

Complaints and Local Government and Social Care Ombudsman: Annual Report 2022-23

Report number:	PAS/WS/23/020	
Report to and date(s):	Performance and Audit Scrutiny Committee	28 September 2023
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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 [West Suffolk Corporate Complaints Policy](#). 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) Step One: The service will review the complaint and respond accordingly. The response will usually be from the Service Manager or Director for the area.
 - b) Step Two: If the complainant is dissatisfied with the Step One response, the Council's legal service will undertake a review of the complaint. However, a complaint will not be considered under Step 2 unless the complainant has new information that has not previously been investigated under the Step 1 process.

The complainant will be informed that if they are still unhappy, they may refer the matter to the LGSCO.

2. Number of Complaints received

- 2.1 Whilst the Council is only required to report on the findings of the LGSCO, this year we have extended this report to include information on the complaints that we managed as part of our internal Corporate Complaints Policy either as Step One and Step Two complaints. ([West Suffolk Corporate Complaints Policy including Persistent and unreasonable behaviour policy](#)).
- 2.2 The aim of this section of this report is to provide an overview of the areas where residents and customers felt a need to complain and the action the Council has taken to remedy these complaints.
- 2.3 Complaints are recorded by Directorate. For the purposes of this report complaints relating to Anglia Revenues Partnership (ARP) which is the organisation that administers Council Tax, Business Rates and benefits on behalf of the Council, are included under the Resources and Performance Directorate. The table below shows the total number of complaints received for 2022-2023 and whether or not they were upheld after consideration:

Step One Complaints by Directorate	Total number of Step One complaints	Number not upheld	Number upheld	Number partially upheld
Families and Communities	5	4	1	-
Human Resources, Governance and Regulatory	3	3	0	-
Operations	12	8	2	2
Planning and Growth	10	10	-	-
Resources and Property	16	11	1	4
Total	46	36	4	6

2.4 As can be seen from the table above in majority of instances the complaints are not upheld. These are usually instances where a complainant is not happy with the outcome or response to an issue such as, a planning application, enforcement action, tree or parking issue, but due process and policy has been followed and the Council is not at fault.

2.5 In those instances where the complaints were upheld, a variety of actions have been taken by the Council to prevent the issue arising again. For example, a change to administrative process or procedure, an amendment to our documents/guidance.

2.6 We also encourage services to record compliments received from customers. During 2022-2023 we have received compliments relating to the following service areas:

Directorate	Number
Families and Communities	11
Human Resources, Governance and Regulatory	14
Operations	33
Planning and Growth	60
Resources and Property	1
Chief Executives Team	5
Total	124

3. Internal Investigations – Overview of Step Two Complaints

- 3.1 The Council's Corporate Complaints Policy requires that all Step Two complaints are investigated by the Council's legal service. There are some occasions where the nature of the complaint will result in it progressing directly to Step 2. All reviews regarding Freedom of Information Act (FOI) and Data Subject Access (DSAR) requests are also considered as Step 2 complaints and included in these figures:

Step Two Complaints by Directorate	Total number of Step Two Complaints	Number not upheld	Number upheld	Number partially upheld
Families and Communities	1	-	1	-
Human Resources, Governance and Regulatory	2	1	-	1
Operations	-	-	-	-
Planning and Growth	3	2	-	1
Resources and Property	2	2	-	-
Total	8	5	1	2

- 3.2 The table below outlines the number of Step Two complaints investigated across the Council over the last five years, which presents a generally consistent picture in terms of volume.

Year	Total Number
2022-2023	8
2021 -2022	8
2020 -2021	16
2019- 2020	22
2018- 2019	14

4. **Complaints submitted to the LGSCO 2022-2023**

- 4.1 Only in 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), can a complaint be made to the LGSCO to progress the matter further. By their nature, such cases can be very multifaceted and have arisen over a long period of time.
- 4.2 Each year, the Local Government Ombudsman (LGSCO) 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 LGSCO's website. Each Council is also issued with its own performance report (**Appendix 1**).
- 4.3 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 2022-2023.
- 4.4 The LGSCO has reported that they received 14 complaints relating to West Suffolk Council in the preceding 12 months. These are categorised by service area:

Service Area	No received
Corporate and Other Services	1
Planning and Development	5
Highways and Transport	2
Housing	4
Benefits and Tax	2
Total	14

- 4.5 Some of these complaints will have already been considered by the Council at either Step One or Step Two.
- 4.6 The LGSCO also reports on the decisions made against complaints received. These numbers may vary from the number received in 2022-23 because some decisions may be against complaints received in the previous year:

Service Area	Decision
Corporate and Other Services	1 x Closed after initial enquiries
Highways and Transport	1 x Not upheld 2 x Closed after initial enquiries 1 x Upheld
Planning and Development	5 x Closed after initial enquiries
Housing	1 x Closed after initial enquiries 2 x Referred back for local resolution
Benefits & Tax	1 x Incomplete/invalid
Total	14

5. Outcome of complaints considered by LGSCO

- 5.1 When the LGSCO receives a complaint, it will first assess it against its 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.
- 5.2 If the LGSCO decides to investigate a complaint further, it will either uphold the complaint or not uphold it. It 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:
- 5.3 The LGSCO upheld one complaint in 2022-23 and made a finding of fault but with no injustice. The details of the complaint can be found here: [22 007 006 - Local Government and Social Care Ombudsman](#)

6. Consultation and engagement undertaken

- 6.1 No consultation or engagement is required or undertaken in respect of this report.

7. Risks associated with the proposals

- 7.1 No specific risks arise from this report.

8. Implications arising from the proposals

- 8.1 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.

9. Appendices referenced in this report

- 9.1 Appendix 1, 1a, 1b, 1c: The LGSCO annual review letter 2023

10. Background documents associated with this report

- 10.1 None