

FOR PUBLICATION

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER 2022

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

DATE: (1) 28TH SEPTEMBER 2022
(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 2022, relating to Chesterfield Borough Council's performance in the year ending 31st March 2022.

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 10 complaints were made about the council to the Ombudsman in the period 1st April 2021 to 31st March 2022 (in 2021 7 complaints were made).
- 4.3 These related to Benefits and Tax (1), Environmental Services and Public Protection and Regulation (3) Planning and Development (1), Housing (4) and Other (1).
- 4.4 Of the complaints decided in the same period, 2 were referred back for local resolution (these are typically because the Council's internal complaints procedures have not been used or used completely), 3 were closed after initial enquiries. On 3 advice was given. One complaint was incomplete/invalid. 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 Only one complaint (Planning and Development) was upheld by the Ombudsman in the year, with the authority providing a satisfactory remedy (an apology). The decision related to how the complaint had been handled, rather than to an error in the planning process. Of the five preceding years, in 2020/21 4 complaints had been upheld against the Council, with none in the years before that.
- 4.6 The Annual Review Letter also refers to the effect of lifting of Covid-19 restrictions and local authorities having new ways of working. The Ombudsman urges local authorities to consider how complaints are prioritised and resourced. Properly resourced complaints systems can give valuable insight to management and members, giving early signs of problems and opportunities to improve service delivery. Reference is made to the Local Government and Social Care Ombudsman working jointly with the Housing Ombudsman service to develop a joint complaint handling code, consolidating approaches and simplifying guidance.

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

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

4.7 The letter includes a general comment about reduction in effective complaint handling functions in local authorities linked by the Ombudsman to budget pressures and the Covid pandemic. This is emphasized in the national Ombudsman Annual Report³.

5.0 **COMPARISON OF RECENT YEARS**

5.1 A table attached at Appendix 2 compares the past 5 years of Annual Letters.

5.2 2021/22 had the third highest number of complaints - 10 (2018 had 17, 2020 had 15), 2021 and 2019 had 7 in each year.

5.3 In 1 case was the complaint upheld. 4 complaints were upheld last year, but none in the previous years.

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>51% (71% for counties)</i>
Chesterfield Borough Council	100% (1 of 1)
Derbyshire County Council	80% (24 of 30)
Derbyshire Dales District Council	0% (0 of 2)
North East Derbyshire District Council	33% (1 of 3)
Bolsover District Council	0% (0 of 0)

6.0 **CONCLUSION**

6.1 One Ombudsman complaint was upheld in the past year, where the error was in the complaint process (e.g. delay), rather than the planning process.

6.2 The Council has been developing a new complaints policy over the past months to take account of new Housing Ombudsman guidance. It is also developing an ICT solution so complaints, internal and Ombudsman, can be

³ <https://www.lgo.org.uk/information-centre/news/2021/jul/ombudsman-annual-review-highlights-widening-cracks-in-council-complaints-systems>

tracked and reported on, so service improvements can be made where appropriate. This committee will be reported to on the new complaints policy and procedures.

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
MONITORING OFFICER

Further information from Gerard Rogers, Monitoring Officer and Regulatory & Local Government Law Manager, Legal Services - Tel 345310 or gerard.rogers@chesterfield.gov.uk