



Report to: Audit & Governance Committee Meeting
27 September 2023

Director or Business Manager Lead: Sue Bearman – Assistant Director

Lead Officer: Jill Baker, Business Manager Customer Services, ext. 5810

Report Summary	
Report Title	Local Government and Social Care Ombudsman Annual Review Update
Purpose of Report	To inform Members of the Local Government and Social Care Ombudsman annual review updates
Recommendations	That Members note the report
Reason for Recommendation	It is an Ombudsman requirement that Annual Review Letters are shared with Members

1.0 Background Information

- 1.1 Each year the Local Government and Social Care Ombudsman (LGSCO) produces an Annual Review Letter for local authorities detailing the number, type and decisions made relating to each authority. The annual review letter and decisions received information for the period 1 April 2022 – 31 March 2023 for Newark and Sherwood District Council are attached to this report – Appendices 1 and 2.
- 1.2 The Housing Ombudsman has advised that it will be publishing its next set of annual figures in October 2023. These will be shared with Members when they are available.

2.0 LGSCO Annual Review April 2022 – March 2023

- 2.1 The statistics provided with the Annual Review Letter show that for this period, the LGSCO received eight complaints relating to services provided by this Council and

made decisions on nine complaints. This compares to the ten received and twelve decisions made in 2021 – 2022.

2.2 The received and decided figures are different due to several reasons including:

- The complaint may have been received during 2022 - 2023 but a decision will be made in 2023 - 2024 (or even later) and therefore the complaint will show in a later year's report.
- The complaint did not relate to a service providing by us e.g. highways.
- The complaint was classed as premature.

2.3 Likewise the received figures the LGSCO provide never align with the figures the Council hold. This is because the LGSCO numbers include enquires from people who the LGSCO signpost back to the Council. These are captured in the "closed after initial enquiries" figures. There is no way of identifying who these customers are. The table below details the categories of the complaints received and decisions made in each of the Ombudsman categories.

Ombudsman Category	Received by the LGSCO	Decided by the LGSCO
Highways and Transport	0	1
Planning and Development	3	3
Housing	1	1
Corporate and Other Services	2	2
Environmental, Public Protection and Regulation	2	2
Total	8	9

2.4 The table below shows the outcome of each decision.

Ombudsman Category	Closed after initial enquiries	Advice given	Referred back for local resolution	Total
Highways and Transport	1			1
Housing			1	1
Planning and Development	3			3
Corporate and Other Services	2			2
Environmental, Public Protection and Regulation	0		2	2

Total	6		3	9
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- 2.5 During this period, the LGSCO didn't carry out any detailed investigations on the complaints submitted. None of the complaints decided were upheld the by LGSCO. This is testament to the detailed responses to the complaints submitted to the Council.
- 2.6 The LGSCO has published the anonymised details of six complaints it reviewed and closed after making initial enquired.

Ombudsman reference number and link	Ombudsman category	Summary of complaint	Decision Reason
<u>21 018 615 - Local Government and Social Care Ombudsman</u>	Transport and Highways	Carrying out works without a risk assessment or closing off the path.	Not sufficient injustice to warrant the Ombudsman being involved.
<u>22 003 493 - Local Government and Social Care Ombudsman</u>	Planning	Handling of a planning application and enforcement issues.	The complainant had the right to appeal to the Planning Inspector.
<u>22 006 172 - Local Government and Social Care Ombudsman</u>	Other	Tenancy of an industrial unit and the Councils plans to develop the site	Alternative legal remedy regarding the tenancy and no evidence of fault regarding the Council's plans to develop the site.
<u>22 006 889 - Local Government and Social Care Ombudsman</u>	Other	Property featured in the background of an information video	The complainant could submit a complaint to the Advertising Standards Authority and a remedy through the courts.
<u>22 012 232 - Local Government and Social Care Ombudsman</u>	Planning	Handling of a planning application and enforcement issues	Granting of planning permission did not cause significant injustice and no evidence of fault on not taking enforcement action.

