



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Local Government and Social Care Ombudsman Annual Review Letter 2024	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Corporate Management Team 18 ^h September 2024	X
	Pre Cabinet 26 th September 2024	X
	Leader's Advisory Group 3 rd October 2024/Leader of the Opposition's Advisory Group 9 th October 2024	X
	Cabinet [21 st October 2024]	
	Audit Committee [DATE] / Scrutiny Regeneration, Development and Market Hall Committee [DATE] / Scrutiny Health and Well Being Committee [DATE] / Scrutiny Climate Change and Environment Committee / Scrutiny Value for Money Council Committee [DATE]	



Is this an Executive Decision:	NO	Is this a Key Decision:	NO
Is this in the Forward Plan:	YES	Is the Report Confidential: If so, please state relevant paragraph from Schedule 12A LGA 1972:	NO N/A

Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A CHIEF OFFICER

Monitoring Officer: **John Teasdale**

Date ...10/09/2024..... Signatureapproval by email.....

Chief Finance Officer: **Lloyd Haynes**

Date ...09/09/2024..... SignatureApproval by email.....

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Cabinet

Date: 21st October 2024

**REPORT TITLE: Local Government and Social Care Ombudsman
Annual Review Letter 2023/24**

PORTFOLIO: Leader of the Council

CHIEF OFFICER: Mark Rizk

CONTACT OFFICER: Andrea Davies Ext. No. x1306

WARD(S) AFFECTED: All

1. Purpose of the Report

- 1.1. To note the contents of the Annual Review Letter showing complaints and compliments about East Staffordshire Borough Council, including those dealt with by the Local Government and Social Care Ombudsman (LGSCO) for the year ended 31st March 2024.

2. Executive Summary

- 2.1. Of the 10 complaints and enquiries received by the LGSCO relating to the Council: 2 were categorised as “Highways & Transport”; 1 “Benefits & Tax”; 2 “Environmental Services & Public Protection & Regulation”; 4 “Planning & Development” and 1 “Corporate and Other Services”.
- 2.2. Of the 8 decisions made by the LGSCO, 5 were closed after initial enquiries; 1 was upheld and 2 were referred back for local resolution.
- 2.3. A total of 41 formal complaints were received by the Council during the 2023/24 financial year (a decrease from the 59 complaints received in the previous financial year). The majority of formal complaints were resolved at Stage 1 of the procedure.
- 2.4. A total of 11 compliments have also been received with these being passed to the appropriate departmental manager and relevant colleagues.

2.5. In February 2024 the LGSCO launched its Complaint Handling Code, setting out a single standard for complaint handling in local councils. This reports proposes a number of refinements to the existing procedures to align to the Code with effect from April 2025.

3. Background

3.1. The Council utilises the complaints process as a vital component for its organisational learning.

3.2. The LGSCO submits to the Council an Annual Review Letter summarising complaint statistics on all complaints they have received, to offer insight about the Council's approach to complaints.

4. Contribution to Corporate Priorities

4.1. This report contributes to all Corporate Priorities as it is relevant to all Council services.

5. Local Government and Social Care Ombudsman Annual Review Letter 2023/24

5.1. Annual Review Letter 2023/24

5.1.1. Each year, the LGSCO produces an Annual Review Letter providing a summary of statistics on the decisions made about the Council for the preceding financial year. The review relating to the year ending 31st March 2024 is attached at **Appendix 1**.

5.1.2. As indicated at Appendix 1, during 2023-24:

- There was just 1 upheld decision;
- This is 0.8 upheld decisions per 100,000 residents;
- The average for authorities of this type is 1.2 upheld decisions per 100,000 residents;
- Statistics are based on a total of 1 investigation for the period.

5.2. Complaints and Enquiries Received by the LGSCO

5.2.1. The LGSCO has also provided a summary of complaints received relating to the Council as attached at **Appendix 2**. The data provided by the LGSCO at Appendix 2 includes: the number of complaints and enquiries recorded; the complaint service category; and what decisions the LGSCO has made.

5.2.2. The complaints and enquiries received about the Council can be categorised under the service areas shown below:

Planning & Development	Environmental Services and Public Protection & Regulation	Highways & Transport	Corporate & Other Services	Benefits & Tax	Total
4	2	2	1	1	10

5.2.3. N.B. Some complaints / enquiries made to the LGSCO may have been received and decided in different financial years, which means the number of complaints and enquiries received will not always correspond with the number of decisions made.

