

**AGENDA ITEM**  
**REPORT TO CABINET**  
**16 SEPTEMBER 2021**  
**REPORT OF**  
**CORPORATE**  
**MANAGEMENT TEAM**

**CABINET DECISION**

**LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN ( LGSCO)  
COMPLAINTS. LOCAL AUTHORITY REPORT FOR STOCKTON FOR 2020/21  
REGULATION INVESTIGATORY POWERS (RIPA ) ACT 2000 – 2020 ANNUAL  
RETURN**

**SUMMARY**

This report provides Cabinet with:

- Details of the Ombudsman's annual review letter for the Council for 2020/21. 29 enquiries were submitted to the Ombudsman during the year, of these 9 met the threshold for a detailed investigation by the Ombudsman. Of the 9 complaint investigations, 4 were upheld. All recommendations made by the Ombudsman, following his investigations have been implemented. No formal public interest reports have been published.
- Annual statistics for 2020, identifying the use of the powers available to the Local Authority through the RIPA Act 2000.

**RECOMMENDATIONS**

1. Cabinet note the report which sets out that no formal public interest reports have been received.
2. Cabinet note that effective procedures remain in place to ensure that all learning from Ombudsman recommendations and findings take place.
3. Note the authorities use of RIPA powers in 2020.

**REASON FOR THE RECOMMENDATIONS**

To ensure Members are aware of the position regarding complaints to the Ombudsman about the Council.

**DETAIL**

1. In July 2021 the Ombudsman published its annual letter and summary of statistics on the complaints and enquiries it has received about Stockton on Tees Borough Council and the decisions made in that respect, for the year ended 31 March 2021.
2. It is positive to note that, whilst all complaints are considered very seriously, and all

recommendations and learning have been adopted, there have again been no formal public interest reports issued during the year and of the 29 complaints and enquiries dealt with by the Ombudsman in 2020/21, 9 received a detailed investigation, with 4 of the 9 complaints being upheld.

3. A copy of the 2021 review letter is attached at **Appendix 1** to the report. A useful guide to interpretation of the Ombudsman’s statistics is available on the [LGO website](#).
4. **Number of complaints received** - There has been a reduction in the number of complaints made to the Ombudsman from 40 in 2019/20 to 29 in 2020/21. To provide some context for the number of complaints for the Borough – the Ombudsman received a total of 11,830 complaints in 2020/21 for the 343 Local Authorities in England. This is down from the 17,019 received in 2019/20. It is worth noting that due to the COVID-19 pandemic, and to allow authorities to respond to the first wave of the outbreak, the Ombudsman stopped taking new complaints and paused their existing investigations. They restarted casework in late June 2020, after a three month pause. The profile of the complaints received across the categories set by the Ombudsman is as follows:

Category	Complaints received 2020/21	Complaints received 2019/20
Adult Care Services	0	5
Benefits & Tax	5	2
Corporate and Other	1	2
Education and Children’s Services	15	22
Environmental Services & Public Protection & Regulation	3	4
Highways & Transport	1	1
Housing	1	1
Planning & Development	2	1
Other / “Null” insufficient information to categorise	1	2
<b>Total</b>	<b>29</b>	<b>40</b>

5. **Number of decisions made by the Ombudsman in 2020/21** – The Ombudsman made 28 decisions in 2020/21, this is again down from the 43 in 2019/20. 9 of the decisions made in 2020/21 relate to complaints received in 2019/20.

Decision outcome	2020/21	2019/20
Closed after initial enquiry	6	15
Incomplete or invalid	2	4
Detailed investigation - Not Upheld	5	4
Detailed investigation - Upheld	4	6
Referred back for local resolution	10	14
Advice given	1	0
<b>Total</b>	<b>28</b>	<b>43</b>

6. **Number of detailed investigations undertaken and uphold rate** - Detailed investigations decreased from 10 in 2019/20 to 9 in 2020/21 and the number of complaints upheld also decreased six to four. The Upheld rate of 44% compares with a national rate of 67%. Of the four complaints upheld, one related to Adults Care Services (down from three in 2019/20) and three to Education and Children’s Services (up from one in 2019/20). However, of the 9 detailed investigations in 2020/21 only 2 related to 2020/21 complaints and only one of these complaints was upheld.
7. **Satisfactory remedies provided by the authority** - The Council’s Customer Feedback

and Complaints policy provides robust procedures for dealing with complaints about Council services at an early stage. The LGSCO annual report and figures suggest that the council is managing its early resolution processes well and in one of the 4 cases upheld, provided a satisfactory remedy before the complaint was investigated by the Ombudsman. This satisfactory remedy rate of 25% compares to an average of 10% in similar authorities and significantly reduces the workload of the Ombudsman and subsequently the Local Authority. It demonstrates that the Early Resolution process, which was introduced across the whole authority from October 2019 is working well. The authority received a total of 220 complaints in 2020/21, with 167 or 76% resolved at Early Resolution stage. It is also noted that the remedies suggested by the Ombudsman in the four upheld cases are of a low level of severity and include the provision of written apologies and financial remedy for injustice / time and trouble, to the complainant. The council's web site and associated complaint paperwork have also been strengthened to make it clear what support is available for those who require further assistance with Mental Health and Wellbeing matters.

