

AGENDA ITEM
REPORT TO CABINET
18 SEPTEMBER 2023
REPORT OF SENIOR
MANAGEMENT TEAM

CABINET DECISION

Leader of the Council - Lead Cabinet Member – Councillor Bob Cook

**LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (LGSCO)
COMPLAINTS. LOCAL AUTHORITY REPORT FOR STOCKTON ON TEES FOR 2022/23.**

SUMMARY

The report provides Cabinet with details of the Local Government and Social Care Ombudsman's annual review letter for the Council for 2022/23. There were 34 enquiries submitted to the Ombudsman during the year, of these 10 met the threshold for a detailed investigation by the Ombudsman. Of the 10 complaint investigations, 7 were upheld. All recommendations made by the Ombudsman, following their investigations, have been implemented. There was one formal public interest report that has been published, however this relates to a decision made in 2023/24.

RECOMMENDATIONS

1. Cabinet notes the report which sets out that no LGSCO formal public interest reports has been received in 22/23, however there has been one formal public interest report that has been published. This relates to a decision made in 2023/24.
2. Cabinet note that effective procedures remain in place to ensure that all learning from Ombudsman recommendations and findings take place.

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 2023, 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 2023.
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 2022/23, 10 received a detailed investigation, with 7 of the 10 complaints being upheld.
3. A copy of the 2022/23 performance 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 consistent number of complaints made to the Ombudsman in 2022/23, 34 which is the same number received in 2021/22. To provide some context for the number of complaints for the Borough, please see **Appendix 2** for comparisons with Tees Valley, Northeast and CIPFA Nearest Neighbours Local Authorities. The profile of the complaints received for Stockton across the categories set by the Ombudsman is as follows:

Category	Complaints received 2021/22	Complaints received 2022/23
Adult Care Services	11	6
Benefits & Tax	4	7
Corporate and Other	0	3
Education and Children's Services	11	15
Environmental Services & Public Protection & Regulation	2	1
Highways & Transport	1	0
Housing	1	1
Planning & Development	4	1
Other / "Null" insufficient information to categorise	0	0
Total	34	34

5. **Number of decisions made by the Ombudsman in 2022/23** – The Ombudsman made 37 decisions in 2022/23, again consistent with the 37 decisions in 2021/22.

Decision outcome	2021/22	2022/23
Closed after initial enquiry	14	13
Incomplete or invalid	2	1
Detailed investigation - Not Upheld	8	3
Detailed investigation - Upheld	5	7
Referred back for local resolution	7	13
Advice given	1	0
Total	37	37

6. **Number of detailed investigations undertaken and uphold rate** - Detailed investigations decreased from 13 in 2021/22 to 10 in 2022/23, however the of complaints upheld increased from five to seven. The Upheld rate of 70% compares with a national rate of 74%. The Ombudsman do now prioritise cases where it is in the public interest to investigate. As a result of this, the Ombudsman are less likely to carry out investigations into 'borderline' issues and are finding a higher proportion of fault. While working in this more sustainable way the Ombudsman are seeing a steady increase to the upheld rate. Of the seven complaints upheld, two related to Adults Care Services (the same as 2021/22), one relating to a care provider and the other occupational health, and five Education and Children's Services, two relating to SEN, two relating to social care and one the HAF programme.
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 it considered that one of the 7 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 only one of the 7 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 202 complaints in 2022/23, with 167 or 83% resolved at Early Resolution stage. An increase in our approach to consider remedies as part of our complaints process will benefit both the Local Authority and the LGSCO, should it progress to them.

8. **Compliance with Ombudsman recommendations** – This is a key indicator monitored by the Ombudsman and performance in 2022/23 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 99.3%
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 2022/23 38 Public Interest Reports were issued nationally. None of these reports were published for the Borough of Stockton on Tees in 2022/23. However there has been one formal public interest report that has been published but this relates to a decision made in 2023/24.
10. **Learning** - All matters raised with the Ombudsman are reviewed by the Corporate Governance Group and Directors on a quarterly basis and by the Council's Corporate Management Team, 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 issue guidance and focus reports throughout the year, and any that are of particular relevance and value are sent on to service for consideration. Examples of guidance issued in 22/23 were on "Councils cannot allow multiple care home contracts to run in tandem", 'Guidance on care finance decisions (DoLs)' and 'Children being denied chance to thrive (SEN)'.

