



# Report to the Standards and General Purposes Committee

<b>Date:</b>	17 November 2022
<b>Title:</b>	Local Government and Social Care Ombudsman – Annual Review Report
<b>Contact officer:</b>	Jennifer Griffin
<b>Ward(s) affected:</b>	None specific
<b>Recommendations:</b>	<b>The Committee are asked to note the content of the report.</b>

## 1. Executive summary

- 1.1 Each year, the Local Government and Social Care Ombudsman (LGSCO) issues an Annual Review Letter about each council. This relates to the complaints made to the LGSCO about the Council in the previous financial year. This report is an update for the Committee on this area of governance for the year 2020/21, reflecting on those complaints that were considered by the Ombudsman up to 31 March 2022.
- 1.2 The data and information contained in this report is regarding complaints that may have fallen in the previous two years. This is in part because of the impact of the Pandemic when the Ombudsman closed to complaints for a three month period.
- 1.3 During 2021/22 the LGSCO received 15826 complaints and enquiries. A higher number of complaints were upheld against the Council during 2021/22 than in 2020/21 (29 as opposed to 17). This is in the context of a higher number of decisions made by the Ombudsman during this year, 150 as opposed to 104 in the previous year.
- 1.4 The Council's rate of cases upheld following detailed investigation by the LGSCO is 74%. This compares with an average of 64% for similar authorities. There were 39 detailed investigations out of the 150 complaints looking at this figure gives us an overall upheld rate of 19%. It should be noted that cases where the Ombudsman has

given an upheld outcome may have already been upheld and remedied by the Council in our complaints process.

- 1.5 For the second year in a row there were no published reports for Buckinghamshire Council.
- 1.6 Buckinghamshire Council was 100% compliant with the LGSCO recommendations for remedies.
- 1.7 We have successfully completed the remedies within time for 19 of the 29 upheld complaints. 1 remedy was not completed (through no fault of the Council) but the Ombudsman is satisfied we attempted to complete the remedy.

## **2. Purpose of the Ombudsman's Annual Letter**

- 2.1 Under the Local Government Act 1974, the LGSCO has two main statutory functions.
  - To investigate complaints against councils
  - To provide advice and guidance on good administrative practice
- 2.2 The LGSCO records the following:
  1. Complaints and enquiries received by subject area
  2. Decisions made
- 2.3 These categories can be found in the Annual Review Letter, the purpose of which is to inform councils and other authorities of the number of complaints the LGSCO has dealt with regarding that authority as well as the nature of those complaints.



### 3. Summary of Complaints and Enquiries Received by the LGSCO

#### 3.1

<b>LG&amp;SCO Category</b>	<b>Number of Decisions 2020/21</b>	<b>Number of Decisions 2021/22</b>
<b>Adult Care Services</b>	12	13
<b>Benefits &amp; Tax</b>	5	9
<b>Corporate &amp; Other Services</b>	4	12
<b>Education &amp; Child Services</b>	23	45
<b>Environmental Services &amp; Public Protection &amp; Regulation</b>	11	15
<b>Highways &amp; Transport</b>	15	12
<b>Housing</b>	10	13
<b>Planning &amp; Development</b>	24	30
<b>Other</b>	0	1
<b>Total</b>	104	150

3.2 In line with the national trend the highest numbers of complaints received by the LGSCO about the Council was for Education and Child Services.

