



EXECUTIVE 12th October 2023

Report Title	Local Government and Social Care Ombudsman Annual Report 2022-23
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Lead Member	Councillor Jason Smithers, Leader of the Council

Key Decision	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	N/a

List of Appendices

None

1. Purpose of Report

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) provides the final stage for complaints about councils and social care after the council's own complaints procedure has been exhausted. Each year the LGSCO issues an annual letter to all councils individually that covers complaints that have been received relating to their own Council and their outcome.
- 1.2 This report to Executive sets shows the LGSCO's findings in respect of the North Northamptonshire Council (NNC) for the year 2022-23. As many of the LGSCO's investigations take much time, this report also includes cases emanating from sovereign authorities.

2. Executive Summary

- 2.1. The LGSCO received 64 complaints in respect of NNC in 2022-23, compared to 55 the previous year.
- 2.2. Overall, the following numbers of complaints received by the LGSCO had were broken down by service area as below:-

Service area	2021-22	2022-23
Adult Care Services	6	8
Benefits & Tax	8	3
Corporate & Other Services	N/a	8
Education & Childrens Services	16	22
Environmental Services & Public Protection & Regulation	5	9
Highways & Transport	3	2
Housing	8	6
Planning & Development	9	6
Total	55	64

3. Recommendations

- 3.1. It is recommended that the Executive notes the content and recommendations of the LGSCO's annual review letter, and the outcomes of its investigations completed in 2022-23 that relate to the Council.
- 3.2. Reason for Recommendation: To appraise the Executive of the annual review letter and relevant information. Receipt of regular complaints data demonstrates good governance.
- 3.3. Alternative Options Considered: It would not be considered good practice to not provide the annual Ombudsman report to the Executive and as such there are no alternative options to be considered.

4. Report Background

- 4.1. Every year the LGSO produces an annual letter and a summary of the complaints received in respect of the Council.
- 4.2. The Housing Ombudsman does not provide a similar letter but the information for these complaints has also been provided in this report.
- 4.3. The report provides the number of complaints and enquiries recorded and what decisions the Ombudsman has made for the period 01 April 2022 to 31 March 2023.
- 4.4. Section 5 of this report examines the cases determined by the LGSCO in more detail.

5. Issues and Choices

5.1. In reviewing complaints for last year nationally, the LGSCO made several observations about the national picture:

- The annual complaints statistics once again back up the harsh realities many people face in key areas of their lives – how their children are educated, how elderly relatives are cared for, and the houses they call home.
- In the Ombudsman's first report in 2014, Education and Children's Services complaints made up just 17% of the complaints the Ombudsman received. This ever-growing area now makes up nearly a quarter (24%) of the organisation's workload, and sees the average uphold rate of complaints investigated tipping 84%.

5.2. Paul Najsarek, the Local Government and Social Care Ombudsman said that

"We all want decent education services for our children, quality care for our loved ones when they are in need, and the reassurance of a safety net if we fall on hard times but all too often the complaints we receive show this isn't what people experience.

