

6 September 2023**Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN'S ANNUAL REVIEW
LETTER 2022/23****Purpose of the Report**

1. To inform the Committee about Local Government & Social Care Ombudsman's (LGSCO) Annual Review letter.

Information

2. 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.
3. The LGSCO publishes its decisions on its website (www.lgo.org.uk/). The decisions are anonymous, but the website can be searched by Council name or subject area. A copy of the LGSCO's annual letter is uploaded onto their website and the Council's performance data can be found as part of an interactive map [your council's performance interactive map](#)
4. The LGSCO's Annual letter is attached at Annex A. The Ombudsman has been focussed on doing the most it can with the resources they have, prioritising cases where it is in the public interest to investigate. As a result, they are less likely to carry out investigations into 'borderline' issues and are therefore finding a higher proportion of fault. This has led to the uphold rate has increasing again this year. The Ombudsman have reported a steadily increasing uphold rate for several years. The Council had an upheld rate of 81% which is higher than previous years but this is comparable with similar authorities
5. In total the Council received 966 complaints during the year 2022/23. The Ombudsman received 82 complaints in relation to this Council during the year and made decisions on 57 cases. In 2021/22 the Council received 897 complaints. LGSCO received 82 complaints and made decisions in 85 cases. Even though there were more complaints in 2022/23 there were less cases going to the Ombudsman showing work being done on earlier resolution is beginning to have an impact.

6. 34 of the Ombudsman cases for the Council were in Childrens and Education services, 26 in Adults, with the remaining 22 in Highways or other services. A lot were not investigated as the Ombudsman adapts to a new way of working. Full investigations were undertaken in 26 complaints of the 82 cases.
7. The LGSCO upheld 81% of the 26 complaints that they investigated (compared to an average of 80% in similar authorities). He is satisfied that we successfully implemented 100% of recommendations made and in a timely fashion. The Council is looking at how it can provide satisfactory remedies before reaching the Ombudsman. There are various actions that are taking place. The complaints team are carrying out workshops across the Council around complaint handling and providing remedy is part of that, the Ombudsman guidance to remedy is to be used when fault is identified when dealing with the complaint, we will liaise with the Ombudsman for further support and liaise with Councils who have a higher % of satisfactory remedy.
8. The letter refers specifically to the Public Report (already reported to this Committee in November 2022) The Ombudsman asked that the Council took prompt action after the decision and these have been completed and satisfied by the Ombudsman.

Statutory and Policy Implications

9. 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

10. The decisions referred to in this report are anonymised and will be publicly available on the Ombudsman's website.

Other Options Considered

11. No other options considered because it's important the Committee have oversight of the annual LGO report highlighting the Council's performance for the year.

Reasons for Recommendations

12. To enable Members to scrutinise complaints that went to the Ombudsman and be aware of the annual report and the learnings the Council is implementing.

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 consider whether there are any actions they require in relation to the issues contained within the report.

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

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