

WEST NORTHAMPTONSHIRE COUNCIL

Corporate Overview and Scrutiny Committee

Monday 18 September 2023

Councillor Mike Hallam, Portfolio Holder for

Report Title	Local Government and Social Care Ombudsman (LGSCO) Annual Review 2022-23
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Contributors/Checkers/Approvers

West MO	Catherine Whitehead – Director of Legal and Democratic	8 September 2023
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List of Appendices

Appendix A – West Northamptonshire Council Annual Review letter 2022-23

Appendix B - Local Government and Social Care Ombudsman – Review of Local Government Complaints 2022-23

1. Purpose of Report

1.1 For the meeting to consider the learning and recommendations from the LGSCO's Annual Review Letter and recognise the Council's comparative performance in relation to the national issues identified by the Ombudsman over the last 12-month period 2022_23

1.2 **Headlines from Ombudsman's National Review**

- More service improvements recommended than ever before, with 2,412 recommendations focused on policy change, procedure review or staff training
- Key areas of concern are Special Education Needs, Disabilities provision, Housing and Adult care
- Education & Children's Service complaints make up 24% of workload nationally
- Uphold rate has increased to 84% for these complaints (77% in previous period)
- 38 public interest reports published, with Education and Children's Services, Adult Care Services and Housing the subject matter in most cases

2. **Executive Summary**

2.1 An annual letter from the Local Government and Social Care Ombudsman's office was issued to all local authorities on 21st July 2023. The letter gives details about the complaints and enquiries received in the period, the decisions made in the period and the Council's compliance with the recommendations recorded during the period

2.2

This is the first annual review for West Northants Council as a unitary authority but will include reference to some complaints that originated with the sovereign Council's but were decided on in this reporting period.

3. **Recommendations**

3.1 It is recommended that the Committee:

- a) Consider how they can support raising the profile of complaints handling within the organisation
- b) For Members involvement to be encouraged in the overview and scrutiny of complaints handling using the resources provided by the Ombudsman service for members

4. **Reason for Recommendations (NOTE: this section is mandatory and must be completed)**

4.1 To accord with the recommended practise of the Ombudsman Service that this information is used to inform and improve the customer experience

5. **Report Background**

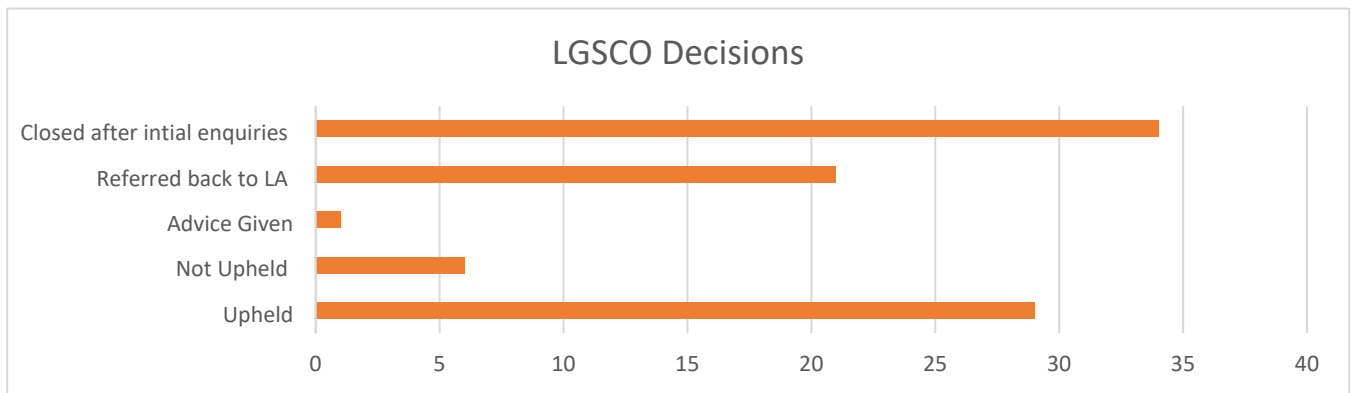
5.1 **West Northamptonshire Council For the period ending: 31/03/23**

This information is published on the [LGSCO website / Performance Map](#) and should be read in conjunction with **Appendix A**