3.3 The following table shows the complaints by outcome and by services (as defined by the LGSCO).

<b>2021/22 Decision Classification</b>	<b>Outcomes for 2021/22 (2020/21 in brackets)</b>		<b>Services and numbers of Complaints in brackets</b>	<b>Comments</b>
<b>Upheld</b>	29	(17)	Adult Care (3) Benefits & Tax (1) Corporate (1) Education & Children's (16) Environmental Serv Public Prot and Regulation (4) Housing (1) Planning & Development (3)	Fault found by LGO.(NB The fault may have already been previously satisfactorily remedied by the Council.)
<b>Not Upheld</b>	10	(9)	Adult Care (1) Corporate (1) Education & Children's (2) Housing (3) Planning & Development (3)	No fault found by LGO.
<b>Advice given</b>	3	(0)	Benefits & Tax (1) Education & Children's Services (1) Other (1)	No record of these complaints – we assume advice given to complainant by the LGO without reference to the Council.
<b>Closed after initial enquiries</b>	67	(46)	Adult Care (4) Benefits & Tax (3) Corporate (10) Education & Children's (12) Environmental Serv Public Prot and Regulation (6) Highways & Transport (11) Housing (4) Planning & Development (17)	Initial information supplied by the complainant and/or the Council results in the LGO deciding not to investigate these complaints (for a variety of reasons, such as that the matter falls outside of the LGO's statutory jurisdiction, or there was insufficient maladministration and/or injustice found).
<b>Incomplete/Invalid</b>	3	(6)	Education & Childrens (1) Highways& Transport (1) Planning & Development (1)	No record of these complaints as not communicated to the Council – we can only assume that all these complaints were not progressed with LGO.
<b>Referred back for local resolution</b>	38	(26)	Adult Care (5) Benefits & Tax (4) Education & Children's (13) Environmental Serv Public Prot and Regulation (5)	The Council is not aware of all of these cases, however we can assume that some were where the LGO told the complainant to contact

- 3.4 The highest number of upheld complaints was for Education and Children’s Services again this is in line with the national figures where the Ombudsman reports that 77% of these complaints submitted to them were upheld.
- 3.5 For 19 of the Council’s upheld complaints some sort of financial redress in either the form of a distress and inconvenience payment or redress for financial loss. It’s relevant to note here that at stage 2 of the Council’s corporate process we are now taking the Ombudsman’s lead with offering redress payments for cases when it is appropriate.
- 3.6 The number of cases closed after initial enquiries is higher this year than in previous years, 67 as opposed to 46. This is good news for the Council demonstrating that our complaints process has satisfied the LGSCO requirements and so no further action with the complaint is necessary.

#### 4. Context

- 4.1 The table below shows the number of complaints the Council has had over the last 2 years.

	2020/21	2021/22
<b>Corporate Complaints (Stage 1)</b>	2099	1988
<b>Adults Statutory Complaints</b>	44	49
<b>Children Statutory Complaints (Stage 1)</b>	28	46
<b>LGSCO Decisions</b>	104	150

- 4.2 Benchmarking comparison table

	Satisfactory Remedy (upheld decisions)	Upheld Decisions	Population
<b>Wiltshire</b>	10%	21	500,024
<b>Dorset</b>	5%	20	378,508
<b>Bournemouth, Christchurch and Poole</b>	5%	22	395,331
<b>Cornwall</b>	5%	20	569,578
<b>Buckinghamshire</b>	3%	29	543,973

- 4.3 The above table compares upheld cases and the remedy rate for similar authorities also giving population for context.
- 4.4 The satisfactory remedy means cases where the Council has offered what the Ombudsman considers to be a satisfactory remedy for the complaint in the Council’s complaint process.

- 4.5 The 3% for Buckinghamshire represents 1 case. The Complaints and Improvements Team are now looking at previous Ombudsman decisions to provide a guide for remedies at stage 1 and 2 of our complaints process to help improve on this.

## **5. Conclusion**

- 5.1 The Ombudsman's letter to the authority notes again his view that in many local authorities the complaint and improvement function has been under-resourced. He is keen to reiterate the need for an efficient service that provides the Council with value and that is valued by services and members alike.
- 5.2 The Council's complaints arrangements have been successful once again in sign-posting complainants to the next level including externally to the Ombudsman.
- 5.3 The Ombudsman notes that across the board the rate of compliance with their recommendations remains high at 99.7% nationally. However, some of these recommendations are delivered late. The Council has made improvements to our system and processes over the last 6 months to help manage this in a more efficient way and to ensure compliance with the LGSCO.

## **6. Communication, engagement & further consultation**

- 6.1 This information has been provided to Corporate Directors.

