

**Report to the** Audit Committee



27 November 2023

**Wards:** All

Local Government and Social Care Ombudsman Report – Annual Review Letter
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**Report of the** Director of Legal Services and Partnerships

This item is not exempt  
Therefore exempt reasons are not applicable

This is a non-key decision.

1. Purpose of the Report and Summary

1.1 To provide details of the Council's Annual Review Letter 2023 about complaints made to the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service for the year ending 31 March 2023 and the actions the Council has taken to resolve them.

1.2 The Review Letter is reported annually to the Council's Audit Committee in relation to meeting its governance processes. This is part of the Council's statutory duty under section 5 (2) of the Local Government and Housing Act 1969 which requires the Monitoring Officer to prepare a formal report to the Council where the LGSCO has conducted an investigation in relation to matters where there has been fault or service failure, and where the authority has complied with the LGSO's recommended remedy. The report also ensures we comply with the Housing Ombudsman Service Complaint Handling Code

2. Recommendations

2.1 The Committee is asked to note the contents of this report and the degree of assurance this provides in relation to the Council's governance arrangements.

2.2 That the Committee continues to receive an annual report to inform its role in considering the Council's Annual Governance Statement and maintaining appropriate oversight with regard to the potential receipt of any public reports from the Local Government and Social Care Ombudsman or Housing Ombudsman Service.

3. Reasons for Recommendations

3.1 The recommendations take into account the number of complaints made to the Ombudsmen, against the volume of complaints received by the Council. More complaints were upheld however no Public Reports have been issued for the Council for the eighth consecutive year. The report recommendations acknowledge the requirement for ongoing vigilance to ensure the Council's responsive position regarding complaints can be maintained.

4. Impact on other Executive Committees (including Area Committees)

4.1 None

5. Background

5.1 Information is provided about the Council's performance in relation to:

- Other local authorities regarding complaints received and upheld by the Local Government and Social Care Ombudsman (please refer to Appendix 1)
- Details of which of the Council's service areas were involved in the complaints where the Local Government and Social Care Ombudsman and the Housing Ombudsman Service have found fault and recommended remedies to resolve the complaints (Appendix 2)

5.2 The Council recorded 1557 complaints between 1 April 2022 and 31 March 2023, 613 fewer than in 2021/22. Of these 521 were under the jurisdiction of the Housing Ombudsman Service and 1036 were under the jurisdiction of the Local Government and Social Care Ombudsman. 202 complaints (13%) were reviewed at Stage 2 and 16 were reviewed at Stage 3 (1%).

59% of all complaints investigated by the Council were upheld or partially upheld.

56 (5.4%) complainants went on to contact the Local Government and Social Care Ombudsman. The Ombudsman then assessed whether they should look at the complaint in more detail.

The LGSCO uses an 'Assessment Code' which includes a jurisdictional and discretionary stage, to determine whether an investigation is required.

This year, the LGSCO has advised that we should not compare our data with that from previous years. Due to changes in how they assess and

choose which complaints to deal with, there is a stronger likelihood that fault will be found with the complaints they investigate.

From the Assessment Stage, 19 progressed to Investigation, 15 complaints were referred to the Council for local resolution ('premature' complaints which had not completed the Council's own local process). 20 were closed after initial enquiries, and 2 were incomplete.

The information in the Council's LGSCO Annual Review Letter 2023 indicates that the management of the complaints within service departments has led to the current position of a low number of overall complaints being upheld by the Local Government and Social Care Ombudsman.

No Complaints which were referred to the Council as premature, were taken back to the Ombudsman.

- 5.3 In his letter to the Council, the Ombudsman, Paul Najsarek commended the Council for the time and resources which are committed to complaint resolution. He also recognised the Councils' positive approach to complaint handling.

The Local Government & Social Care Ombudsman publishes the details of each local authority's performance on its website.

The first table is information regarding the total numbers of complaints received by HCC and how many concluded with the complainant referring to the Ombudsman. Two sets of figures are included for 2022-23. The second set in *Italics* **exclude** complaints regarding housing repairs which fall under the remit of the Housing Ombudsman Service. As can be seen, it is a very small percentage, which provides the insight that in most cases we are managing to resolve complaints without the need for LGSCO involvement, however there has been a percentage increase in this period to the highest levels seen in the past 5 years. Whilst the number of complaints to the LGSCO has dropped, so has the total number of complaints we have received, leading to the growth.








The second table provides information regarding the LGSCO outcomes.