Complaints upheld		Complaints Manager's Commentary:
<p>83% of complaints investigated were upheld.</p> <p>This compares to an average of 72% in similar organisations</p>	<p>29 upheld decisions</p> <p>Statistics are based on a total of 35 investigations for the period between 1 April 2022 to 31 March 2023</p>	<p>It should be noted that the LGSCO will uphold a complaint if the Council has already upheld the complaint at an earlier stage</p>
Compliance with Ombudsman recommendations		Complaint Manager's Commentary:
<p>In 100% of cases, we were satisfied the organisation had successfully implemented our recommendations.</p> <p>This compares to an average of 99% in similar organisations.</p>	<p>Statistics are based on a total of 21 compliance outcomes for the period between 1 April 2021 to 31 March 2022</p>	<p>The Ombudsman's review reported that nationally compliance had decreased, Last year and this is a positive indicator for WNC</p>
Satisfactory remedy provided by the organisation		Complaint Manager's Commentary:
<p>In 21% of upheld cases, we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of 13% in similar organisations.</p>	<p>Statistics are based on a total of 6 upheld decisions for the period between 1 April 2022 to 31 March 2023</p>	<p>This is a positive indicator and higher than reported in previous years.</p> <p>It demonstrates a proactive focus on early resolution and is an area to build on.</p>

6. Issues and Choices

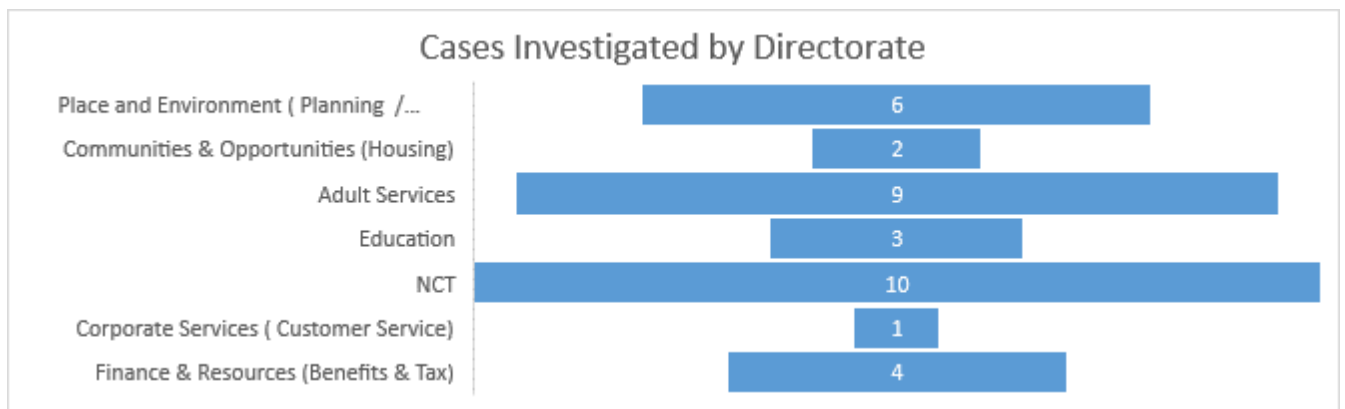
- 6.1 The central Complaints and Compliments Team administered **x 95** contacts from the LGSCO in this period. This is a reduction on the combined caseload for the sovereign Council's and WNC in 2021_22 (x131)
- 6.2 To inform organisational learning and improvement focus should be maintained on complaints that reached a detailed investigation and were '**Upheld**' by the Ombudsman (**x29**)



6.3

6.4 There was anticipated criticism of the 'timeliness' of responses within the annual letter which is due to extensions being requested. If an extension is requested then the LGSCO still class this as a 'late' response, they will also class a case as 'late' if the resulting recommendations are not carried out in time

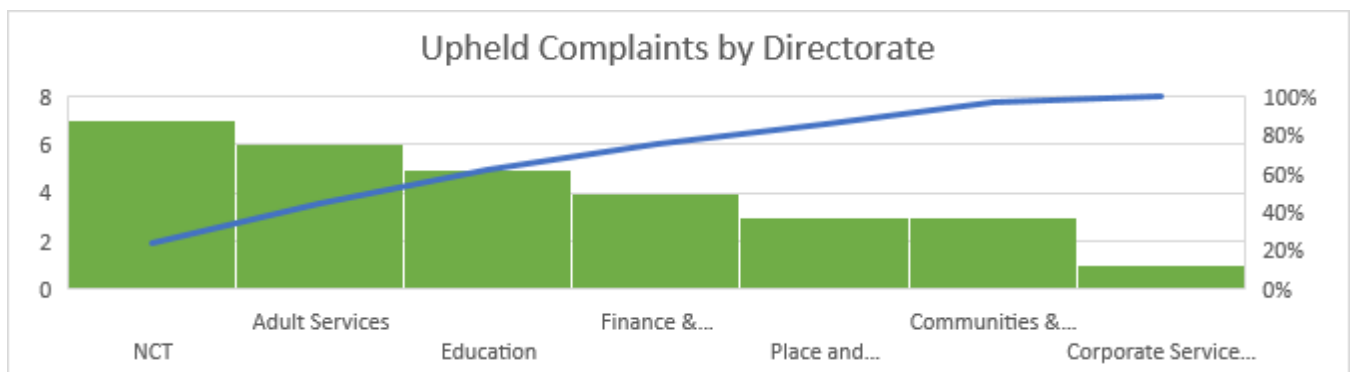
6.5 35 detailed investigations reflect a static volume of referrals to the LGSCO



