

Council

20 October 2022



Title	Annual Report on Complaints 2021-2022
Purpose of the report	To note
Report Author	Farida Hussain, Monitoring Officer Sandy Muirhead, Group Head Commissioning and Transformation
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	Service delivery
Recommendations	Council is asked to note the report.
Reason for Recommendation	Not applicable

1. Summary of the report

- 1.1 This report seeks to inform Council of the 2021-22 Annual Report from the Local Government and Social Care Ombudsman (the Ombudsman). It also outlines the number of complaints considered by officers in accordance with the Council's Corporate Complaints Policy.

2. Key issues

Annual Report from the Local Government and Social Care Ombudsman

- 2.1 There is a duty under section 5(2) of the Local Government and Housing Act 1989 for the Monitoring Officer to report Local Government and Social Care Ombudsman findings and recommendations to the Council where, following an investigation into a complaint, the Ombudsman has made a finding of fault.
- 2.2 The Ombudsman has issued guidance to authorities about how they should report findings on its investigations to elected members and is supportive of a flexible approach to discharging this duty.
- 2.3 As a general guide the Ombudsman has suggested that where his 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, the duty is satisfactorily discharged in a small authority if the Monitoring Officer summarises the findings on all upheld complaints over a specific period, in an annual report to the Council.

- 2.4 The Ombudsman has recently circulated its Annual Review letters for 2021-2022 to all local authorities.
- 2.5 The Annual Review letter includes a breakdown of complaints received to show how they were dealt with. The attached breakdown of complaints about Spelthorne Borough Council (**Appendix 1**) shows the Ombudsman received 16 complaints. Only 1 of these was investigated, as a result of which the Ombudsman made a finding of maladministration and injustice.
- 2.6 This is a very good outcome, particularly when viewed against the number of complaints dealt with by staff at Stages 1 and 2 of our internal Complaints procedure.
- 2.7 The requirement to report findings of fault by the Ombudsman applies to all such 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.
- 2.8 The one upheld complaint in April 2021 (which completed the Council's complaints procedure in August 2020), was in relation to a service failure and I can confirm that the authority remedied the complaint by implementing the recommendations made by the Ombudsman, within one week of its decision.
- 2.9 The Ombudsman's full decision in respect of the upheld complaint is attached at **Appendix 2**. Members will note that the report has been anonymised to protect the identity of the complainant.
- 2.10 In summary the Ombudsman found that, "Mr X complained about the Council's decision not to let him see his father when he visited a day centre; its failure to contact him after he left his contact details at the day centre and its decision to limit his future contact with staff at the day centre. Mr X says the actions of the Council caused unnecessary distress. The decision not to let Mr X see his father was based on a duty of care and Mr X was correctly referred to Adult Social Care. There is no fault in the procedure followed to limit Mr X's ongoing contact with the day centre staff. There was fault by the Council in taking Mr X's contact details when it had no intention of using them to contact him.
- 2.11 The Ombudsman publishes [an interactive map](#) containing the complaint data for each local authority in England in a searchable format. It collates the annual letters sent to each local authority, how often they complied with the Ombudsman's recommendations, the improvements they have agreed to implement and published decisions.

Council's Corporate Complaints

- 2.12 Formal complaints about unsatisfactory service or the behaviour of staff raised by residents or members are considered in accordance with the Corporate Complaints Policy.
- 2.13 In 2021-2022 we received:
- 21 complaints which received a response from a senior officer within the service concerned at Stage 1 of the complaints process.
 - 16 (of the 21) complaints were escalated to Stage 2 for an independent investigation and response from the Group Head for Commissioning and Transformation.

- a further 4 complaints were considered directly at Stage 2.
- 2.14 As a result of the 20 Stage 2 investigations, the Council accepted it had been at fault to some degree in relation to 6 and took steps to address the failures identified as well as offering an apology. None of the upheld complaints were raised with the Ombudsman.
- 3. Options analysis and proposal**
- 3.1 This report is for information and there are no options arising.
- 4. Financial implications**
- 4.1 There was no financial remedy arising from the Ombudsman's finding of fault.
- 5. Risk considerations**
- 5.1 The Monitoring Officer routinely reviews and reports on complaints data to ensure our processes are effective and to minimise any risk
- 6. Procurement considerations**
- 6.1 There are no procurement considerations arising from this report.
- 7. Legal considerations**
- 7.1 There are no legal considerations arising from this report.
- 8. Other considerations**
- 8.1 There are none.
- 9. Equality and Diversity**
- 9.1 There are no equality and diversity considerations arising from this report.
- 10. Sustainability/Climate Change Implications**
- 10.1 There are no sustainability or climate change implications arising directly out of this report.
- 11. Contact**
- 11.1 Gillian Scott, Corporate Governance Support Officer, 01784 444243

Background papers: There are none.

Appendices:

Appendix 1 – Table of decisions made by the Ombudsman in 2021-22

Appendix 2 – Ombudsman 'finding of fault' decision on a complaint by Mr X