8. **Compliance with Ombudsman recommendations** – This is a key indicator monitored by the Ombudsman and performance in 2020/21 shows that 100% of the recommendations made by the Ombudsman with respect to any complaints upheld have been actioned. This compares with a national compliance rate of 99.5%
9. **Public Interest Reports** – The Ombudsman publishes public interest reports for more serious cases in order to share the lessons learned from the cases they investigate, as well as holding authorities to account. In 2020/21 40 Public Interest Reports were issued nationally. It is pleasing to note that no reports were published for the Borough in 2020/21.
10. **Learning** - All matters raised with the Ombudsman are reviewed by the Corporate Governance Group and by the Council's Corporate Management Team on a quarterly basis to ensure that all learning is shared and picked up by the relevant department. Detailed reviews are also shared with the appropriate Directors and Cabinet Portfolio leads to ensure that appropriate action is taken. The authority also participates in and has benefitted from national training provided by the LGSCO and has a positive and constructive relationship with the Ombudsman via the Ombudsman Local Authority Link Officer for Stockton and periodic attendance by officers at their seminars. The Ombudsman guidance issued this year on good administrative practice and handling of complaints during the Covid-19 crisis has been of particular relevance and value this year to the authority.

## **RIPA**

11. **The Investigatory Powers Commissioners Office (IPCO)** require Local Authorities to maintain controlled records on the number of applications made for use of covert surveillance in accordance with the provisions set out in the Act. A statutory annual return is provided to the IPCO with a requirement for the Monitoring Officer to update elected members on the use of such powers. Attached at **Appendix 2** is a table showing the number of applications made and approved for the calendar year 2020. The number of applications for 2020 are slightly lower than the previous year, Covid restrictions in place during 2020 have impacted on the Council's activity during this period.

## **COMMUNITY IMPACT IMPLICATIONS**

12. There is no requirement for an assessment in relation to this report. The Ombudsman annual review does not constitute a new policy, strategy or a change in

the delivery of a service insofar as the Council is concerned. Any community impact implications arising as a result of responses to complaints will be assessed by the relevant service or Officer in that context, and at the appropriate time.

### **CORPORATE PARENTING IMPLICATIONS**

13. There are no corporate parenting implications arising from the report.

### **FINANCIAL IMPLICATIONS**

14. None as a direct result of this report. The financial implications of individual complaints would be dealt with separately as part of the responses to those complaints.

### **LEGAL IMPLICATIONS**

15. There are no direct legal implications arising from the report. They may, however, arise on a case-by-case basis, depending on the particular circumstances of the complaint and related decision and Legal Service input is called upon in these cases. The Corporate Governance Group also has a Legal Service representative.

### **RISK ASSESSMENT**

16. Existing management/operational systems and procedures are sufficient to control and minimise the risks arising too low to medium status.

### **COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES**

17. The Ombudsman's annual review for the Council is relevant to the Authority's organisational and operational effectiveness.

### **WARDS AFFECTED AND CONSULTATION WITH WARD / COUNCILLORS**

18. The Ombudsman complaints information does not indicate any significant ward specific information or trends.

### **BACKGROUND PAPERS**

19. The Local Government and Social Care Ombudsman's annual review of Local Government complaints for 2020/21 has been published and relevant extracts have been included in this report. A copy of the complete report can be viewed on the [LGO website](#).

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# Local Government & Social Care OMBUDSMAN

21 July 2021

*By email*

Mrs Danks  
Managing Director  
Stockton-on-Tees Borough Council

Dear Mrs Danks

## **Annual Review letter 2021**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

## **Complaint statistics**

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

### **Supporting complaint and service improvement**

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

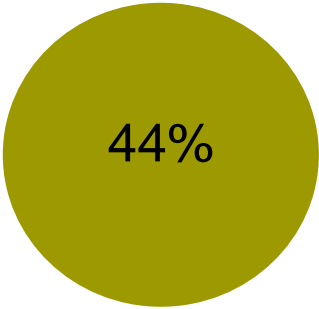
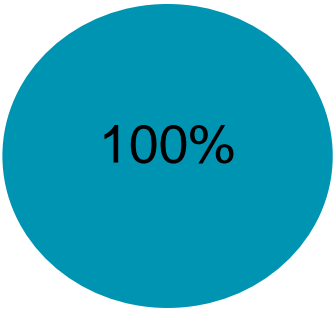
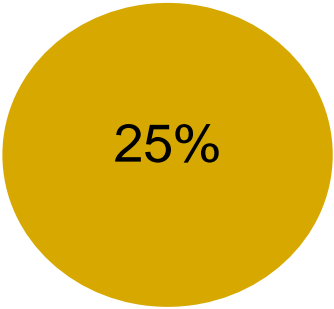
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

We were pleased to deliver an online complaint handling course to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the course was useful to you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

Complaints upheld		
	<p><b>44%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>63%</b> in similar authorities.</p>	<p><b>4</b> upheld decisions</p> <p>Statistics are based on a total of 9 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations		
	<p>In <b>100%</b> of cases we were satisfied the authority had successfully implemented our recommendations.</p> <p>This compares to an average of <b>99%</b> in similar authorities.</p>	<p>Statistics are based on a total of 1 compliance outcome for the period between 1 April 2020 to 31 March 2021</p>
<ul style="list-style-type: none"><li>• Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.</li></ul>		
Satisfactory remedy provided by the authority		
	<p>In <b>25%</b> of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of <b>10%</b> in similar authorities.</p>	<p><b>1</b> satisfactory remedy decision</p> <p>Statistics are based on a total of 9 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.



**Appendix 2**

**Use of Regulatory Investigatory Powers Act 2020**

<b>Category</b>	<b>Number</b>
<b>Number of applications made for Direct Surveillance</b>	<b>1</b>
<b>Number of applications granted for Direct Surveillance</b>	<b>1</b>
<b>Number of applications made for CHIS authority</b>	<b>1</b>
<b>Number of applications Granted for CHIS surveillance</b>	<b>1</b>