6.6

6.7 The central recording of all LGSCO enquiries, and the single Link Officer post being retained within the central team has continued to improve the process. The continued development of WNC complaints handling culture and the embedding of the Customer Experience Strategy is supporting more local resolutions and preventing unnecessary escalations

6.8 Upheld decisions have increased from 25 to 29 which is in line with the national increase



6.9

6.10 Upheld' complaints for WNC related to:

- **NCT** – Communication surrounding professional decision making
- **ADULTS** – Errors in charging for care
- **EHCP** - Delays to statutory timescales and missed education inc. Public Report issued
- **FINANCE** – Errors in calculation and communication of rates
- **PLACE** – Delays and professional decision making relating to Planning Applications
- **COMMUNITIES & OPPORTUNITIES** – Joint handling of cross organisational issues relating to homelessness applications
- **CORPORATE SERVICE** – Delays in complaints handling

6.11 Service improvement recommendations implemented due to these complaints - X 19 actions were identified to resolve these complaints and are all acknowledged to be 'complete and satisfied'

1. **Training** for benefits staff in information required in council tax reduction breakdowns
2. Ensure staff are aware of complaints process and expected **timescales** for response
3. **Review** of referral process between MASH and Duty and Assessment Services to improve information sharing and recording of decision making
4. Ensure decision letters link / reference to eligibility criteria online
5. **Review** procedures to ensure SEND timescales are met
6. **Remind** Adult Services staff that they should not give financial advice / suggestions about asset management
7. **Review** the joint approach to complaints handling with NPH
8. Ensure expert **training** to all DRE approvers
9. To consider whether personal **remedies** are appropriate to resolve complaints locally
10. To provide full transparency on decision making surrounding deprivation of assets
11. **Update** the Special Guardian Allowances policy and revise decisions in line with this and backdate any o/s payments
12. **Ensure** staff are aware of the duty to provide education under the Education Act 1996
13. Revise and **Review** procedures for children out of school
14. **Ensure** customers and their families are kept **informed** of DRE decision process and are advised of any delays
15. **Amend** the Complaints procedure to make sure it is clear when stage 2 (statutory) timescales start
16. **Remind** staff of the need to record complaints properly and follow the published procedure
17. **Ensure** complaints handling training is provided to staff to improve timeliness of responses
18. **Remind** relevant staff of the Council's powers and responsibility to name an appropriate school, or parental preference school in a child's Education, Health, and Care plan
19. The Council will **remind** relevant staff of the Council's duty to ensure special educational provision set out in a child's Education, Health and Care plan is being provided where it has delegated that provision to another body, such as a school.

7. Implications (including financial implications)

7.1 These are conciliatory payments recommended by the Ombudsman in line with their published [Guidance on Remedies](#) to acknowledge a Complainant's time, trouble, distress, injustice and any quantifiable loss caused as a result of the complaint

7.2 Financial redress associated with 'upheld' complaints in this period'

Service:	£ WNC
Adult Social Care	1,350
Housing	450
Benefits & Tax	250
Planning & Development	0
Education	16,353.27
NCT	2,675
TOTAL	£ 21,078.27 (inc. publishing expenses for public report)

7.3 These payments are honoured from individual service budgets

8. Legal

8.1 The Ombudsman's [legal framework](#) is defined under part 3 of The Local Government Act 1974

8.2 The Ombudsman has the same powers as the High Court in respect of the attendance and examination of witnesses and the production of documents

8.3 The decision of the Ombudsman is final and may only be challenged through a process of further complaint and / or judicial review

8.4 Risk

8.5 A Public report is issued by the Local Government and Social Care Ombudsman's office when it is considered that it is in the public interest to highlight a particular issue or problem that may affect more than one person/ family.

8.6 A public report was issued against WNC in this period. This was the first public report for Northamptonshire since 2016

8.7 The LGSCO found fault against the Council causing injustice to the Complainants and specific recommendations have been made to the Council to remedy the individual complaint

- 8.8 Delays in the initial complaints handling and the identification that up to x8 other families were impacted within the supporting information provided to the Ombudsman's office led to the issue of this report
- 8.9 Failure to recognise and implement the organisational learning and improvements required from complaints may lead to further public reports and reputational damage to the Council

Background Papers

Appendix A (provided) **West Northamptonshire Council Annual Review letter 2022-23 inc. Excel Data Sheets x2**

Appendix B (provided) **Local Government and Social Care Ombudsman _ Review of Local Government Complaints 2022_23**

Please note: The Local Government and Social Care Annual Review of Adult Social Care is due to be issued in October 2023 and will support the learning and improvements highlighted within this report.

Useful link: [Interpreting our complaints data - Local Government and Social Care Ombudsman](#)

Useful link: [Scrutiny - Local Government and Social Care Ombudsman](#)