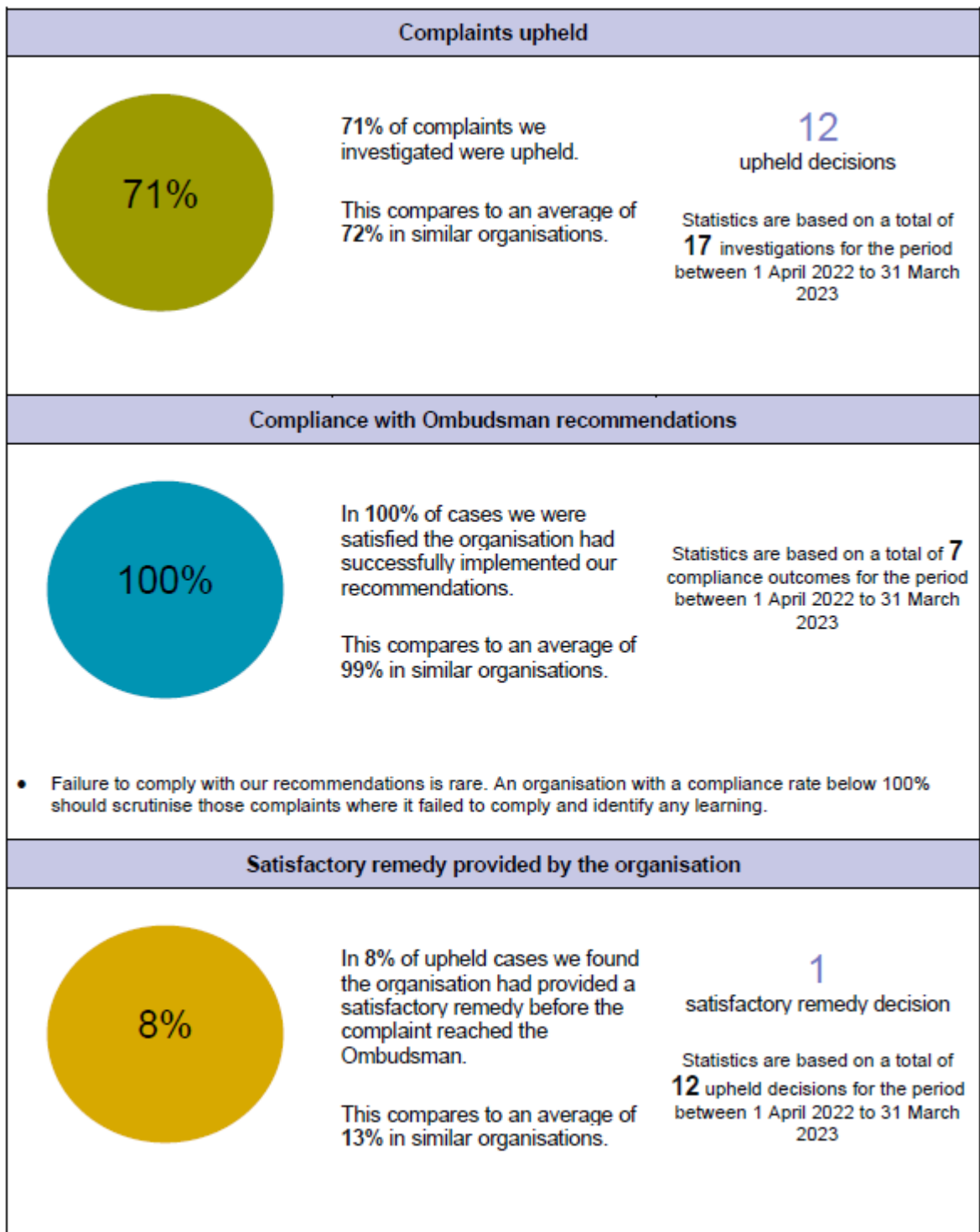
We know councils face huge challenges, so it is more important than ever for them to focus on the getting the basics right in services for residents and handling complaints effectively. Although local authorities often get things right, we frequently find councils repeating the same mistakes, ploughing ahead and not taking a step back to see the bigger picture.

Our latest statistics shed light on the harsh realities people across the country face in crucial aspects of their lives. Council leaders now need to focus on learning from common faults and injustices so they can make a significant difference to the people our local authorities serve."

5.3. The LGSCO noted that it welcomed the Council's agreement for and implementation of seven cases in 2022-23. However, it was disappointed that the Council had not completed four of them within the agreed timescales. It also noted that some information requested from the Council was provided late. It is extremely important that the Council improves on this as a key measure of good governance.

5.4. Officers are implementing revised procedures to ensure that all LGSCO queries are responded to on time, and also are ensuring that where action is agreed, it is taken within the agreed timescales. It is therefore expected that these improvements will be noted in the LGSCO's annual report next year.

5.5. These are the three key annual LGSCO annual statistics for the Council. They also show how the Council compares against similar authorities.