5.3. Decisions Made by the LGSCO On Complaints And Enquiries

5.3.1. Appendix 2 also provides information on the decisions made by the LGSCO during 2023/24, as summarised in the table below:

No Investigation & Outcome		Investigation & Outcome	
Closed After Initial Enquiries	Referred Back for Local Resolution	Upheld	Total
5	2	1	8

5.3.2. Further details of all the individual decisions made by the LGSCO indicated in the above table can be found on the LGSCO website, by clicking the following [link](#) (N.B. inputting the relevant reference number shown in the “decided” tab within Appendix 2 allows quick access to each decision).

5.3.3. The details of the one decision upheld can be found by clicking the following [link](#). The complainant stated that the Council failed to assess the impact of his neighbour’s development when it granted planning permission. The Ombudsman found fault with the Council for failing to carry out a detailed evaluation of the impact of the neighbour’s planning application. The remedy was as follows:

- Within one month of the final decision:
 - the Council write a personalised apology to the complainant for the faults identified in the report;
 - Pay the complainant a sum of £500 for the uncertainty and frustration caused by the faults identified within the report;
- Within six months of the final decision:

- The Council to provide the Ombudsman and complainant with an update on any revisions to its Guidance for detailed assessment. (NB The Council had already waived the planning application fee needed by the complainant to move the windows prior to the complainant submitting their complaint to the LGO). As a result, the Separation Distance and Amenity Supplementary Planning Document (SPD) report has been submitted to the Cabinet meeting in September 2024 and the LGSCO has been updated on the position.

5.4. Ombudsman Annual Report

5.4.1. The LGSCO has published its annual review of local government complaints nationally for 2023/24, which can be viewed via the following [link](#).

5.4.2. A high level summary of the report can be seen below:

- 17,973 complaints and enquiries received;
- 17,126 complaints decided;
- 4,003 complaints investigated;
- 3,213 complaints upheld

5.4.3. Additionally the LGSCO publishes Council performance in the form of an interactive map on their website to place a focus on each authority's compliance with investigations. It is a snapshot of the service improvement recommendations an authority has agreed. The interactive map can be viewed by clicking this [link](#). The map contains six years' worth of data on councils' complaint outcomes and commitments to improve.

5.5. Performance Information

5.5.1. The Local Government Association's performance management tool, "LG Inform", allows Council's to benchmark performance against other local authorities. Information extracted from LG Inform in relation to LGSCO complaint reviews can be seen in full at **Appendix 3** and summarised within this section. This suggests the Council compares favourably in relation to its CIPFA Nearest Neighbours comparator group.

5.5.2. It should be noted that last year's Annual Review Letter advises against comparing performance against previous years because the LGSCO had changed its approach to investigations. Instead it recommends comparing uphold rates to similar organisations rather than previous years.