There has been a decrease in the number of contacts/complaints received by the Ombudsman however the number of detailed investigations has increased. The upheld rate this year has increased by 6%, however this correlates with the information provided by the Ombudsman regarding the likelihood of a complaint being upheld if investigated. The Ombudsman have advised us that this is a pattern which is reflected nationally. Data for all Councils can be found at the Ombudsman's Website [www.lgo.org.uk/information-centre/reports](http://www.lgo.org.uk/information-centre/reports)

Table 1 – Overall referral Rate to Ombudsman

Year	Total Number of Stage 1 Complaints Received by HCC *	Number of Contacts / Complaints Received by LGSCO	% of Total Complaints referred to LGSCO
2018-19	2886	68	2.36%
2019-20	3007	57	1.90%
2020-21	2297	53	2.30%
2021-22	2170 (1303)	67	3.08% (4.68%)
2022-23	1557 (1036)	56	3.59% (5.40%)

Table 2 – LGSCO Summary Outcomes

Indicator	2019-20	2020-21	2021-22	2022-23	Movement (2021/22 to 2022/23)	Outcome
Complaints/ Enquiries	57	53	67	56	-11	
Decisions	57	50	74	39	-35	
Detailed Investigations	7	11	18	19*	+1	
Not Upheld	3	2	3	2	+1	
Upheld	4	9	15	17*	+2	
Uphold Rate (number upheld out of the detailed investigations)	57%	82%	83%	89%	+6%	
Uphold Rate (number upheld out of	7%	17%	23%	30%	+7%	

total complaints)						
Public Reports	0	0	0	0	n/a	
Compliance with Recommendations on time	2	5	11 (100%)	10(100%)	n/a	

\*It should be noted that of the 19 detailed investigations commenced in 22-23, 15 were completed within the reporting period. The remaining 4 will carry forward and be included in next year’s data. Likewise, the number of complaints upheld include 5 investigations which commenced in the previous year.

5.4 The Local Government and Social Care Ombudsman and the Housing Ombudsman Service are currently consulting on a joint complaint handling code. For the first time, this will ensure that all complaints handled by the Council are governed by one set of rules. The Code will be statutory, and the Council must comply. The Code will take effect from April 2024.

6. Issues for Consideration

6.1 The Council’s complaints performance reported by the Local Government and Social Care Ombudsman is in a reasonable position within our regional group as summarised in Appendix 1 to this report. Although we are at the higher end regarding percentage upheld, the Ombudsman’s published information does now advise that most investigations they undertake will result in a complaint being upheld. The percentages reflect a very low number of complaints and therefore any change in numbers will cause significant variance. Details of all Councils data can be found at <https://www.lgo.org.uk/your-councils-performance>

6.2 Appendix 2 provides brief details and remedies undertaken by the Council’s service areas for the 17 upheld complaints.

These are broken down across the service areas as follows:

- Children, Young People and Family Services – 5
- Revenues and Benefits - 4
- Adult Social Care – 3
- Housing (LGO) – 2
- Public Health and Protection – 2
- Hull Culture and Leisure – 1

Of the upheld cases, 12 were reported to the Ombudsman in this reporting period 22-23, 5 had carried over from 21-22

The complaints with recommendations for remedy are not repeats of those returned in previous periods.

- 6.3 **The Children, Young People and Family Services** has seen a reduction in the number of new cases investigated by the Ombudsman over the period 2022-23. The Ombudsman received 19 enquiries regarding Education and Children’s Services (reduced from 32 for period 2021-22). Of these 6 new cases progressed to investigation, 5 were referred back for local resolution (premature) and 8 were closed after initial enquiries

3 Statutory investigations were upheld by the LGSCO  
 2 Corporate investigations were upheld by the LGSCO

The Statutory Complaints procedure is laid out in the Childrens Act 1989 and relates to children’s social care, covering topics such as Fostering and Adoption, Safeguarding and Child Protection.

Corporate Complaints are covered by the Corporate Complaints Scheme and include issues regarding EHC Plans, Home to School Transport and Early Years.

There has been a significant reduction in both Statutory and Corporate Complaints to the lowest levels for 5 years.

Table 3

Childrens Services Complaints

Service Area	2018/19	2019/20	2020/21	2021/22	2022/23
Children’s Corporate Complaints	82	73	135	72	61
Children’s Statutory Complaints	179	254	157	252	154
Total	261	327	292	324	215

- 6.4 **Adult Social Care Services** has seen a further decrease in the number of new cases investigated by the Ombudsman over the period 2022-23. The Ombudsman received 10 enquiries regarding Adult Social Care (down from 14 in 2021-22). Of these new cases, 5 progressed to investigation, 1 was referred back to the Council as premature, 2 were closed after initial enquiries and 2 had insufficient information to proceed.

3 Statutory Investigations were upheld by the Ombudsman.

Adult Social Care received a total of 97 complaints during the period 2022-23. Of these 62 were resolved informally with 35 progressing to investigation.

- 6.5 **The Neighbourhoods and Housing Service** had seen a slight increase in the number of new cases investigated by the LGSCO over the period 2022-23. The LGSCO received 6 enquiries regarding Housing (not repairs). Of these new cases 3 progressed to investigation and 3 were referred back to the Council as premature.

2 Complaints were upheld.

(Please note, 1 of these complaints is recorded by the Ombudsman under Adult Services, however within the Councils structure they fall under Housing and Neighbourhoods).

