

# **Cherwell District Council**

## **Account Audit & Risk Committee**

**27 September 2023**

### **Local Government and Social Care Ombudsman Annual Report 2022/23**

#### **Report of the 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 2022/23.

#### **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 2022/23.

#### **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 2023.

#### **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](http://lgo.org.uk)

##### **Summary of Complaints and enquiries received by the LGSCO**

- 3.2 The LGSCO received a total of 13 complaints and enquiries against Cherwell District Council for the period 1 April 2022 to 31 March 2023, this compares to 16 complaints and enquiries against Cherwell District Council for the period 1 April 2021 – 31 March 2022.
- 3.3 The number of complaints received by service area as categorised by the LGSCO for the period 1 April 2022 – 31 March 2023 are as follows:

<b>By LGSCO Category</b>	<b>Number of complaints received by the LGSCO</b>
Planning & Development	2
Corporate & Other Services	1
Environment Services & Public Protection & Regulation	2
Benefits & Tax	7
Housing	1

### **Decisions made by the Ombudsman**

- 3.4 The LGSCO returned decisions on 13 complaints against Cherwell District Council for the period 1 April 2022 – 31 March 2023. It should be noted that decisions may relate to complaints made in the previous year 2021-2022, investigations may not have been completed on all complaints received during the 2022-2023 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 13 complaint decisions received against Cherwell District Council were categorised by the LGSCO as follows:

Referred to the Council for resolution	4
Closed after initial Enquiries	7
Upheld	1
Not Upheld	1

- 3.6 This means that *Investigations* were carried out on 2 complaints, 1 more than in 2021-2022 period. The LGSCO report indicates that 50% of the 2 investigations were upheld, this compares to an average of 59% 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 one complaint that were investigated by the LGSCO.

### **General comment by the Ombudsman**

- 3.8 Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases

coming to us. We are less likely to carry out investigations on ‘borderline’ issues, so we are naturally finding a higher proportion of fault overall.

- 3.9 In the case of Cherwell District Council, 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 13 complaints and enquiries against Cherwell District Council during 2022-2023. For information and comparison, the table below sets out the number of complaints and enquiries received by the LGSCO in the four preceding years.

<b>LGSCO Category</b>	<b>2022/23</b>	<b>2021/22</b>	<b>2020/21</b>	<b>2019/20</b>	<b>2018/19</b>
Planning and Development	2	8	5	6	5
Corporate Complaints (i.e. non-social care)	1	1	1	3	0
Environment Services & Public Protection & Regulation	2	2	2	6	0
Benefits & Tax	7	2	0	2	5
Highways & Transport	0	0	0	1	2
Housing	1	3	0	1	0

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

- 3.11 For information, the following table sets out comparative data on the number of decisions in the preceding years.

<b>LGSCO Decision</b>	<b>2022/23</b>	<b>2021/22</b>	<b>2020/21*</b>	<b>2019/20*</b>	<b>2018/19*</b>
Complaints upheld	1	0	0	3	4
Complaints not upheld	1	1	3	2	3
Referred to the Council for resolution	4	4	1	2	3
Closed after initial Enquiries	7	9	6	11	4
Incomplete/Invalid	0	1	0	0	0
<b>Total decisions</b>	<b>13</b>	<b>15</b>	<b>10</b>	<b>18</b>	<b>14</b>

(\* 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 (S151 Officer), 01295 221845,  
[michael.furness@cherwell-dc.gov.uk](mailto: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:

Alison Coles, Legal Services Operations Manager, 01295 221754  
[Alison.coles@cherwell-dc.gov.uk](mailto:Alison.coles@cherwell-dc.gov.uk)

### **Risk Implications**

- 7.3 There are no risk implications arising directly from this report. If any risk arise, this will be managed through the service operational risk and escalated to the leadership risk register as and when necessary.

Comments checked by:

Celia Prado-Teeling , Performance and Insight Team Leader, 01295 221556  
[Celia.prado-teeling@cherwell-dc.gov.uk](mailto:Celia.prado-teeling@cherwell-dc.gov.uk)

### **Equalities and Inclusion Implications**

- 7.4 There are no equalities implications directly arising from the contents of this report.

Comments checked by:

Celia Prado-Teeling , Performance and Insight Team Leader, 01295 221556  
[Celia.prado-teeling@cherwell-dc.gov.uk](mailto:Celia.prado-teeling@cherwell-dc.gov.uk)

### **Sustainability Implications**

- 7.5 There are no sustainability implications arising directly from this report.

Comments checked by:  
Jo Miskin, Climate Action manager, 01295221748  
[Jo.miskin@cherwell-dc.gov.uk](mailto:Jo.miskin@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 Sandy Dallimore, Portfolio Holder for Corporate Services

### 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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