

Title of Report	LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER 2022/23	
Presented by	Elizabeth Warhurst – Head of Legal and Support Services and Monitoring Officer	
Background Papers	Upheld Complaints Local Government and Social Care Ombudsman Annual Review Letter 2022/23	Public Report: Yes
Purpose of Report	To make members aware of the Local Government and Social Care Ombudsman's (LGSCO) review letter for 2022/23 in accordance with the LGSCO Guidance on Effective Handling of Complaints.	
Recommendations	THAT THE COMMITTEE NOTES THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN'S REVIEW LETTER FOR 2022/23.	

1.0 BACKGROUND

- 1.1 The Council has refreshed its approach to reporting performance information on feedback and complaints through the corporate complaints' system. An annual report will be taken to Corporate Scrutiny Committee.
- 1.2 The purpose of this report is to ask the Committee to consider The Local Government and Social Care Ombudsman Annual Review Letter which the Council received on 26 July 2023.

2.0 LGSCO OUTCOMES/STATISTICS

- 2.1 The LGSCO letter provides a link to the LGSCO website and to the statistics for North West Leicestershire District Council. The reported statistics are focused on the following three key areas:

Complaints upheld – Complaints are upheld when some form of fault is found in the authority's actions, including where the authority has accepted fault before an investigation is commenced. Two of the four complaints for investigations undertaken during the year were upheld.

Compliance with recommendations – The Ombudsman recommends ways for authorities to put things right when faults have caused injustice. The recommendations try to put people back in the position they were before the fault,

and the Ombudsman monitors authorities to ensure they comply with the recommendations. In the 12 months to 31 March 2023, one recommendation was made and implemented.

Satisfactory remedies provided by the Authority – Cases are recognised where an authority has taken steps to put things right before the complaint is made to the LGSCO. For the two upheld complaints the LGSCO found that the Council had already provided a satisfactory remedy in one case.

The LGSCO compares the three key annual statistics for the Authority with similar types of authorities to work out an average level of performance. They do this for county councils, district councils, metropolitan boroughs, unitary Councils and London boroughs. In the annual letter the LGSCO highlights that, during 2022/23, changes were made to the way that cases were processed and investigated, with a priority being given to complaints where it is in the public interest to investigate. The letter notes that the LGSCO is now less likely to investigate “borderline” issues and this could lead to a higher finding of fault overall. For this reason, the LGSCO advises that it is more helpful to authorities to compare the “uphold rates” with those of similar organisations rather than the previous years of uphold rates for North West Leicestershire District Council.

The LGSCO Guidance states that the Monitoring Officer should consider whether the implications of an investigation should be individually reported to members where that investigation has wider implications for council policy or exposes a more significant finding of maladministration.

Examples could include:

- The maladministration is, or has been, ongoing and therefore putting the council or authority at risk of further maladministration.
- The large scale of the fault or injustice.
- The reputational or financial risk arising.
- The large number of people affected.

The Guidance also states that, in the unlikely event that the Council was not to comply with the Ombudsman’s recommendations following a finding of maladministration, the Monitoring Officer should report this to members (Cabinet or Council as appropriate) under section 5 of the Local Government and Housing Act 1989.

If the LGSCO issued a public interest report (under section 30(1) of the Local Government Act 1974), there is a specific requirement for that finding to be reported to members and for a formal response to that finding to be sent to the Ombudsman, within three months setting out the action that they have taken, or propose to take, in response to the report.

The Monitoring Officer meets with the relevant Strategic Director to discuss LGSCO decisions which have been upheld against the criteria set out in the LGSCO guidance and whether the findings need to be reported to members as above. There have been no findings of this nature in the period covered by the annual letter.

Policies and other considerations, as appropriate	
Council Priorities:	Feedback and complaints handling is relevant to all areas of the Council's work
Policy Considerations:	The Council deals with feedback in line with the corporate feedback policy
Safeguarding:	None arising from this report
Equalities/Diversity:	None arising from this report
Customer Impact:	Customers are advised of the route to make a complaint to the LGSCO at the conclusion of stage 2 of the corporate feedback policy
Economic and Social Impact:	None arising from this report
Environment and Climate Change:	None arising from this report
Consultation/Community/Tenant Engagement:	None arising from this report
Risks:	None arising from this report
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