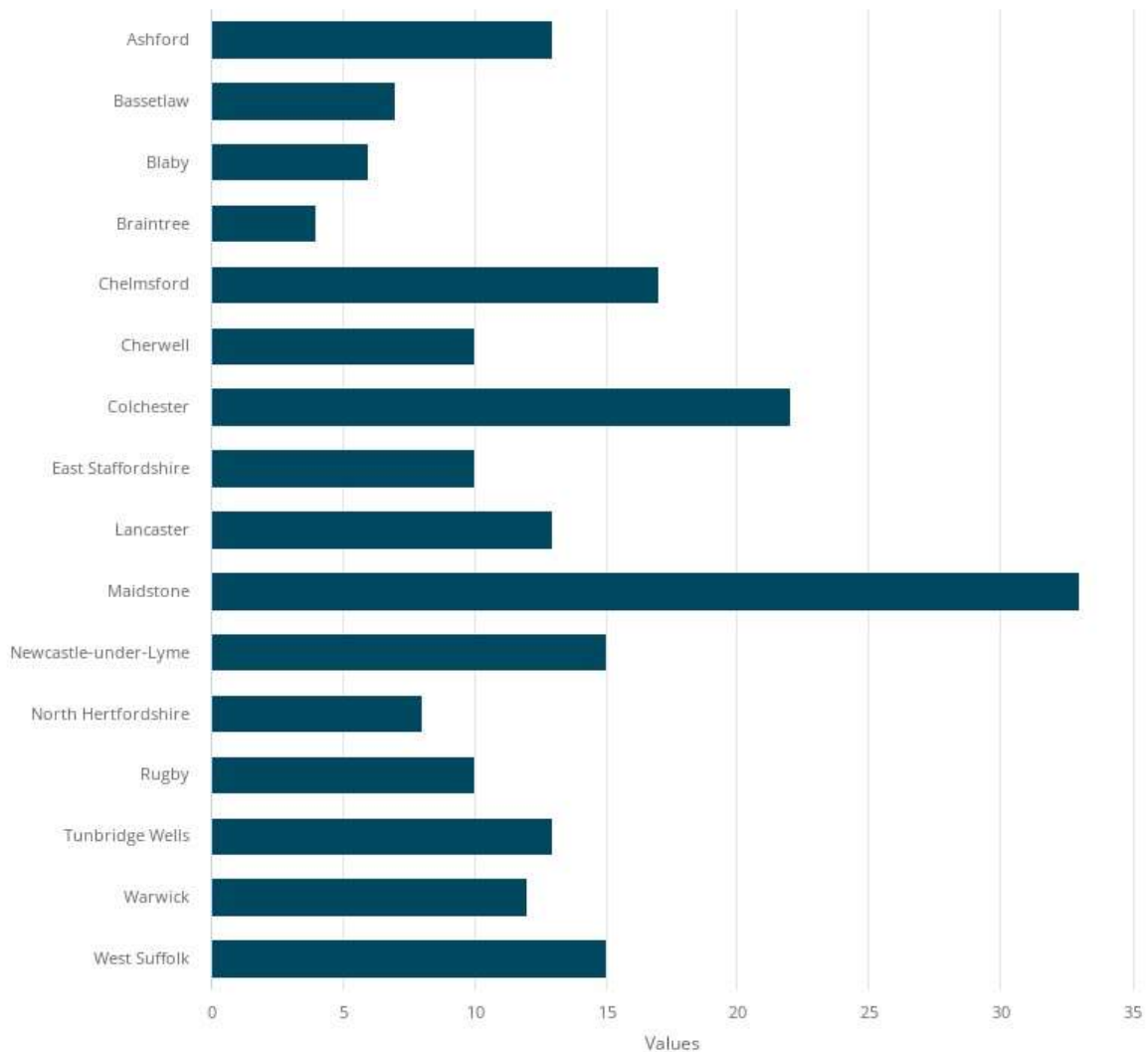
5.5.3. The table below shows the number of complaints and enquiries received by the LGSCO (from 2016/17 to 2023/24) for East Staffordshire:

Number of complaints and enquiries received by the Local Government & Social Care Ombudsman (from 2016/17 to 2023/24) for East Staffordshire Area

	Number of Ombudsman complaints							
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
East Staffordshire Complaints	9	13	15	8	5	6	5	10

5.5.4. The chart below shows the number of complaints received by the LGSCO (2023/24) for East Staffordshire & East Staffordshire CIPFA nearest neighbours.

Number of Ombudsman complaints 2023/24 for East Staffordshire CIPFA nearest neighbours