5.6. The following tables summarise the 12 upheld decisions made by the LGSCO in respect of the Council in 2022-23. It should be noted that where payments have been made to reflect errors made, the amounts of these are generally stipulated by the LGSCO:-

Cases for North Northamptonshire Council		
LGSCO ref	Summary	Outcome
21007254	<p>Education & Childrens Services</p> <p>Mrs F complained that the Council delayed issuing an Education Health and Care Plan (EHCP) for her daughter, J, causing a delay in starting secondary school and distress to Mrs F.</p> <p>The LGSCO found there were delays in issuing the EHCP and the Council's failure to consult with the school.</p> <p>The LGSO found that these faults caused injustice and the loss of education for one month.</p>	<p>Apology and financial redress</p> <p>The Council apologised to Mrs F and paid £500 reflecting loss of education and a further £500 acknowledging distress caused. It also reminded staff of the statutory deadlines and the distressing impact on young people and parents of them being missed.</p>
21014663	<p>Education & Childrens Services</p> <p>Mrs K complained that the Council did not provide adequate support with respect to her daughter, B, who has special educational needs and an education, health, and care (EHC) plan. She said that the Council did not make adequate arrangements for alternative provision for B during a period where she was not attending school.</p> <p>The LGSCO found that the Council could have done more to ensure alternative provision when out of school however it noted the child had then moved away and although the Council could not then remedy the loss of education, a financial remedy was appropriate to reflect missed education.</p>	<p>Agreement with action the Council took</p> <p>The Council offered financial redress to Mrs K without the LGSCO needing to order it. The Council paid £1800 reflecting loss of education and a further £300 acknowledging distress caused.</p>
21014849	<p>Housing</p> <p>Miss X complained that the Council has not done enough to re-house her to more suitable accommodation in the light of her medical conditions. In particular Miss X complained the Council is being too inflexible and unfairly refusing to consider her for properties which are not already adapted to meet her needs. As a</p>	<p>Apology and financial redress</p> <p>The Council apologised to Miss X and paid £100 acknowledging distress caused by removing her priority for a certain type of property.</p>

	<p>result she has lived in unsuitable accommodation for longer than necessary.</p> <p>The LGSCO found that Miss X did not miss out on successfully bidding for a property but she was caused some distress which the Council has agreed to remedy.</p>	
21015927	<p>Housing</p> <p>Miss D complained about how the Council handled her housing situation. She says it treated her unfairly and unreasonably told her she would have no choice but to accept its offer of privately rented accommodation. She also says the Council delayed dealing with the property disrepair issues.</p> <p>The LGSCO found the Council was at fault for failing to properly explain the property disrepair process and for its delays in dealing with Miss D's complaint.</p>	<p>Apology and financial redress</p> <p>The Council apologised to Miss D and paid £200 reflecting the injustice.</p> <p>It also reminded staff to ensure customers are properly informed about the process when they have a complaint about private rented property in disrepair.</p>
22001133	<p>Education & Childrens Services</p> <p>Mrs X complained on behalf of her sister, Mrs Y. Mrs X complained the Council had not reviewed Mrs Y's son, Z's, Education, Health, and Care Plan (EHCP) since it was issued in 2019 and Z had no school place. Mrs X also complained about the poor communication from the Council and dealing with this has caused Z and his family significant anxiety and distress.</p> <p>The LGSCO decided that the Council was at fault. The Council did not review the EHCP and did not ensure Z received a suitable education.</p>	<p>Apology and financial redress</p> <p>The Council apologised to Mrs Y and Z and paid £300 to reflect time and trouble the complainants went through and a further £4250 for not ensuring suitable education for several months.</p> <p>It also reviewed procedures and provided staff guidance to ensure EHCP reviews are completed on time.</p>
22009038	<p>Corporate & Other Services</p> <p>Mr X said the Council failed to respond quickly and positively when he reported damp in his property caused by works on its land.</p> <p>The LGSO ended its investigation</p>	<p>Provide services to person affected</p> <p>The Council removed an offending tree and pipe attached to Mr X's property as well as paying his fees of £270.</p>

