

# Local Government Ombudsman: Annual Report 2019- 2020

<b>Report No:</b>	<b>PAS/WS/20/020</b>	
<b>Report to and date:</b>	<b>Performance and Audit Scrutiny Committee</b>	19 November 2020
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**Decisions Plan:** **Not applicable.**

**Wards impacted:** **No specific wards are impacted by this report**

**Recommendation:** **It is recommended that the Performance and Audit Scrutiny Committee:**

**Notes the content of this report.**

## 1. Background to this report

- 1.1 The Local Government and Social Care Ombudsman (LGO) is appointed by the Government to resolve complaints which cannot be resolved by the Council itself. Each year, it considers thousands of complaints from members of the public about the way that councils operate and seeks to independently and fairly adjudicate on them, reaching a final conclusion.
- 1.2 Before the LGO will consider a complaint, the complainant must first seek to exhaust the Council's own complaints process. At West Suffolk, this will mean that the complainant must go through two stages:
- a) Stage 1: The service will review the complaint and respond accordingly. The response will usually be from the Service Manager or Assistant Director.
  - b) Stage 2: If the complainant is dissatisfied, the Council's legal service will undertake a review of the complaint. The complainant will be informed that if they are still unhappy, they may refer the matter to the LGO
- 1.3 As such, the LGO will only consider the small number of cases where the complainant feels it necessary, having exhausted the Council's own procedures (even where the complaint has been upheld), to progress the matter further. By their nature, such cases can be very complicated, and have arisen over a long period of time.
- 1.4 Each year, the LGO issues an annual report on its activity, which maps the volume and nature of complaints it has received across the Country. This is available on the LGO's website. Each Council is also issued with its own performance report. This report to the Performance and Audit Scrutiny Committee seeks to inform members of the outcome of the complaints considered by the LGO during the first year of West Suffolk Council

## 2. Number of Complaints raised about West Suffolk Council

- 2.1 The number of complaints raised with the Ombudsman can be seen as a measure of the Council's performance in resolving matters before they escalate. The numbers are categorised by service area, as follows:

	<b>West Suffolk</b>	<b>National Average for similar councils</b>	<b>2018/19 performance (FH&amp;SE)</b>
Benefits and Tax	3	2.0	2
Corporate services	2	1.2	1
Environmental services	3	2.8	2
Transport	2	1.9	0
Housing	5	2.0	6

Planning	5	4.4	7
Other	0	0.25	0
<b>Total</b>	<b>20</b>	<b>14.5</b>	<b>18</b>

- 2.2 The Local Government Ombudsman has received more complaints in relation to West Suffolk Council than the national average. There is a degree to which the national average is influenced by the size of the Council (larger councils have more residents, therefore higher volumes of activity, and therefore will have more complaints. As the seventh largest district council, it is therefore likely we would experience more than average complaints. The ten biggest district councils averaged 23 complaints to the LGO last year.
- 2.3 The number of complaints made to the LGO has also marginally increased year-on-year. As the number of complaints is not high it is likely there will be some in-year variation. It is worth noting that nationally the number of complaints referred to the LGO about district councils has risen generally by approximately 8% and our own increase is in line with that national trend.

### 3. Outcome of complaints considered by the LGO

- 3.1 When the Ombudsman receives a complaint, they will first assess it against their criteria to ensure it is valid, the complainant has exhausted the Council's own process and that there is public interest in investigating the matter further. If it is unlikely the matter has resulted in any detriment to the complainant, it will be closed following initial review.
- 3.2 If the Ombudsman decides to investigate further, they will then either uphold the complaint, or not uphold it. They may agree with any remedial action taken by the Council or ask the Council to undertake further actions. The Ombudsman's annual report concludes the following in respect of West Suffolk Council:

	<b>West Suffolk</b>	<b>National Average for similar councils</b>	<b>2018/19 performance (FH&amp;SE)</b>
Incomplete or invalid	0	0.6	0
Advice given to complainant	0	0.5	0
Referred back to the Council	8	3.9	7
Closed following initial review	8	5.3	6
Not Upheld following investigation	1	1.9	1
Upheld following investigation	4	1.6 (45%)	2
<b>Total</b>	<b>21</b>	<b>13.8</b>	<b>16</b>

- 3.3 We have queried one of the cases classified as upheld following investigation. The Ombudsman’s own report identified that the Council had already resolved the issue by the time it was referred to the Ombudsman, and whilst the complaint was valid, the Ombudsman decided not to investigate this. As such, this would normally be classified as “closed following initial review”. Both cases included in the “upheld following investigation” category in relation to West Suffolk Council have been detailed at **Appendix 1**
- 3.4 The two other complaints classified as upheld following investigation related to complaints made about St Edmundsbury Borough Council which had not been concluded at 1 April 2019. These are detailed in **Appendix 2**
- 3.5 As with all complaints we receive, whether dealt with internally or referred to the LGO, the Council does look at ways in which we can learn from the complaint, whether organisationally or at an individual levels, such as provision of training or changing procedures. As an organisation, we are firmly committed to improving and learning from when things go wrong.
- 3.6 The Ombudsman has also reported the Council’s compliance rate is 100%, meaning the Ombudsman is satisfied the Council has agreed with their findings and undertaken the necessary action in response to complaints.
- 3.7 The LGO encourages Councils to evaluate the level of complaints referred back to the Council on the grounds that the Council’s own complaints process wasn’t completed before the complaint was referred to the LGO. The LGO note that more complaints tend to be referred back to Councils where there is limited information available to people on how to complain. West Suffolk is higher than average in this area and so we are amending our website to make it clearer to people that the LGO is unlikely to consider their complaint unless it has exhausted the Council’s complaints procedure first.

#### **4. Conclusion**

- 4.1 It will always be disappointing where the Ombudsman finds that the Council did not take sufficient action to address concerns. It should be noted that whilst four cases were upheld this year, that remains a very small number in the context of the many thousands of people that the Council interacts with each year. Overall, the number of complaints made to the Ombudsman about West Suffolk Council is consistent with other authorities of a similar size and the Ombudsman is satisfied the Council has taken the necessary steps following their investigations.

#### **5. Risks**

- 5.1 No specific risks are arising from this report

#### **6. Implications**

- 6.1 Legal Compliance – the Monitoring Officer is required to report to Council where the LGO makes a significant adverse finding (public interest report). No such cases have arisen in year.

- 6.2 Impact on others – failure to handle complaints and concerns raised appropriately can lead to upset or loss for members of the public, and reputational damage to the Council.

## **7. Appendices**

- 7.1 **Appendix 1** Cases which the LGO has upheld against West Suffolk Council during April 2019 to March 2020.
- 7.2 **Appendix 2** Cases which the LGO upheld against the former St Edmundsbury Borough Council during April 2019 to March 2020

## **8. Background documents**

- 8.1 Local Government Ombudsman: Annual Review, available from the LGO's website, [www.lgo.org.uk](http://www.lgo.org.uk)