

**28 February 2024****Agenda Item: 4****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE  
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS  
DECEMBER 2023 TO JANUARY 2024****Purpose of the Report**

1. To inform the Committee about Local Government & Social Care Ombudsman's (LGSCO) decisions relating to the Council since the last report to Committee was completed and therefore any decisions after 4<sup>th</sup> December 2023.

**Information**

2. Members have asked to see the outcome of Ombudsman investigations regularly and promptly after the decision notice has been received. This report therefore gives details of all the decisions received since the last report to this Committee.
3. The LGSCO provides a free, independent and impartial service to members of the public. It looks at complaints about Councils and other organisations. It only looks at complaints when they have first been considered by the Council and the complainant remains dissatisfied. The LGSCO cannot question a Council's decision or action solely on the basis that someone does not agree with it. However, if the Ombudsman finds that something has gone wrong, such as poor service, a service failure, delay or bad advice and that a person has suffered as a result, the LGSCO aims to get the Council to put it right by recommending a suitable remedy.
4. The LGSCO publishes its decisions on its website ([www.lgo.org.uk/](http://www.lgo.org.uk/)). The decisions are anonymous, but the website can be searched by Council name or subject area.
5. A total of eight decisions relating to the actions of this Council have been made by the Ombudsman in this period. Appendix A to this report summarises the decisions made in each case for ease of reference and Appendix B provides the full details of each decision.
6. Full investigations were undertaken into one complaint. Appendix A provides a summary of the outcomes of the investigation. Where fault was found, the table shows the reasons for the failures and the recommendations made. If a financial remedy was made the total amount paid or reimbursed is listed separately.

7. There was fault found in one case. This case was in Place. The complaint was about how the Council managed the purchase of a piece of one piece of land, and the maintenance of another adjacent piece of land. The Ombudsman believes the Council's communication with Mrs X has been poor. Mrs X has repeatedly chased the Council for updates regarding the purchase of Land A. They state the Council gave Mrs X the impression that it was almost ready to sell to her back in 2021 when in fact, the Council did not confirm the legal status of the land until November 2023, after Mrs X had brought her complaint to us. This raised Mrs X's expectations and caused Mrs X avoidable uncertainty. Mrs X repeatedly reported the poor maintenance and the associated problems. The Ombudsman state the Council could have included the land in a regular work programme rather than relying on annual reminders. The Council, whilst acknowledging the delays, defended its position regarding land maintenance by explaining that everyone has a different view of an acceptable level of maintenance. Eg Keep the grass too short and kids play football, or may wish to use it in future for biodiversity net gain where managed as wild and would be overgrown. It is difficult to define in a manner which suits all needs. It is effectively private land that we should be able to maintain to whatever standard we want and budgets allow and where more residents use or see the land. The Council has contacted the previous owner of the land and they have no interest in purchasing it so have started the process of negotiating the sale of the land to Mrs X.

### **Other Options Considered**

8. The other option considered was not bringing regular reports to the Committee detailing the decisions made by the Local Government and Social Care Ombudsman. This option was rejected as by not having oversight of this report the Committee would not receive assurances that the learnings from Ombudsman cases were leading to improvements in services.

### **Reasons for Recommendation/s**

9. To enable members to scrutinise complaints dealt with by the Council that went to the Ombudsman and to inform them of the service improvements being made for the benefit of residents as well as colleagues.

### **Statutory and Policy Implications**

10. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Data Protection and Information Governance**

11. The decisions attached are anonymised and will be publicly available on the Ombudsman's website.

### **Financial Implications**

12. The details of any financial payments are set out in Appendix A. £200 will come from Place.

### **Implications for Service Users**

13. All of the complaints were made to the Ombudsman by service users, who have the right to approach the LGSCO once they have been through the Council's own complaint process.

## **RECOMMENDATION/S**

- 1) That members note the findings of the Local Government and Social Care Ombudsman and welcome the lessons learned and actions taken in response to the findings

**Marjorie Toward**

**Monitoring Officer and Service Director – Customers, Governance and Employees**

**For any enquiries about this report please contact:**

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### **Constitutional Comments (HD (Standing))**

14. Governance & Ethics Committee is the appropriate body to consider the content of this report. If the Committee resolves that any actions are required, it must be satisfied that such actions are within the Committee's terms of reference.

### **Financial Comments (SES 14/02/2024)**

15. The financial implications are set out in paragraph 12 of the report.

16. The details of the financial payments are set out in Appendix A.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

### **Electoral Division(s) and Member(s) Affected**

- All