

Meeting of the Cabinet – 11th February, 2019

Report of Chief Officer Transformation and Performance

The Local Government and Social Care Ombudsman's Annual Review Letter 2018

Purpose

1. To note the Annual Review Letter for 2018 from the Local Government and Social Care Ombudsman and information in respect of complaints received against this Council and dealt with by the Ombudsman's office.

Recommendations

2. That the contents of the report and the Annual Review Letter are noted.
3. That Chief Officers continue to ensure that requests for information on complaints are dealt with by the date requested to ensure that the Council's maximises its performance on response times and remedy of complaints is maintained.
4. That all Directorates continue to monitor and review their complaints actively to underpin ongoing good practice to achieve timely local resolution of complaints wherever possible.
5. That the Cabinet endorse the recommendation of the Strategic Director People, as set out in Appendix 3, concerning the Local Government and Social Care Ombudsman's findings regarding Third Party Top-Ups.

Background

6. Attached as Appendix 1 to this report is a copy of the Annual Review Letter of the Local Government and Social Care Ombudsman for the financial year ended 31st March 2018. The information included in the tables highlights the number of complaints and enquiries received and decisions made, including information on complaints upheld and not upheld.
7. The summary of involvement on complaints by the Local Government and Social Care Ombudsman are as follows:
 - The total number of complaints decided by the Ombudsman during this period was 76, of which 10 were subjected to a detailed investigation. The outcome of these detailed investigations was that 6 were upheld and 4 were not upheld. The remaining decisions were:

- 48 Referred back for local resolution
 - 10 Closed after initial enquiries
 - 4 Advice Given
 - 3 Incomplete or Invalid
- The number of upheld complaints decided by the Ombudsman for Dudley continues to be low. When compared to all English metropolitan boroughs we continue to be in the best performing quartile. (Table1 provides the benchmark data).

	2013-14	2014-15	2015-16	2016-17	2017-18
Dudley MBC	16	7	7	9	6
MET Quartile	2nd	1st	1st	1st	1st
Best/lowest	4	4	2	3	1
MET Average	14	12	11	13	12
Worst/highest	43	41	71	63	43

- Attached as Appendix 2 is the summary of Local Government and Social Care Ombudsman upheld decisions. These were in respect of Adult Care Services (4), Planning and Development (1) and Education and Children’s Services (1).
 - Not upheld complaints were in respect of Planning and Development (1), Environmental Services, Public Protection and Regulation (1), Highways and Transport (1) and Adult Care Services (1).
 - In respect of the complaints determined by the Ombudsman in the year to 31st March 2018, there was one public report against the Council relating to an ongoing Adult Social Care issue from 2016/17. This has been reported to Cabinet previously.
8. The Annual Review Letter refers to the public report issued previously concerning the payment of ‘top up’ fees by a complainant towards the cost of residential care. Appendix 3 sets out a report of the Strategic Director People concerning this issue.

Finance

9. There are no direct financial implications arising from the content of this report. Any compensation determined, arising from an investigation by the Local Government and Social Care Ombudsman, is met from the relevant Directorate budgets.

Law

10. The Commission for Local Administration was created under Parts 1 and 3 of the Local Government Act 1974.

Equality Impact

11. The complaints that were subjected to a detailed investigation did not have any equality impacts. The role of the Ombudsman affords a system of complaint and redress to members of the public who feel they have been subject to maladministration by the Council. Some complaints may concern children and young people and so, dependent on the remedy proposed, if any, there may have been either a direct or indirect impact upon them.

Human Resources/Transformation

12. There are no direct human resources/transformation implications.

Commercial Implications

13. There are no direct commercial implications.



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List of Background Papers

Appendix 1 – Local Government and Social Care Ombudsman Letter

Appendix 2 – 2017-18 LGSCO Upheld Decisions

Appendix 3 – Report of the Strategic Director People