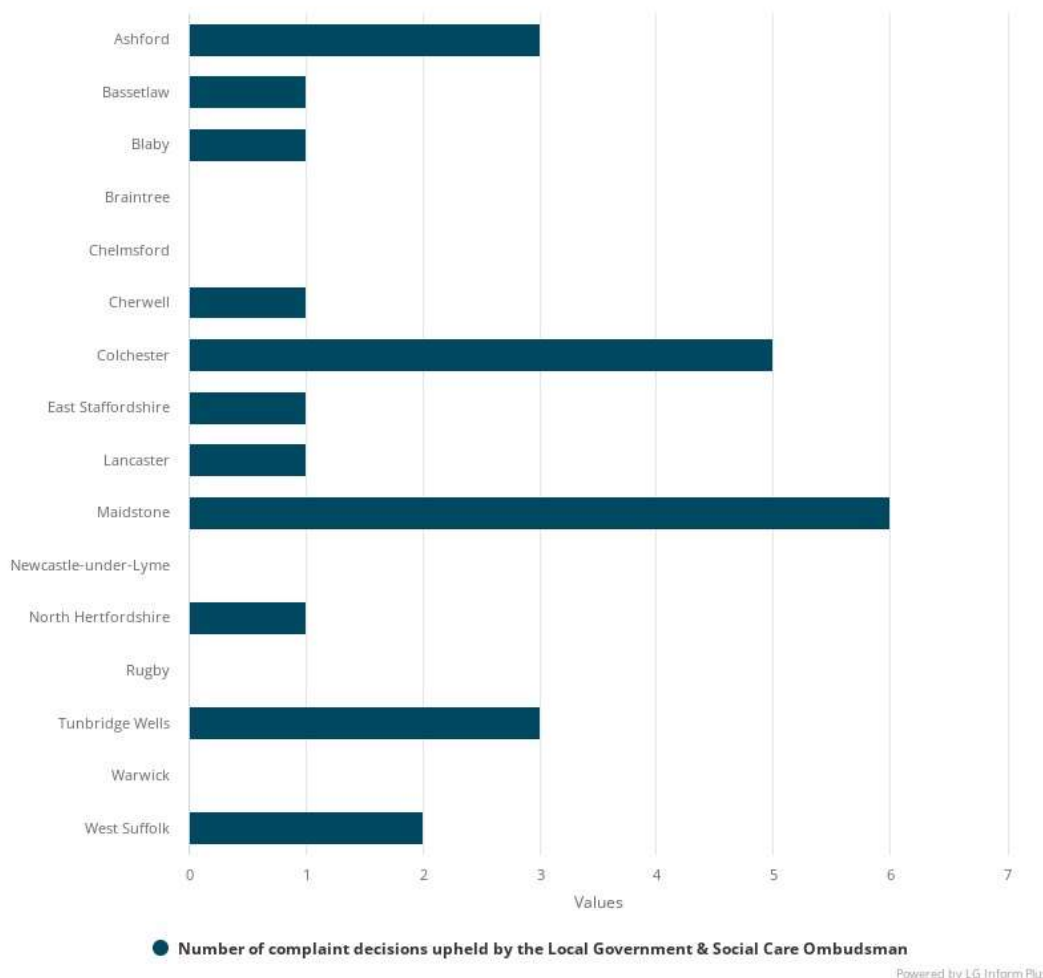


● Number of complaints and enquiries received by the Local Government & Social Care Ombudsman

Powered by LG Inform Plus

5.5.5. The table below shows the number of Ombudsman complaints upheld for East Staffordshire and CIPFA nearest Neighbours 2023/24

Number of Ombudsman complaints - upheld 2023/24 for East Staffordshire CIPFA nearest neighbours



5.6. Formal Complaints Submitted to the Council

5.6.1. The table below provides a breakdown of the number of formal complaints received during the financial year 2023/24 and how they have progressed through the three stages of the Council's formal complaints procedure.

	Stage 1	Stage 2	Stage 3	LGSCO
Quarter 1	13	2	1	0
Quarter 2	16	7	4	2
Quarter 3	11	4	2	1
Quarter 4	15	5	3	1**
TOTAL	40*	18	10	4

*One complaint started at Stage 2

**One premature complaint was submitted to the LGSCO prior to submitting a complaint direct to the Council, subsequently the complaint was received and responded at stage 1.

5.6.2. A total of 41 formal complaints were received during the 2023/24 financial year.

5.6.3. This indicates a decrease in the total number of formal complaints received, compared to the previous financial year total of 59 complaints received.

5.6.4. Of the 41 formal complaints received, 23 (56%) were completed at the initial contact (i.e. 22 that commenced at Stage 1 and were completed at Stage 1; and 1 that commenced at Stage 2 and were completed at Stage 2).

5.6.5. Of the 40 formal complaints commencing at Stage 1, 22 (54%) were completed at Stage 1.

5.6.6. Of the 41 formal complaints received 8 (20%) were completed at Stage 2 (including the 1 that commenced at Stage 2).

5.6.7. Of the 41 formal complaints received 7 (17%) were completed at Stage 3.

5.6.8. Of the 41 formal complaints received 3 (7%) progressed to the LGO (one complaint was prematurely submitted to the LGSCO rather than submitting the complaint direct to the Council).

5.7. Service Improvements & Training

5.7.1. Council utilises the complaints process as a vital component for its organisational learning.

5.7.2. Departmental Managers have gleaned the following learning/service improvements as a result of complaints received during the 2023/24 financial year, and confirmed these via CMT:

Department	Improvements/Learning
Waste Management	Importance of refresher training for front-line staff on equalities and diversity
Environmental Health	Officers to ensure that difficult phone conversations to be made within the office environment rather than remotely; complainant alleged that the officer said numerous things that when speaking to the officer were not correct. Other officers in the office could recall the conversation which aided S1 response. Increasing level of concern that phone conversations are not recorded.

