

# Local Government and Social Care Ombudsman: Annual Report 2020-2021

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|-------------------------------|---|-------------------|
| <b>Report number:</b>         | <b>PAS/WS/21/014</b>  |                   |
| <b>Report to and date(s):</b> | <b>Performance and Audit Scrutiny</b>   | 30 September 2021 |
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**Decisions Plan:** This item is not included in the decisions plan.

**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. Context to this report

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) 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 LGSCO will consider a complaint, the complainant must first seek to exhaust the Council's own complaints process. The intention being to resolve complaints before they escalate and consider any learning across services throughout the 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 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 LGSCO.
- 1.3 As such, the LGSCO 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 Local Government Ombudsman (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.
- 1.5 This report to the Performance and Audit Scrutiny Committee seeks to inform members of the outcome of the complaints considered by the LGSCO about West Suffolk Council for the period 2020-2021.

## 2. Number of Complaints raised

### 2.1 Internal Investigations; Overview of Stage 2 Complaints

The table below outlines the number of Stage 2 complaints investigated across the Council over the last 5 years, which presents a generally consistent picture in terms of volume.

On reviewing the data below, it is worth noting that there was a change to the internal complaints policy in November 2018 that outlined that a complaint will no longer be considered under Stage 2 unless the complainant has new information that has not previously been investigated under the Stage 1 process;

| Year               | Volume |
|--------------------|--------|
| 21/22 as at 7 Sept | 5      |
| 20/21              | 16     |
| 19/20              | 22     |
| 18/19              | 14     |
| 17/18              | 23     |
| 16/17              | 25     |

### 2.2 External Investigations; Stage 2 complaints subsequently submitted to the LGSCO 21/22

Of the 16 Stage 2 complaints that were considered by West Suffolk Council in 21/22, 10 were taken to the LGSCO. The number raised against West Suffolk Council are categorised by service area:

|   |           |
|---|-----------|
| Corporate & Other Services                                | 3         |
| Environmental Services & Public Protection and Regulation | 2         |
| Planning & Development                                    | 2         |
| Highways & Transport                                      | 1         |
| Housing   | 2         |
| <b>Total</b>  | <b>10</b> |

## 3. Outcome of complaints considered by LGSCO

- 3.1 When the LGSCO receives a complaint, they will first assess it against their criteria to ensure that it is valid, that the complainant has exhausted the Council's own complaints process and that there is public interest in investigating the matter further.

- 3.2 If the LGSCO decides to investigate a complaint further, they will 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 LGSCO’s annual report sets out the decisions made against complaints made against West Suffolk Council:

(Please note the table below includes those complaints received in 2019-2020 but decided in 2020-2021, hence why there are outcomes for 12 complaints shown below).

|                                    |           |
|------------------------------------|-----------|
| Advice given                       | 1         |
| Referred back for local resolution | 3         |
| Closed after initial enquiries     | 6         |
| Not upheld                         | 1         |
| Upheld                             | 1         |
| <b>Total</b>                       | <b>12</b> |

- 3.3 Of the 12 complaints considered by the LGSCO only 1 was upheld. This complaint related to the Council’s handling of a parking appeal. The LGSCO found the Council to be at fault because it did not consider the appeal against the parking charge properly but found that this had not caused the complainant any injustice.

- 3.4 Upheld complaints and any other recommendations made by the LGSCO are always reviewed to determine whether a service change is required and the LGSCO’s annual review will form part of the forthcoming wider work about how complaints are handled by local authorities.

## 4. Risks

- 4.1 No specific risks arise from this report.

## 5. Implications arising from the proposals

- 5.2 Legal Compliance – the Monitoring Officer is required to report to Council where the LGSCO makes a significant adverse finding (public interest report). No such cases have arisen in the period 2020-2021.

## 6. Appendices referenced in this report

- 6.1 Appendix 1: The LGSCO annual review letter 2021
- 6.2 Appendix 2: The complaint statistics for West Suffolk Council

## **7. Background documents associated with this report**

- 7.1 Further details together with an interactive map can be found at [Your council's performance \(lgo.org.uk\)](https://lgo.org.uk)