<u>22 014 953 - Local Government and Social Care Ombudsman</u>	Planning	Decision to refuse a planning application and the pre application advice	Ombudsman could not investigate the complaint as the complainant had already appealed to the Planning Inspector.
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3.0 Further learning and developments.

- 3.1 Although the LGSCO did not conduct any investigations into any of the complaints received during this period, any Ombudsman complaints received by the Council are reviewed to see if any changes in processes and policies are required.
- 3.2 The Council has recently carried out a review of its Customer Feedback Policy against the Housing Ombudsman complaint handling code. Following on from this there have been slight amends to the Policy. [Customer-Complaints-and-Feedback-Policy-June-2023.pdf \(newark-sherwooddc.gov.uk\)](#)
- 3.3 A complaints toolkit has been developed for staff which includes guidance in how to carry out an investigation and how to respond to a complaint. To support this, we have created complaint response templates which will aid consistency in the responses. These are included at the end of the report. The wording in black is standard text and the wording in red is where the content to the complaint is added. Copies of these templates are included at the end of this report.
- 3.4 Training on the toolkit has been delivered to all staff who respond to complaints. This is approximately 100 staff.
- 3.5 The Council recognises the importance of listening to the views of its residents about the services they receive from us. To support this, Cllr. Mike Pringle has been appointed as the lead member for complaints.

4.0 Implications

In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

4.1 FIN23-24/1404 - Financial Implications

There are no financial implications arising from this report.

Background Papers and Published Documents

Nil.

Stage 1 response template

Stage 1 – Response to your complaint

Thank you for the time you have taken in providing us with details of your complaint. Feedback is incredibly important to us so we can continue to learn, improve, and develop our services for our residents. We take all complaints extremely seriously and I am sorry that you have had to make a complaint in this instance.

This letter will outline what we do when we receive a complaint and how we seek to find a resolution. It will include details of your complaint and the steps we have taken to investigate. It will also confirm if your complaint has been upheld and outline any actions we will be taking. It also provides information on what to do if you are not satisfied with our response.

Firstly, when we receive a complaint, it is logged as a 'Stage 1 complaint.' When you contacted us on *insert date/s*) you raised the following issues: -

1. *[summary of point]*
2. *[summary of point]*
3. *[list all points to be investigated]*

I understand that, in order to resolve your complaint, you are seeking the following outcome/s:

- *(list any outcomes sought by the complainant e.g. repairs, apology, compensation, change in procedure)*

To investigate and review your complaint I have *(set out steps taken e.g. documents reviewed, staff and contractors consulted, procedures etc.)* and have made the following findings:

Your complaint has been *(upheld/partially upheld/not upheld)*, detailed below are the reasons for this decision:

1. *Finding and conclusions (describe what you did, what you found out, referencing any evidence relied upon and any relevant policies, procedures or legislation)*
2. *Apologies and explanations (if appropriate, include a genuine apology and an explanation for any service failure)*
3. *Any further actions that are required (that do not hold up the complaint being completed) and when they are likely to be completed – including any follow up*
4. *Redress (if warranted, provide details of appropriate redress such as compensation, repairs and/or other actions. If offering compensation, explain what it is for, provide a breakdown and refer to any compensation policy – but also use your discretion)*
5. *Learning (explain what you have learnt from the complaint and what changes and improvements will be put in place as a result of that learning)*
6. *Signposting (if appropriate, signpost the complainant to other services or sources of advice or support).*

Again, I am really sorry that you had cause to complain to us and I hope that this letter shows that your feedback has been fully considered and that you are satisfied with this response. The steps outlined above would complete Stage 1 of our complaints process.

If you are still concerned or unhappy with our response you may choose to escalate your complaint to Stage 2 of our complaints process. To do that, you should reply in writing (email or letter) within 3 months of receiving this letter. Please include details as to why you remain dissatisfied and what you are seeking as an outcome. Your complaint will then be reviewed by a Business Manager or Director who were not involved in this Stage 1 response.