Planning	Ensure SCC Highways are consulted on applications where changes to parking are proposed. Review of consultation checklist to be prepared; Application in relation to one complaint taken back to planning committee for redetermination; Officer report more detailed than would ordinarily be in order to be a useful guide/record for the complainant; Ensure that for applications where Certificate B has been self-certified and the LPA later becomes aware of an incorrect or incomplete serving of notice to the landowner, the application is not progressed until that matter is resolved; Ensure pre-application responses are checked by a senior officer.
Housing & Homelessness	Promote review process provided for by the homelessness legislation to potential complainants at an earlier stage – add further detail to complaints webpage.
Open Spaces/Cemeteries/Market Hall	Officers to confirm what Funeral Directors are telling families regarding burials and grave plot allocations.

5.7.3. An “Effective Complaint Handling online workshop”, facilitated by the Local Government and Social Care Ombudsman, took place on 16th April 2024 and was attended by 12 officers from the Council.

5.8. Compliments Received

5.8.1. The Council welcomes compliments about its staff and services, allowing the Council to acknowledge and commend relevant staff where appropriate.

5.8.2. Below is a list of compliments received for the 2023/24 financial year:

	Department	Number
Quarter 1	Open Spaces	1
	Planning	2
Quarter 2	Planning	3
	Waste Management	1
	Open Spaces	1
Quarter 3	Planning	2
Quarter 4	Planning	1
	TOTAL	11

5.8.3. Where compliments have been received, these have been passed to the relevant departmental manager to pass to the appropriate colleague.

5.9. Complaint Handling Code

5.9.1. In February the LGSCO launched its Complaint Handling Code ([link](#)), setting out a single standard for complaint handling in local councils. The Ombudsman will start to consider the Code in their casework from April 2026, allowing Councils time to adopt the Code into existing policies and procedures.

5.9.2. Currently the Ombudsman is working with a group of 20 pilot councils to listen to feedback about opportunities and challenges the Code presents. This feedback will be used to develop good practice guides that will support councils and other organisations to adopt the Code.

5.9.3. A brief summary of the new Complaint Handling Code is show below:

- 5.9.3.1. 2 Stage Complaints procedure;
- 5.9.3.2. Stage 1 response to be provided by relevant Manager within 10 working days;
- 5.9.3.3. Stage 2 response to be provided by Chief Officer within 20 working days;
- 5.9.3.4. Acknowledgement of complaints within 5 working days of receipt;
- 5.9.3.5. Details of any delays to be provided to complainants;
- 5.9.3.6. Member champion to be specified and provided with regular updates on complaints;
- 5.9.3.7. Self-assessment form to be completed as part of the annual complaints report;
- 5.9.3.8. Where the Council complaint response is handled by a third party (eg contractor) at any stage, it should form part of the 2 stage process set out. Individuals should not be expected to go through 2 complaints processes;
- 5.9.3.9. If an organisation decides not to accept a complaint, an explanation should be provided to the individual setting out the reasons why and the right to take that decision to the Ombudsman;
- 5.9.3.10. Procedures to be put in place for managing unacceptable behaviour and provide evidence reasons for putting restrictions in place, with regular reviews;

5.9.4. A summary of ESBC's current complaints procedure and the proposed changes to ESBC's procedure are shown below:

ESBC Current practice	Proposed Change(s) incorporating Complaint Handling Code best practice
3 stage complaints procedure (i.e. Stage 1 response by relevant Manager; Stage 2 response by Head of Service; Stage 3 response by Chief Executive (response within 10 working days at each stage))	2 stage complaints procedure. Stage 1 response from relevant Manager within 10 working days; stage 2 response from Chief Officer, in consultation with the Chief Executive, within 20 working days response
Acknowledgement of complaint within 48 hours	No change proposed
Complaints relating to a third party not specified within procedures	Where the Council complaint response is handled by a third party (eg contractor) at any stage, it should form part of the 2 stage process set out. Individuals should not be expected to go through 2 complaints processes;
Annual Ombudsman Letter including complaint statistics reported to Cabinet	To include: Self-Assessment – Councils are required to complete an annual self-assessment, to be incorporated in future Cabinet reports; To include a summary of the types of complaints the organisation has refused to accept.
Part 3Ca indicates Leader responsible for Democratic Services and overall responsibility for all Executive functions	Specify Leader of the Council as “Member responsible for Complaints” within Part 3Ca of the Constitution. To receive regular updates on volume, types of complaints.
Managing unacceptable behaviour policy included within the complaints procedure	No Change proposed.

