

FOR PUBLICATION

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER 2023

MEETING: (1) STANDARDS AND AUDIT COMMITTEE
(2) CABINET MEMBER FOR GOVERNANCE

DATE: (1) 6TH DECEMBER 2023
(2) tbc

REPORT BY: MONITORING OFFICER

WARD: ALL

1.0 PURPOSE OF REPORT

1.1 To inform members about the Local Government and Social Care Ombudsman Annual Review Letter.

2.0 RECOMMENDATION

2.1 To note the report.

3.0 BACKGROUND

3.1 Each year local authorities are sent an annual review letter by the Ombudsman. This summarises statistics about complaints received by the Ombudsman and their outcome.

3.2 This report informs members about the latest annual letter, received in July 2023, relating to Chesterfield Borough Council's performance in the year ending 31st March 2023.

3.3 A complaint to the Ombudsman stage is the final stage that a complaint about council service can be taken. The Ombudsman usually requires a complaint to have completed all stages of the Council's internal procedures before considering it¹. This can mean that a complaint is referred back to the Council if it has not completed the internal stages.

4.0 ANNUAL LETTER

4.1 A copy of the Annual Letter is attached at Appendix 1.

4.2 The letter shows that 13 complaints were made about the Council to the Ombudsman in the period 1st April 2022 to 31st March 2023 (in 2022 10 complaints were made).

¹ <https://www.chesterfield.gov.uk/home/about-this-website/contact-us/comments-complaints-compliments.aspx>

- 4.3 These related to Benefits and Tax (2), Environmental Services and Public Protection and Regulation (4) Planning and Development (3), Housing (3) and Corporate and Other Services (1).
- 4.4 Of the complaints decided in the same period, 5 were referred back for local resolution (these are typically because the Council's internal complaints procedures have not been used or used completely - referred to the Council or advice given to the complainant), 5 were closed after initial enquiries (complaints not warranted). 1 complaint was incomplete / invalid (insufficient information provided by complainant). Individual decisions can be viewed on the Ombudsman website where published². It is not possible to discuss individual cases at the meeting as to do so would risk disclosing personal data.
- 4.5 Of the two complaints investigated (both Housing) neither were upheld by the Ombudsman in the year. One found no fault over how the Council had dealt with a rehousing application. The other found no worthwhile outcome achievable by further investigation. Of the five preceding years, in 2020/21 4 complaints and 2021/22 1 complaint had been upheld against the Council, with none in the years before that.
- 4.6 The Annual Review Letter also refers to the retirement of Michael King as Local Government Ombudsman. It says that over the past two years, they have reviewed their processes to ensure they do the most they can with the resources they have. They are more selective about the complaints looked at in detail, prioritising where it is in the public interest to investigate. They say this has meant that overall changes in uphold rates this year are not solely down to the nature of the cases coming to the Ombudsman. They are less likely to carry out investigations on 'borderline' issues, so as a result are finding a higher proportion of fault overall.
- 4.7 The letter concludes that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place.
- 4.8 The letter refers to their continued work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. They will consult on the code and its implications prior to launch and will be in touch with further details.

5.0 COMPARISON OF RECENT YEARS

- 5.1 A table attached at Appendix 2 compares the past 5 years of Annual Letters.
- 5.2 2022/23 had the second highest number of Ombudsman complaints - 13 (2020 had 15, 2022 had 10), 2021 and 2019 had 7 in each year.

² <https://www.lgo.org.uk/your-councils-performance/chesterfield-borough-council/statistics>

- 5.3 In 2022/23 in no cases was the complaint upheld. 1 complaint was upheld last year, but 4 in the year before that.
- 5.4 The Ombudsman website contains an interactive data map of council performance. This is at:
- <https://www.lgo.org.uk/your-councils-performance>.
- 5.5 The national average for upheld complaints and figures for nearby local authorities is as follows:

	Upheld complaints
<i>National Average</i>	<i>59% (80% for Counties / unitaries)</i>
Chesterfield Borough Council	0% (0 of 2)
Derbyshire County Council	80% (20 of 25)
Derbyshire Dales District Council	0% (0 of 6)
North East Derbyshire District Council	67% (2 of 3)
Bolsover District Council	0% (0 of 1)

6.0 CONCLUSION

- 6.1 No Ombudsman complaints were upheld in the past year.
- 6.2 The Council has continued developing a new complaints policy over the past months to take account of new Housing Ombudsman guidance. In January a new ICT solution was put in place so complaints, internal and Ombudsman, can be tracked and reported on, so service improvements can be made where appropriate.
- 6.3 Separate to this report this committee will receive reports about the outcomes of complaints generally and on procedures for and reporting on housing complaints (a requirement of the housing regulator).

7.0 RECOMMENDATION

- 7.1 To note the report.

8.0 REASON FOR RECOMMENDATION

- 8.1 To inform members about the Council performance on complaints to the Ombudsman.

GERARD ROGERS
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