher than the long-term average although the Ombudsman only received complaints for 9 months of last year due to Covid.
- 3.9 The number of complaints sent to the Ombudsman is due to higher than normal level of complaints around the waste service.
- 3.10 Of the 2 complaints marked as upheld;
- a. One (Waste) resulted in an award and recommendations for dealing with waste complaints that were complied with.
  - b. One (Planning Enforcement) was caused by failure to take action to secure compliance with an enforcement notice.
- 3.11 The Council agreed to all the recommended remedies and were already in the process of adjusting our processes to prevent it happening again.
- Complaints**
- 3.12 Upheld complaint 1 relates to the Council failing to take timely action to secure compliance with an enforcement notice. It is

important to state that this complaint relates to actions taken by the Council from 2017. The Ombudsman found that there was some delay in the Council issuing an enforcement notice but that it did not cause significant injustice to the customer and that the Council had followed its enforcement policy in prioritising the case. No remedial action was requested by the Ombudsman.

- 3.13 Upheld complaint 2 relates to the Council not investigating complaints from a resident in respect of repeated missed recycling collections over several months. Although the customer submitted a formal complaint to the Council, it was handled as a service request with the focus being on fixing the missed collections. As such, the complaint did not follow our formal complaint process and therefore the Ombudsman upheld this complaint. The Council was required to apologise for the repeated missed collections and to make a financial goodwill gesture in respect of the failure to appropriately handle the complaint.
- 3.14 Since the Ombudsman’s report last year, we have continued to make improvements to how we deal with complaints. All complaints are handled through our software solution, Liberty Create.
- 3.15 Weekly meetings focusing on overdue complaints and improving customer contact have been in place for the last year.

## Average time to complete



- 3.16 Complaints have seen a general decrease across the Council although the biggest drop over the year was from the waste service.
- 3.17 There have been ongoing changes to the way we deal with complaints to improve the quality of our response and our response speed.
- a. Active management of overdue complaint response time has improved performance
  - b. A focus on talking to the customer directly and early in the process has improved contact in recent months.
  - c. Automated reporting for Heads of Service to actively monitor complaints.
  - d. Learning opportunities highlighted from complaints are better captured and reviewed quarterly.
- 3.18 Additionally, we have commissioned the Local Government Ombudsman to deliver training staff in key service areas in order to further improve our complaints handling. These sessions will be held in November and December.

#### 4. Proposed Way Forward

- 4.1 That the Audit and Governance Committee:
- 4.2 Notes the content of the Local Government Ombudsman Annual Review Letter as set out in Appendix A to this report.
- 4.3 Consider what lessons have been learnt (or can be learnt) from the outcome of complaints.

#### 5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Local Government & Social Care Ombudsman is governed by the Local Government Act 1974 and is responsible for considering complaints against local authorities which the complainant considers have not been resolved locally by the Council. The Overview and Scrutiny Committee is responsible for having an overview of complaints handling and for an overview of Ombudsman complaints, and the Ombudsman Annual Review letter is an important part of that process. The decisions in respect of each case are provided to the relevant service in order that any recommendations made by the Ombudsman are acted upon and lessons learnt can be implemented.
Financial implications to	Y	There are resource implications in officer time spent dealing with complaints in both the initial

include reference to value for money		<p>stages under our own policy as well as the resources in supporting an Ombudsman complaint. The Council does not have a dedicated Complaints Officer and it is therefore not possible to quantify this time. Good complaints management which we learn from mistakes is important in ensuring that the Council is efficient and provides value for money in the future by not making the same mistakes again.</p> <p>Where it is necessary to settle a complaint by the payment of compensation (or the Council has already offered a settlement) payment is made out of the current year's revenue budget for the service in question.</p>
Risk	Y	<p>It is important that the Council is aware of the number and type of complaints made to the Ombudsman together with the outcomes and lessons learnt. The Senior Leadership Team are updated on the numbers and types of complaints and the Business Managers and Customer Improvement Manager now monitor response times weekly to ensure timely replies to customers.</p> <p>Whilst it is not possible to eliminate complaints, it is possible to manage complaints efficiently and learn from the outcomes of these complaints to mitigate the risk of recurrence and deliver service improvement.</p>
Supporting Corporate Strategy		Efficient and Effective Council
Climate Change - Carbon / Biodiversity Impact		
Comprehensive Impact Assessment Implications		
Equality and Diversity		This has been considered in the Complaints policy and within the individual complaints where relevant. No complaints have been received regarding Equality and Diversity.
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None

Other implications		None
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**Supporting Information**

**Appendices:**

Appendix A - Ombudsman Annual Letter

Appendix B - Ombudsman Complaints - Decided

**Background Papers:**

None