Information regarding complaints dealt with by the Housing Ombudsman Service (HOS) is shown in Table 4, below:

The Housing Ombudsman Service now publishes an annual performance report for landlords. This is attached at Appendix 3a and includes a guidance note (Appendix 3b).

The Council had 3 determinations of Maladministration and 1 determination of Service Failure. Details of the cases are included at Appendix 2.

In total, the Council received 8 enquiries from the Housing Ombudsman Service. Of these 4 were upheld (Maladministration/Service Failure), 2 were not upheld (No Maladministration), 1 was closed after initial enquiries, and 1 was referred back to the Council as premature.

Table 4 – Summary Housing Ombudsman Outcomes

	2019-20	2020-21	2021-22	2022-23
Enquiries Received	12	3	15	8
Determinations Received *	3	3	4	6
No Maladministration	2	2	3	2
Maladministration/ Service Failure	1	1	1	4

\*The figure for determinations will not match that of Enquiries received due to a time lag from cases which are carried forward from/to other years

## 6.6 Equalities Impact Information

At this time, the Council does not capture data regarding how many complaints are linked to equalities issues, however this has been built into the new Complaints Management system which went live in April 2023 and will be included in next year's report.

## 7. Options and Risk Assessment

7.1 There is no risk attached to the recommendations in this report. No options are provided because the report is essentially presenting matters of fact for consideration by the Committee.

## 8. Consultation

8.1 Whilst no specific consultation has been carried out, the contents of this report and that of the Annual letter have been shared with the Council's Monitoring Officer.

## 9. Comments of the Monitoring Officer(Town Clerk)

9.1 The overall number of complaints and referrals to the ombudsman provides a level of confirmatory assurance upon the Council's performance. (LD)

## 10. Comments of the Section 151 Officer (Director of Finance and Transformation)

10.1 The number of adverse findings by the ombudsmen remain very low in comparison with the number of customer transactions undertaken. This provides confidence that the related financial and reputational risks continue to be managed effectively. [PH]



11. Comments of the Assistant Director OD & HR and compliance with the Equality Duty

11.1 There are no staffing or equality matters arising from this report. KH

12. Comments of Overview and Scrutiny

12.1 This decision has not been subject to pre-decision scrutiny. (Ref. Sc7966 (FH))

13. Comments of the Portfolio Holder *you must include relevant Portfolio Holder's title*

13.1 **\*CLICK HERE TO OVERWRITE THIS GUIDANCE \***

(Delete this section if this is not an Executive Decision).

Please include both the Portfolio Holder name and title i.e. Councillor Webster, Portfolio Holder for Finance and Transformation

PLEASE NOTE:

You **must** secure comments from any Portfolio Holder which this decision impacts upon **AND** if this decision is a procurement matter you must include the comments of the Portfolio Holder with responsibility for procurement.

Director of Legal Services and Partnerships – Ian Anderson

Contact Officer: Michelle Garlick – Customer Feedback Team Leader Telephone No.: 01482 616249

Officer Interests: None

Background Documents:

Kingston Upon Hull Annual Review Letter 2023

Appendix 1 – LGSCO Regional Comparator 2022-23

Appendix 2 – LGSCO and HOS Resolution and Learning 2022-23

Appendix 3a – Housing Ombudsman Service Landlord Report 2022-23

Appendix 3b - Guidance notes 2022-23

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## Implications Matrix

**This section must be completed and you must ensure that you have fully considered all potential implications**

This matrix provides a simple check list for the things you need to have considered within your report

If there are no implications please state

I have informed and sought advice from HR, Legal, Finance, Overview and Scrutiny and the Climate Change Advisor and any other key stakeholders i.e. Portfolio Holder, relevant Ward Members etc prior to submitting this report for official comments	No
I have considered whether this report requests a decision that is outside the Budget and Policy Framework approved by Council	Yes
Value for money considerations have been accounted for within the report	Yes
The report is approved by the relevant City Manager	Click here to enter
I have included any procurement/commercial issues/implications within the report	Click here to enter
I have considered the potential media interest in this report and liaised with the Media Team to ensure that they are briefed to respond to media interest.	Click here to enter
I have included any equalities and diversity implications within the report and where necessary I have completed an Equalities Impact Assessment and the outcomes are included within the report	Click here to enter
Any Health and Safety implications are included within the report	Click here to enter
Any human rights implications are included within the report	Click here to enter
I have included any community safety implications and paid regard to Section 17 of the Crime and Disorder Act within the report	Click here to enter
I have liaised with the Climate Change Advisor and any environmental and climate	Click here to enter

<p>change issues/sustainability implications are included within the report</p>	
<p>I have included information about how this report contributes to the City Plan/ Area priorities within the report</p>	<p>Click here to enter</p>
<p>I have considered the impact on air quality, carried out an appropriate assessment and included any resulting actions or opportunities necessary to improve air quality in the report.</p>	<p>Click here to enter</p>