	as the Council had taken steps to remove the works being complained about.	
22011811	<p>Education & Childrens Services</p> <p>Miss B complained about the Council's refusal of school transport for their son C. The LGSO decided that the Council was at fault for how it considered Miss B's school transport appeal and that the agreed actions remedied their injustice.</p>	<p>New appeal/review or reconsidered decision</p> <p>The Council agreed to arrange for an independent panel to consider its decision, to send Miss B the relevant paperwork to submit it to the panel, and evidence to the LGSCO that these actions had taken place.</p>
21007254	<p>Education & Childrens Services</p> <p>Mrs F complained that the Council delayed issuing an Education Health and Care Plan (EHCP) for her daughter, J, causing a delay in starting secondary school and distress to Mrs F. The LGSCO found there were delays in issuing the EHCP and the Council's failure to consult with the school. The LGSO found that these faults caused injustice and the loss of education for one month.</p>	<p>Apology and financial redress</p> <p>The Council apologised to Mrs F and paid £500 reflecting loss of education and a further £500 acknowledging distress caused. It also reminded staff of the statutory deadlines and the distressing impact on young people and parents of them being missed.</p>

Corporate Complaints

- 5.7 To ensure strategic oversight by the Executive, corporate complaints should be reported quarterly to the Executive and Scrutiny as part of the Council's standard reporting arrangements. This arrangement is due to be put in place to ensure better oversight of complaints and that there is an adequate link between this data and performance data.
- 5.8 In addition, specific, individual cases where there has been a significant finding of maladministration (usually by way of a formal Report) will be reported to Executive members on an individual basis. The Monitoring Officer has a duty with regard to maladministration.

6. Next Steps

- 6.1. Ombudsman reports are shared with the services they directly affect, to ensure that the appropriate action is taken as agreed with the LGSCO and that services learn from the issues highlighted.

7. Implications (including financial implications)

7.1. Resources, Financial and Transformation

- 7.1.1. Although there are no direct implications from this report, it should be noted that where LGSCO upholds complaints this can cause the authority Officer time, resource, and financial costs to resolve as well as there being damage to the authority's reputation.

7.2. Legal and Governance

- 7.2.1. There are no legal implications arising from the proposals.

7.3. Relevant Policies and Plans

- 7.3.1. LGSCO decisions impact upon all Council policies and plans and this can result in changes in policy and process being made.

7.4. Risk

- 7.4.1. There are no significant risks arising from the proposed recommendations in this report.

7.5. Consultation

- 7.5.1. No consultation is applicable in respect of this report.

7.6. Consideration by Executive Advisory Panel

- 7.6.1. This matter has not been considered by an Executive Advisory Panel.

7.7. Consideration by Scrutiny

- 7.7.1. This report was considered by the Scrutiny Commission on 10th October 2023. A verbal update of comments made at that meeting will be given when this report is presented to Executive at its meeting on 12th October 2023.

7.8. Equality Implications

7.8.1. The Council is committed to treating people fairly. The LGSCO is an independent body that investigates complaints that have exhausted the Council's own two-stage complaints process, and it ensures that all equalities considerations are taken into account so that it ensures that cases it investigates meet all equalities obligations.

7.9. Climate and Environment Impact

7.9.1. The Council, having declared a climate change emergency in June 2021, is committed to reducing its climate impact both within its own Council buildings and in working with businesses and the wider community to achieve net zero energy emissions. There are no climate and environmental impacts from this report.

7.10. Community Impact

7.10.1. There are no distinct community impacts from this report.

7.11. Crime and Disorder Impact

7.11.1. There are no crime and disorder impacts from this report.

8. Background Papers

8.1. [The LGSCO published information about Council performance on its website](#)

8.2. [The LGSCO published the annual review letter relating to North Northants Council on its website](#)