[Include the section below only if the complaint relates to housing services and comes under the jurisdiction of the Housing Services Ombudsman]

As your complaint relates to housing services provided by the Council, you may contact the Dispute Resolution team at the Housing Ombudsman Service at any point for support and you do not have to complete our full complaints process before doing so. The service is free to use, and the Ombudsman investigates matters fairly and impartially.

To contact the Housing Ombudsman, you can do this via <https://www.housing-ombudsman.org.uk/> , by post PO Box 152, Liverpool, L33 7WQ or by telephone: 0300 111 3000.

The section below should be included in all responses.

A full copy of our Customer Feedback Policy is available on our website <https://www.newark-sherwooddc.gov.uk/customerfeedback/>.

Should you have any further questions, please do not hesitate to contact me.

Yours sincerely

[name of investigating officer]

[job title]

Stage 2 response template

Stage 2 – Response to your complaint

Thank you for the time you have taken to provide us with more detailed information on why you remain dissatisfied with our response to your complaint. I am sorry that you were not satisfied with our initial response.

This letter outlines the review we have undertaken, any actions we are taking and what you can do if you still aren't satisfied with our response at the end of our Stage 2 investigation.

I have reviewed your full complaint at Stage 2 of our customer feedback policy.

Stage 1 response to your complaint was sent to you on *(date)*. I understand *(from our phone call/your email/ letter of x date)* that your reasons for dissatisfaction with our Stage 1 response and your outstanding concerns are:

- *(summarise outstanding issues and reasons for dissatisfaction)*
- *xx*

I understand that, in order to resolve your complaint, you are seeking the following outcome/s:

- *(list any outcomes sought by the complainant eg repairs, apology, compensation, change in procedure)*

(Include the following paragraph if the complaint relates to Housing Services)

As your complaint relates to our housing services, you were asked if you would like support from an involved tenant who understands the tenant perspective. You confirmed you *did/didn't* feel this would be useful.

To investigate and review your complaint I have *(set out steps taken eg documents reviewed, staff and contractors consulted, procedures etc)* and have made the following findings:

Your complaint has been *(upheld/partially upheld/not upheld)*, detailed below are the reasons for this decision:

7. Finding and conclusions *(describe what you did, what you found out, referencing any evidence relied upon and any relevant policies, procedures or legislation)*
8. Apologies and explanations *(if appropriate, include a genuine apology and an explanation for any service failure)*
9. Redress *(if warranted, provide details of appropriate redress such as compensation, repairs and/or other actions. If offering compensation, explain what it is for, provide a breakdown and refer to any compensation policy – but also use your discretion)*
10. Learning *(explain what you have learnt from the complaint and what changes and improvements will be put in place as a result of that learning)*

11. Signposting (if appropriate, signpost the complainant to other services or sources of advice or support).

I am sorry that you had cause to complain to us and I hope that this letter shows that your feedback has been fully considered and that you are satisfied with this response. The steps outlined above would conclude our Stage 2 complaints process.

If you remain dissatisfied, you can now ask the relevant Ombudsman to review your complaint. The service is free to use, and the Ombudsman investigates matters fairly and impartially. There are some matters the Ombudsman cannot or will not investigate. In these cases, it will clearly explain the reason for its decision.

If your complaint relates to the Council as your landlord, you will need to contact the Housing Ombudsman Service. You can do this via <https://www.housing-ombudsman.org.uk/> , by post PO Box 152, Liverpool, L33 7WQ or by telephone: 0300 111 3000.

If your complaint relates to any other council services, you need to contact the Local Government and Social Care Ombudsman. You can do this via <https://www.lgo.org.uk/>, by post PO Box 4771, Coventry, CV4 0EH or by telephone 0300 061 0614. Alternatively, you can ask your local Councillor to do this for you.

Should you have any further questions, please do not hesitate to contact me.

Yours sincerely

[name of investigating manager]
[job title]