



Report to: Audit & Governance Committee Meeting 25  
September 2024

Director or Business Manager Lead: Deborah Johnson – Director Customer Services and  
Organisational Development

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5810

<b>Report Summary</b>	
<b>Report Title</b>	Local Government and Social Care Ombudsman
<b>Purpose of Report</b>	To inform Members of the Local Government and Social Care Ombudsman annual review updates
<b>Recommendations</b>	That Members note the report
<b>Reason for Recommendation</b>	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 for the period 1 April 2023 – 31 March 2024 relating to this is attached to this report - Appendix 1.
- 1.2 The Housing Ombudsman has not advised when it will be publishing its next set of annual figures.

## **2.0 LGSCO Annual Review April 2023 – March 2024**

- 2.1 The statistics provided with the Annual Review Letter, Appendix 2, show that for this period, the LGSCO received eleven complaints relating to services provided by this

Council and made decisions on nine complaints. This compares to the eight received on 2022 – 2023. The number of decisions made is the same – nine.

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

- The complaint may have been received during 2023 - 2024 but a decision will be made in 2024 - 2025 (or even later) and therefore the complaint will show in a later year's report.
- The complaint did not relate to a service provided 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
Benefits and Tax	3	3
Planning and Development	2	1
Housing	1	1
Corporate and Other Services	3	3
Environmental, Public Protection and Regulation	2	1
<b>Total</b>	<b>11</b>	<b>9</b>

2.4 The table below shows the outcome of each decision.

Ombudsman Category	Closed after initial enquiries	Advice given	Incomplete or invalid	Referred back for local resolution	Total
Benefits and Tax	1		1	1	3
Planning and Development	1				2
Housing		1			1
Corporate and Other Services	2			1	3
Environmental, Public Protection and Regulation	1				1
<b>Total</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>9</b>

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 how serious we take complaint handling, the thorough investigations we carry and our detailed responses to complaints.

2.6 In 2023 -2024, overall, the LGSCO upheld 80% of all the investigations they carried out, up from 74% in 2022 -2023. Complaints relating to children and young people with special education needs and disabilities dominate their casework, making up 26% of all complaints received. 42% were upheld and they found fault in 92% of the education cases they investigated

Complaints about housing and homelessness made up a further 16% of casework, with 84% of investigations upheld – a situation particularly acute in London.

2.7 The LGSCO has published the anonymised details of four of the complaints relating to our Council which it reviewed and closed after making initial enquired.

Ombudsman reference number and link	Ombudsm an category	Summary of complaint	Decision Reason
<a href="https://www.lgo.org.uk/decisions/benefits-and-tax/council-tax/23-016-498">https://www.lgo.org.uk/decisions/benefits-and-tax/council-tax/23-016-498</a>	Council Tax	Complainant stated not made aware of an empty rate premium and had to sell a caravan purchased to live in due to being charged council tax for it.	The Ombudsman is not an appeal body. It cannot consider out empty rate premium policy – this can only be challenge by a judicial review
<a href="https://www.lgo.org.uk/decisions/other-categories/councillor-conduct-and-standards/23-016-338">https://www.lgo.org.uk/decisions/other-categories/councillor-conduct-and-standards/23-016-338</a>	Councillor conduct and standards	How the Council dealt with a complaint	Insufficient evidence of fault

		about the conduct of a councillor	by the Council
<a href="https://www.lgo.org.uk/decisions/planning/enforcement/23-006-180">https://www.lgo.org.uk/decisions/planning/enforcement/23-006-180</a>	Enforcement	Planning enforcement notice regarding reducing the height of a fence and removal of an outbuilding	The complainant had used their right of appeal to the Planning Inspectorate
<a href="https://www.lgo.org.uk/decisions/environment-and-regulation/pollution/23-000-910">https://www.lgo.org.uk/decisions/environment-and-regulation/pollution/23-000-910</a>	Pollution	Refusal to take enforcement action against smoke nuisance from a neighbour's stove	unlikely to find evidence of fault by the Council sufficient to warrant an investigation

### **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 Complaints and Feedback Policy against the latest Housing Ombudsman Complaint Handling Code. Following on from this there have been some changes to the Policy which were approved by this committee in July 2024. [Customer-Complaints-and-Feedback-Policy-April-2024-\(002\).pdf \(newark-sherwooddc.gov.uk\)](#)
- 3.3 The LGSCO have issued their Code as “advice and guidance” and intend to start considering the Code as part of their process from April 2026. Councils are encouraged to adopt the Code as soon as they are able to do so. They are working with a number of pilot Councils to understand the impact of the Code and provide further guidance to the sector, the nearest to us is North Kesteven District Council. The LGSCO has advised that the Code itself will not change as a result of the pilots but learning from these councils will inform the accompanying guide and the way they use the Code when applying it in their casework. We will monitor any learnings coming from this.

- 3.4 Training on the changes have been delivered to all staff who respond to complaints together with awareness training for all other front facing staff.
- 3.5 The LGSCO has recognised that during their investigations that is it not uncommon for them to uncover poor complaint handling practices by authorities. They understand the financial challenges councils face, but state that it is ever more important for councils to get the basics right and invest in their complaints systems if we are to capitalise on the learning that can be had from good complaints handling.
- 3.6 We do have a strong emphasis on complaint handling and are constantly reviewing the handling of complaints and our practices

#### **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 Financial Implications FIN24-25/2149**

There are no financial implications arising from this report. However, it is worth noting that if any maladministration is found by the Ombudsman, a financial remedy or compensation can be imposed, for which there would be no specific budget for.

#### **Background Papers and Published Documents**

Nil.