



Emergency Powers Executive Decisions Agenda

Wyre Borough Council
Date of Publication: 19 August 2020
Please ask for : Democratic Services
democratic.services@wyre.gov.uk

Emergency Powers Executive Decisions meeting on Wednesday, 19 August 2020 at 12.00 pm in the Chief Executive's Office

1. **Local Government Ombudsman Annual Review Letter 2020** (Pages 3 - 10)

Report of the Leader of the Council and Corporate Director Resources.

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Report of:	Meeting	Date
Councillor David Henderson, Leader of the Council, and Clare James, Corporate Director Resources	Delegated to Garry Payne, Chief Executive under emergency powers	19 August 2020

Local Government Ombudsman Annual Review Letter 2019/20
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1. Purpose of report

- 1.1 To consider the Annual Review letter from the Local Government and Social Care Ombudsman (LGO) for 2019/20, attached at Appendix A.

2. Outcomes

- 2.1 Learn from the outcome of complaints made to the LGO to improve our services and underpin effective working relationships between the council and the LGO's office.
- 2.2 Support greater transparency and democratic scrutiny of local complaint handling and ensure effective local accountability of public services.

3. Recommendation

- 3.1 That the Chief Executive notes the comments made by the LGO in the Annual Review Letter.

4. Background

- 4.1 This annual review provides a summary of statistics on the complaints made to the LGO about Wyre for the year ended 31 March 2020. The data that the LGO has provided shows the complaints and enquiries they have received, along with the decisions they have made and Wyre's compliance with recommendations during the period.
- 4.2 The number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often the LGO found fault when they investigated a complaint), and alongside statistics that indicate Wyre's willingness to accept fault and put things right when they go wrong. The LGO also provide a figure for the number of cases where the authority provided a satisfactory remedy before the complaint reached them, and statistics about the authority's compliance with

recommendations they have made; both of which offer a more comprehensive and insightful view of Wyre's approach to complaint handling.

- 4.3** The LGO are publishing its annual data for all authorities on their website, alongside its annual review of local government complaints. This includes data on authorities' compliance with the LGO's recommendations. Our data will be uploaded to the LGO's interactive map, 'Your council's performance', along with a copy of the LGO's letter and its' Review of Local Government Complaints. This collated data further aids the scrutiny of local services.

5. Key issues and proposals

5.1 Enquiries and complaints received

During the year the LGO Advice Team received 14 complaints and enquiries about the council in the 12 months up to 31 March 2020. This is a decrease of one complaint when compared to those received by the LGO in 2018/19.

5.2 Complaint outcomes

The number of decisions made in the year will not be the same as the number of complaints received by the LGO Advice Team because some complaints decided in 2019/20 will have been received in the previous year, and some sent to the Investigative Team during 2019/20 will be ongoing. However 15 decisions were made in total.

It must also be recognised that the statistics in this letter do not match the figures we hold. However the LGO is confident that it is an accurate representation of the data it holds for the last 12 months. The LGO suggested that the variation may be attributable to the fact that an element of the LGO's registered complaints received for Wyre will have been premature complaints that it referred back for a local resolution, but which the complainant may not have pursued with the council.

- 5.3** Eight complaints were referred back for local resolution.

- 5.4** Four complaints were closed after initial enquiries and they related to the following service areas:

Benefits and Council Tax	1
Planning and Development	1
Environmental Services, Public Protection and Regulation	2

- 5.5** Two complaints were not upheld.

5.6 One complaint was upheld and this related to Planning and Development.

Nature of Complaint	Service Area	Decision
Complaint that the council avoidably delayed taking the action it considered necessary in relation to the complainant's neighbour's unauthorised development from September 2017 until they raised the matter again in May 2018.	Planning and Development	Upheld. Maladministration and injustice The council apologised and paid the complainant £1,350 which is a rate of £150 a month for nine months and takes account of the fact that the unauthorised development caused intermittent overlooking and disturbance and so affected their privacy and limited the use of their garden. In addition the council will pay the complainant £100 to recognise the avoidable time and trouble they were caused in having to make a complaint in order for the matter to be looked at again in May 2018.

Financial and legal implications	
Finance	On occasion the Local Government Ombudsman may recommend that a payment is made to a complainant to compensate for any injustice they have experienced. One payment of £1,450 compensation was awarded in 2019/20.
Legal	None arising directly from the report.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no	email	date
Joanne Porter	01253 887503	joanne.porter@wyre.gov.uk	24/07/2020

List of background papers:		
name of document	date	where available for inspection
LGO Annual Review Letter 2019/20	22/07/2020	www.wyre.gov.uk

List of appendices

Appendix A – LGO Annual Review Letter to Wyre BC for the period ending 31/03/2020

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Local Government & Social Care OMBUDSMAN

22 July 2020

By email

Mr Payne
Chief Executive
Wyre Borough Council

Dear Mr Payne

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

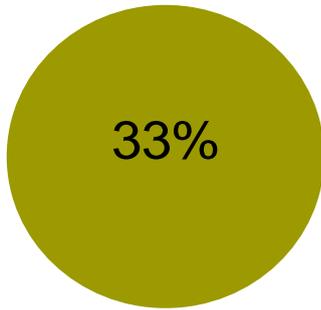
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



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

Complaints upheld



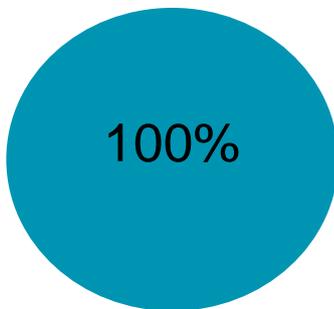
33% of complaints we investigated were upheld.

This compares to an average of **45%** in similar authorities.

1
upheld decision

Statistics are based on a total of 3 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations



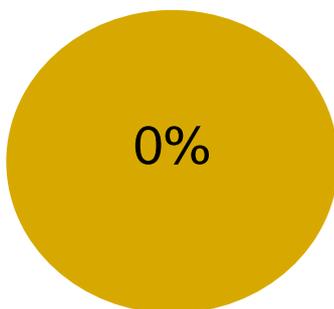
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **99%** in similar authorities.

Statistics are based on a total of 1 compliance outcome for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority



In **0%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar authorities.

0
satisfactory remedy decisions

Statistics are based on a total of 3 detailed investigations for the period between 1 April 2019 to 31 March 2020

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