FINANCIAL IMPLICATIONS

11. 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

12. 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

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

WARDS AFFECTED AND CONSULTATION WITH WARD / COUNCILLORS

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

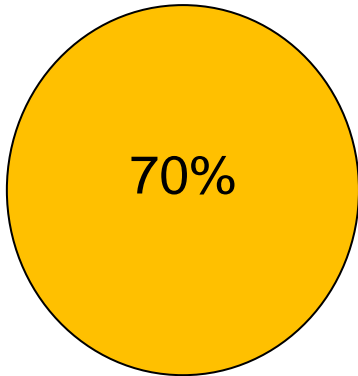
BACKGROUND PAPERS

15. The Local Government and Social Care Ombudsman's annual review of Local Government complaints for 2022/23 has been published and relevant extracts have been included in this report. A copy of the complete report can be viewed on the [LGSCO website](#).

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Appendix.1

Complaints upheld



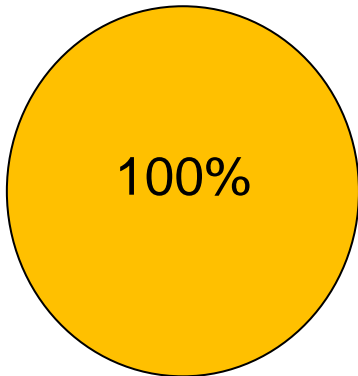
70% of complaints we investigated were upheld.

This compares to an average of **72%** in similar organisations.

7
upheld decisions

Statistics are based on a total of **10** investigations for the period between 1 April 2022 to 31 March 2023

Compliance with Ombudsman recommendations



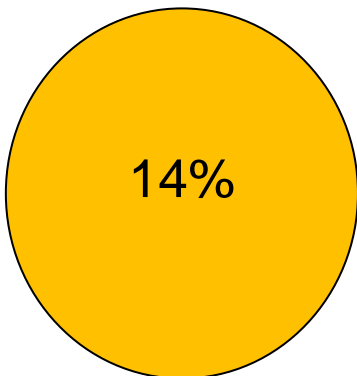
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

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 2022 to 31 March 2023

- 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 **14%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **13%** in similar organisations.

1
satisfactory remedy
decisions

Statistics are based on a total of **7** upheld decisions for the period between 1 April 2022 to 31 March 2023

Appendix 2**Tees Valley**

Tees Valley Local Authorities	Upheld 21/22	Upheld 22/23	Compliance with Recommendations
Stockton	38% (5/13)	70% (7/10)	100%
Darlington	83% (5/6)	67% (6/9)	100%
Hartlepool	20% (1/5)	0% (0/2)	N/A
Middlesbrough	77% (10/13)	73% (8/11)	89%
Redcar & Cleveland	83% (5/6)	100% (11/11)	86%

Northeast

Northeast Authorities	Upheld 21/22	Upheld 22/23	Compliance with Recommendations
Durham	55% (17/31)	52% (11/21)	100%
Gateshead	25% (2/8)	57% (8/14)	100%
Newcastle	50% (4/8)	70% (7/10)	100%
North Tyneside	69% (6/13)	91% (10/11)	100%
Northumberland	52% (15/29)	84% (16/19)	100%
South Tyneside	46% (6/13)	67% (4/6)	100%
Stockton	38% (5/13)	70% (7/10)	100%
Sunderland	76% (8/11)	50% (4/8)	100%

CIPFA Nearest Neighbours

Nearest Neighbours	Upheld 21/22	Upheld 22/23	Compliance with Recommendations
Dudley	67% (14/21)	78% (21/27)	100%
Northeast Lincolnshire	60% (3/5)	88% (7/8)	100%
Plymouth	73% (11/15)	67% (14/21)	100%
Rotherham	67% (12/18)	86% (6/7)	100%
North Lincolnshire	78% (7/9)	67% (2/3)	100%
Derby	80% (4/5)	71% (10/14)	100%
Stockton	38% (5/13)	70% (7/10)	100%
Doncaster	65% (11/17)	75% (9/12)	100%
Wakefield	57% (13/23)	71% (10/14)	100%
Bolton	64% (14/22)	94% (17/18)	94%
Wigan	71% (5/7)	80% (12/15)	100%
Warrington	82% (9/11)	89% (8/9)	100%
Telford & Wrekin	73% (8/11)	44% (4/9)	100%
Walsall	67% (6/9)	86% (12/14)	100%
Darlington	83% (5/6)	67% (6/9)	100%
Halton	33% (2/6)	80% (4/5)	100%