

Cherwell District Council

Council

18 October 2021

Local Government and Social Care Ombudsman Annual Report 2020/21

Report of the Director of Law and Governance and Monitoring Officer

This report is public

Purpose of report

To provide Council with the Local Government and Social Care Ombudsman's annual report on Cherwell District Council for the financial year 2020/21.

1.0 Recommendations

The meeting is recommended:

- 1.1 To receive the report and comment on the Local Government and Social Care Ombudsman's Annual Review of Cherwell District Council for 2020/21

2.0 Introduction

- 2.1 Each year, the Local Government and Social Care Ombudsman (LGSCO) issues an Annual Review Report about each Council. This report attached at Appendix 1 details the complaints that were considered by the Ombudsman up to 31 March 2021.

3.0 Report Details

Local Government and Social Care Ombudsman (LGSCO)

- 3.1 The LGSCO is the final stage for individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. They are a free service provided to people who have completed all stages of the Council's own complaints procedure and remain unhappy with the outcome. The LGSCO have guidelines regarding what they can investigate. Complainants must have complained to the Council within 12 months of becoming aware of the matter and been directly affected by the matter resulting in 'personal injustice'. Not all complaints will be investigated, for example if the Ombudsman does not feel they will find fault regarding the Council. Further information is available at: lgo.org.uk

Summary of Complaints and enquiries received by the LGSCO

- 3.2 The LGSCO did not accept new complaints and stopped investigating existing cases between March and June 2020. This may have reduced the number of complaints received and decided in the 2020-2021 year. The LGSCO received a total of 8 complaints and enquiries against Cherwell District Council for the period 1 April 2020 to 31 March 2021, this compares to 19 complaints and enquiries against Cherwell District Council for the period 1 April 2019 – 31 March 2020.
- 3.3 The number of complaints received by service area as categorised by the LGSCO are as follows for the period 1 April 2020 – 31 March 2021:

By LGSCO Category	Number of complaints received by the LGSCO
Planning & Development	5
Corporate Complaints	1
Environment Services & Public Protection & Regulation	2
Benefits & Tax	0
Highways & Transport	0
Housing	0

Decisions made by the Ombudsman

- 3.4 The LGSCO returned decisions on 10 complaints against Cherwell District Council for the period 1 April 2020 – 31 March 2021. It should be noted that decisions may relate to complaints made in the previous year 2019-2020, investigations may not have been completed on all complaints received during the 2020-2021 period therefore a decision would not have yet been received. The number of complaints received, and decisions made in the one year period will always differ.
- 3.5 The 10 complaint decisions received against Cherwell District Council were categorised by the LGSCO as follows:

Referred to the Council for resolution	1
Closed after initial Enquiries	6
Investigated	3

- 3.6 This means that *Investigations* were carried out on 3 complaints, 2 fewer than in 2019-2020 period. The LGSCO report indicates that 0% of the 3 investigations were upheld, this compares to an average of 53% in similar authorities.
- 3.7 A summary of the complaints investigated are set out in Appendix 2. While every opportunity is taken by the Council to learn any corporate lessons from its handling of complaints there are no particular points to bring to Members' attention from the three complaints that were investigated by the LGSCO.

General comment by the Ombudsman

- 3.8 The LGSCO commented in general terms to all councils that their investigations regularly highlight local complaint systems that are failing to respond properly to those that raise concerns. The LGSCO is "concerned about the general erosion to

the visibility, capacity, and status of complaint functions within councils” and whilst they are not underestimating the challenges that local authorities face and the difficulties of the last 15 months, they say that “these concerns are not new and cannot be wholly attributed to the trials of the pandemic”.

- 3.9 In the case of Cherwell District Council, however, the Council clearly publishes its complaints processes and signposts the rights of appeal to the next stages in each response, including the right of reference to the Ombudsman.

Comparison Information: Complaints and enquiries received by the LGSCO and decisions

- 3.10 As detailed in sections 3.2 and 3.3, the LGSCO received 8 complaints and enquiries against Cherwell District Council during 2020-2021. For information and comparison, the table below sets out the number of complaints and enquiries received by the LGSCO in the two preceding years.

LGSCO Category	2020/21	2019/20	2018/19
Planning and Development	5	6	5
Corporate Complaints (i.e. non-social care)	1	3	0
Environment Services & Public Protection & Regulation	2	6	0
Benefits & Tax	0	2	5
Highways & Transport	0	1	2
Housing	0	1	0

(* LGSCO stopped accepting new complaints between March and June 2020)

- 3.11 For information, the following table below sets our comparative data on the number of decisions in the preceding Years.

LGSCO Decision	2020/21*	2019/20*	2018/19
Complaints upheld	0	3	4
Complaints not upheld	3	2	3
Referred to the Council for resolution	1	2	3
Closed after initial Enquiries	6	11	4
Total decisions	10	18	14

(* LGSCO stopped investigating existing cases between March and June 2020)

4.0 Conclusion and Reasons for Recommendations

- 4.1 This is an annual report and provides Members with information with regard to the number of complaints received by the Local Government and Social Care Ombudsman against the Council and the decisions regarding complaints.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

None as this report is submitted for information and comment only.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from this report.

Comments checked by: Michael Furness, Assistant Director of Finance, 01295 221845, Michael.furness@cherwell-dc.gov.uk

Legal Implications

7.2 There are no legal implications directly arising from the contents of this report.

Comments checked by:
Chris Mace, Solicitor, 01295 221808, chris.mace@cherwell-dc.gov.uk

Risk Implications

7.3 There are no risk implications arising directly from this report.

Comments checked by: Celia Prado-Teeling Performance Team Leader, Celia.Prado-Teeling@Cherwell-DC.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Tony Illott, Lead Member for Finance and Governance

Document Information

Appendix number and title

- Appendix 1 – Local Government and Social Care Ombudsman Annual Review Letter
- Appendix 2 - Summary of Cases Investigated by the Local Government and Social Care Ombudsman

Background papers

None

Report Author and contact details

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