

**AGENDA ITEM**  
**REPORT TO CABINET**  
**14 SEPTEMBER 2022**  
**REPORT OF SENIOR**  
**MANAGEMENT TEAM**

**CABINET DECISION**

**LEADER OF THE COUNCIL – COUNCILLOR BOB COOK**

**LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (LGSCO)  
COMPLAINTS. LOCAL AUTHORITY REPORT FOR STOCKTON ON TEES FOR 2021/22.**

**REGULATION OF INVESTIGATORY POWERS (RIPA) ACT 2000 – 2021 ANNUAL RETURN**

**SUMMARY**

The report provides Cabinet with details of the LGSC Ombudsman's annual review letter for the Council for 2021/22. There were 34 enquiries submitted to the Ombudsman during the year, of these 13 met the threshold for a detailed investigation by the Ombudsman. Of the 13 complaint investigations, 5 were upheld. All recommendations made by the Ombudsman, following their investigations, have been implemented. No formal public interest reports have been published.

The annual statistics for 2021, identify the use of the powers available to the Local Authority through the RIPA Act 2000. The Authority returned a zero usage during calendar year 2021.

**RECOMMENDATIONS**

1. Cabinet notes the report which sets out that no LGSCO 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 2021.

**REASONS FOR THE RECOMMENDATIONS**

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

**DETAIL**

1. The Ombudsman published in July 2022, 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 2022.
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. Of the 34 complaints and enquiries dealt with by the Ombudsman in 2021/22, 13 received a detailed investigation, with 5 of the

13 complaints being upheld.

3. A copy of the 2021/22 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 an increase in the number of complaints made to the Ombudsman from 29 in 2020/21 to 34 in 2021/22. To provide some context for the number of complaints for the Borough – the Ombudsman received a total of 15,826 complaints in 2021/22 for the 343 Local Authorities in England. This is an increase compared to the 11,830 received in 2020/21. Following disruption to casework during 2020, the volume of work has returned to pre-pandemic levels. The profile of the complaints received for Stockton across the categories set by the Ombudsman is as follows:

Category	Complaints received 2020/21	Complaints received 2021/22
Adult Care Services	0	11
Benefits & Tax	5	4
Corporate and Other	1	0
Education and Children’s Services	15	11
Environmental Services & Public Protection & Regulation	3	2
Highways & Transport	1	1
Housing	1	1
Planning & Development	2	4
Other / “Null” insufficient information to categorise	1	0
<b>Total</b>	<b>29</b>	<b>34</b>

5. **Number of decisions made by the Ombudsman in 2021/22** – The Ombudsman made 37 decisions in 2021/22, this is up from the 28 in 2020/21.

Decision outcome	2020/21	2021/22
Closed after initial enquiry	6	14
Incomplete or invalid	2	2
Detailed investigation - Not Upheld	5	8
Detailed investigation - Upheld	4	5
Referred back for local resolution	10	7
Advice given	1	1
<b>Total</b>	<b>28</b>	<b>37</b>

6. **Number of detailed investigations undertaken and uphold rate** - Detailed investigations increased from 9 in 2020/21 to 13 in 2021/22 and the number of complaints upheld also increased from four to five. The Upheld rate of 38% compares with a national rate of 66%. Of the five complaints upheld, two related to Adults Care Services (up from one in 2020/21), both relating to care providers, two Education and Children’s Services, both SEN and one for Environment Services & Public Protection and Regulation (up from zero in 2020/21).
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, however it considered that none of the 5 cases upheld, provided a satisfactory remedy before the complaint was investigated by the Ombudsman. Satisfactory remedies provided by the authority significantly reduces the workload of the Ombudsman and subsequently the Local Authority. Although none of the 5 cases upheld provided this, the Early Resolution process, which was introduced across the whole authority from October 2019 is working well. The authority received a total of 173 complaints in 2021/22, with 156 or 90% resolved at Early Resolution stage. It is also noted that the remedies suggested by the Ombudsman in four of the five cases upheld are considered of a low level of severity and include the provision of written apologies and a financial remedy for injustice / time and trouble, to the complainant. However, one case did result in a higher level of financial remedy and short report setting out what the Council intends to do to ensure similar matters do not reoccur.

8. **Compliance with Ombudsman recommendations** – This is a key indicator monitored by the Ombudsman and performance in 2021/22 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 99.7%
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 2021/22 43 Public Interest Reports were issued nationally. It is pleasing to note that no reports were published for the Borough of Stockton on Tees in 2021/22.
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 learning is shared and actioned by the relevant service area. More detailed reviews are also shared with the appropriate Directors and where necessary Cabinet Portfolio leads to ensure that appropriate action is taken. The authority 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. The Ombudsman guidance, issued this year, on “Learning from complaints about council and care provider actions during the COVID-19 pandemic” has been of particular relevance and value this year to the authority.
11. **RIPA**  
  
**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 2021. The number of applications for 2021 are slightly lower than the previous year, Covid restrictions in place during 2021 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, of itself, 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.

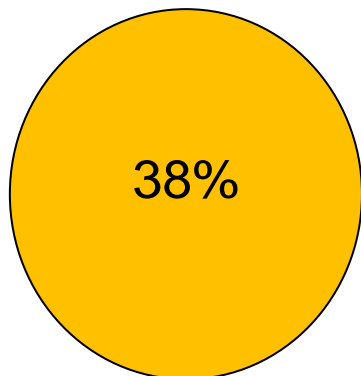
### **BACKGROUND PAPERS**

19. The Local Government and Social Care Ombudsman's annual review of Local Government complaints for 2021/22 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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Appendix.1

### Complaints upheld



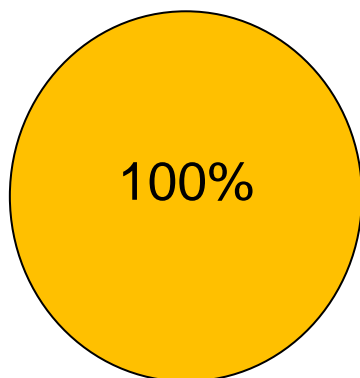
**38%** of complaints we investigated were upheld.

This compares to an average of **64%** in similar organisations.

**5**  
upheld decisions

Statistics are based on a total of **13** investigations for the period between 1 April 2021 to 31 March 2022

### Compliance with Ombudsman recommendations



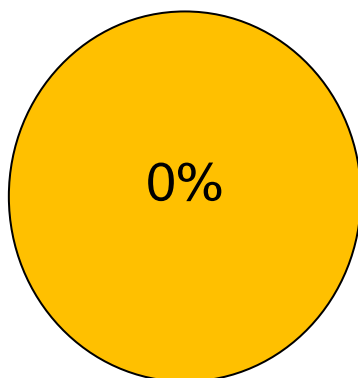
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **99%** in similar organisations.

Statistics are based on a total of **5** compliance outcomes for the period between 1 April 2021 to 31 March 2022

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedy provided by the organisation



In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **12%** in similar organisations.

**0**  
satisfactory remedy decisions

Statistics are based on a total of **5** upheld decisions for the period between 1 April 2021 to 31 March 2022

## Appendix 2

### Use of Regulatory Investigatory Powers Act 2000 Return 2021

<b>Category</b>	<b>Number</b>
<b>Number of applications made for Direct Surveillance</b>	<b>0</b>
<b>Number of applications granted for Direct Surveillance</b>	<b>0</b>
<b>Number of applications made for CHIS authority</b>	<b>0</b>
<b>Number of applications Granted for CHIS surveillance</b>	<b>0</b>