5.9.5. In order to incorporate the changes within the code and summarised above, it will be necessary to amend the Council’s existing Complaints procedure (Part 4C of the Constitution). The LGSCO will consider the Code with all casework handled from April 2026, however it is proposed that the changes to the Council’s procedure take effect immediately following approval of the updated Part 4C. It is proposed that these

changes be recommended to be put forward to the December 2024 meeting of the Council.

5.9.6. The proposed changes to Part 4C are attached as tracked changes at **Appendix 4** of the report.

5.9.7. A template self-assessment form has been provided at **Appendix 5** of the report, to be included in future reports on this subject to the Cabinet.

6. Financial Considerations

This section has been approved by the following member of the Financial Management Unit: [Lloyd Haynes]

6.1. There are no direct financial implications associated with the proposed changes to current process. As complaints are received and processed there may be resolutions which require the council to make a payment, for example during the year ended 31st March 2024 a payment of £500 from the planning budget was made in respect of the complaint which had been upheld by the LGSCO (details of which have been provided at section 5.3.3. of the report), however that is in line with the current position.

7. Risk Assessment and Management

7.1. The main risks to this Report and the Council achieving its objectives are as follows:

7.2. **Positive** (Opportunities/Benefits):

7.2.1. The Council has a robust complaints procedure, but insight into complaints supports the Council's improvements process;

7.2.2. Updating the Council's complaints procedure in accordance with the Ombudsman's Code will ensure adherence with single best practice advice for Local Councils from the LGSCO.

7.2.3. Acknowledging compliments made towards to staff contributes to positive organisational wellbeing.

7.3. **Negative** (Threats):

7.3.1. Failure to manage complaints effectively can lead to service impacts and reputational issues

8. Legal Considerations

This section has been approved by the following member of the Legal Team: John Teasdale

- 8.1. There are no significant legal issues arising from this Report. The Local Government Act 1974 established the Local Government and Social Care Ombudsman and gives the Ombudsman wide powers to investigate complaints about the actions of local government. The annual letter forms part of the Ombudsman reporting responsibilities and the content of this element of the report is for noting.
- 8.2. The changes made to Part 4C of the Constitution have been made in line with the Complaint Handling Code and it is suggested that April 2025 is the inception date in anticipation of Ombudsman's implementation of the Code, April 2026.

9. Equalities and Health

- 9.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

10. Data Protection Implications – Data Protection Impact Assessment (DPIA)

- 10.1. A DPIA must be completed where there are plans to:
- use systematic and extensive profiling with significant effects;
 - process special category or criminal offence data on a large scale; or
 - systematically monitor publicly accessible places on a large scale
 - use new technologies;
 - use profiling or special category data to decide on access to services;
 - profile individuals on a large scale;
 - process biometric data;
 - process genetic data;
 - match data or combine datasets from different sources;
 - collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
 - track individuals' location or behaviour;
 - profile children or target marketing or online services at them; or
 - process data that might endanger the individual's physical health or safety in the event of a security breach
- 10.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA

11. Human Rights

- 11.1. There are no Human Rights issues arising from this Report.

12. Sustainability (including climate change and change adaptation measures)

12.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

13. **Recommendation(s)**

13.1. That the Local Government and Social Care Ombudsman Annual Review Letter 2024 be received and noted;

13.2. That the changes to the Council's complaints procedure, as summarised at section 5.9 and appendix 5 of the report, be recommended to Council for approval and that these changes take effect immediately following approval of the updated Part 4C of the Constitution.

14. **Background Papers**

14.1. None

15. **Appendices**

15.1. Appendix 1: Annual Review Letter 2023/24

15.2. Appendix 2: ESBC Complaints received and decided by the LGO 2023/24

15.3. Appendix 3: LG Inform Benchmarking against CIPFA Group

15.4. Appendix 4: Proposed changes to Part 4C of the Constitution (tracked changes)

15.5. Appendix 5: Proposed Self-Assessment to be included in future annual complaints reports to Cabinet.