

Corporate Scrutiny Committee Tuesday 15 October 2024

Report Title	Local Government and Social Care Ombudsman - Annual Report 2023/24
Report Author	Simon Mills, Assistant Director Customer Experience

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
Which Corporate Plan priority does the report most closely align with? Our priorities for the future North Northamptonshire Council (northnorthants.gov.uk)	Modern public services

List of Appendices

Appendix A – NNC Comments, Compliments and Complaints Policy

Appendix B – NNC Remedy Policy

1. Purpose of Report

- 1.1. The Local Government and Social care Ombudsman (LGSCO) make decisions on complaints about councils and adult care providers in England. It looks at whether organisations are making the decisions in the right way. Their annual letter confirms what complaints about our organisation have been investigated and their independent outcomes.
- 1.2. This report covers the LGSCO findings relating to North Northamptonshire Council for the year 2023/24.

2. Executive Summary

- 2.1. The LGSCO received 101 complaints in relation to services provided by North Northamptonshire Council, for the year 2023/24, compared to 64 the previous year.

2.2. Below is a breakdown, by service area, of the complaints received by the LGSCO alongside the volume of upheld complaints.

Service area	2021/22	2022/23	2023/24	Upheld 2023/24
Adult Care Services	6	8	19	5
Benefits & Tax	8	3	2	-
Corporate & Other Services	N/A	8	5	-
Education & Children's Services	16	22	31	8
Environmental Services & Public Protection & Regulation	5	9	15	1
Highways & Transport	3	2	5	-
Housing	8	6	13	1
Other	N/A	N/A	1	-
Planning & Development	9	6	10	2
Total	55	64	101	17

3. Recommendations

3.1. It is recommended that the Corporate Scrutiny Committee:

(a) Note the content and recommendations of the LGCSO's annual review letter, including the outcomes of their investigations completed in the year 2023/24 that relate to North Northamptonshire Council.

3.2. Reason for Recommendation: To ensure correct scrutiny and oversight of corporate complaint handling performance. This supports accountability and transparency which are integral to a positive organisational culture of complaint handling.

3.3. Alternative Options Considered: No alternative option considered. Scrutiny of annual performance outcome by council governance is an expectation of the LGSCO complaint handling code.

4. Report Background

4.1. This report discusses the LGSCO's annual report into cases relating to North Northamptonshire Council that it investigated in 2022-23.

4.2. Section 5 of this report examines the cases determined by the LGSCO in more detail.

5. Issues and Choices

5.1. The LGSCO chair was newly appointed in February 2024 and in reviewing the national picture from last year, made observations on the changes to the complaint handling code to aid support and service improvement and the financial challenges local authorities face

5.2. Amerdeep Somal, chair of the LGSCO advised that:

“For most of the reporting year, Paul Najsarek steered the organisation during his tenure as interim Ombudsman, and I was delighted to take up the role of Ombudsman in February 2024. I look forward to working with you and colleagues across the local government sector to ensure we continue to harness the value of individual complaints and drive and promote systemic change and improvement across the local government landscape.

While I know this ambition will align with your own, I am aware of the difficult financial circumstances and service demands that make continuous improvement a challenging focus for the sector. However, we will continue to hold organisations to account through our investigations and recommend proportionate actions to remedy injustice. Despite the challenges, I have great confidence that you recognise the valuable contribution and insight complaints, and their swift resolution, offer to improve services for the public.

In February, following a period of consultation, we launched the Complaint Handling Code for councils, setting out a clear process for responding to complaints effectively and fairly. It is aligned with the Code issued to housing authorities and landlords by the Housing Ombudsman Service and we encourage you to adopt the Code without undue delay.

Twenty councils have volunteered to take part in an implementation pilot over the next two years that will develop further guidance and best practice.

The Code is issued to councils under our powers to provide guidance about good administrative practice. We expect councils to carefully consider the Code when developing policies and procedures and will begin considering it as part of our processes from April 2026 at the earliest.

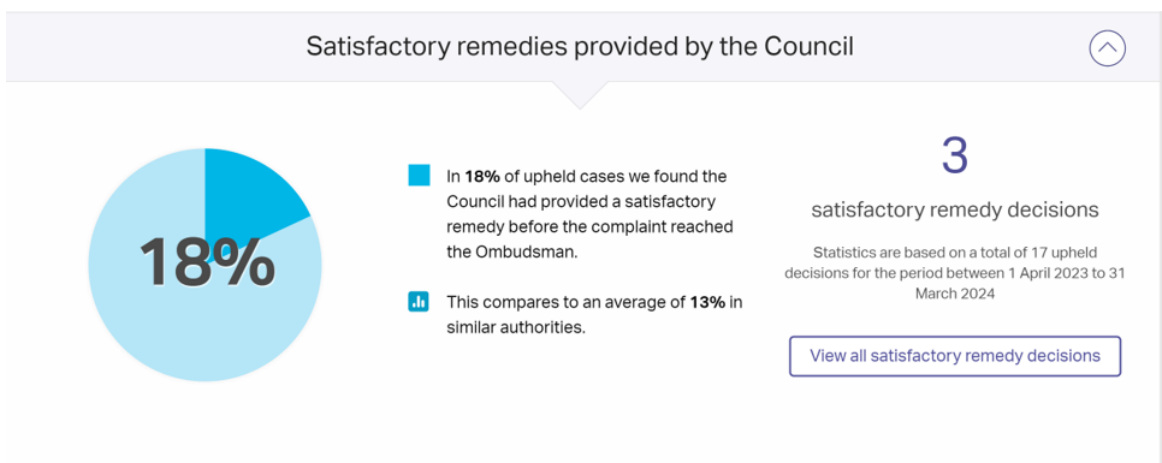
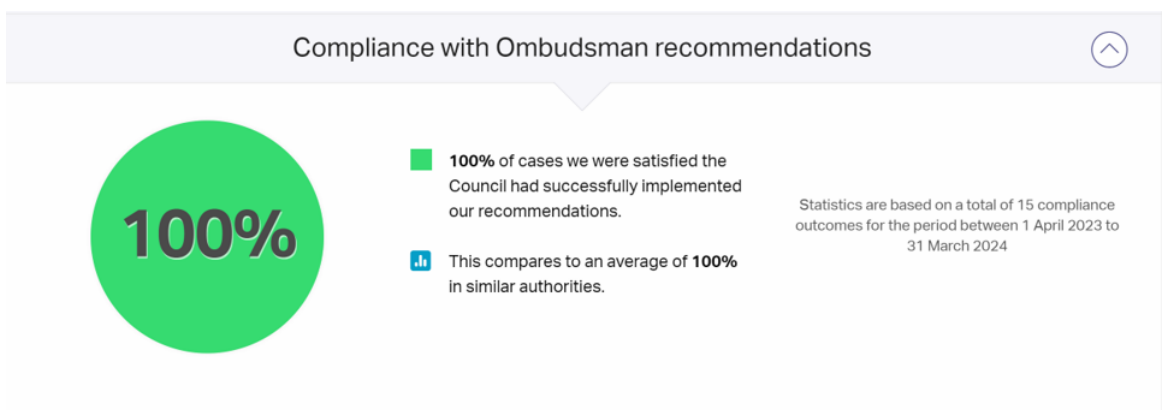
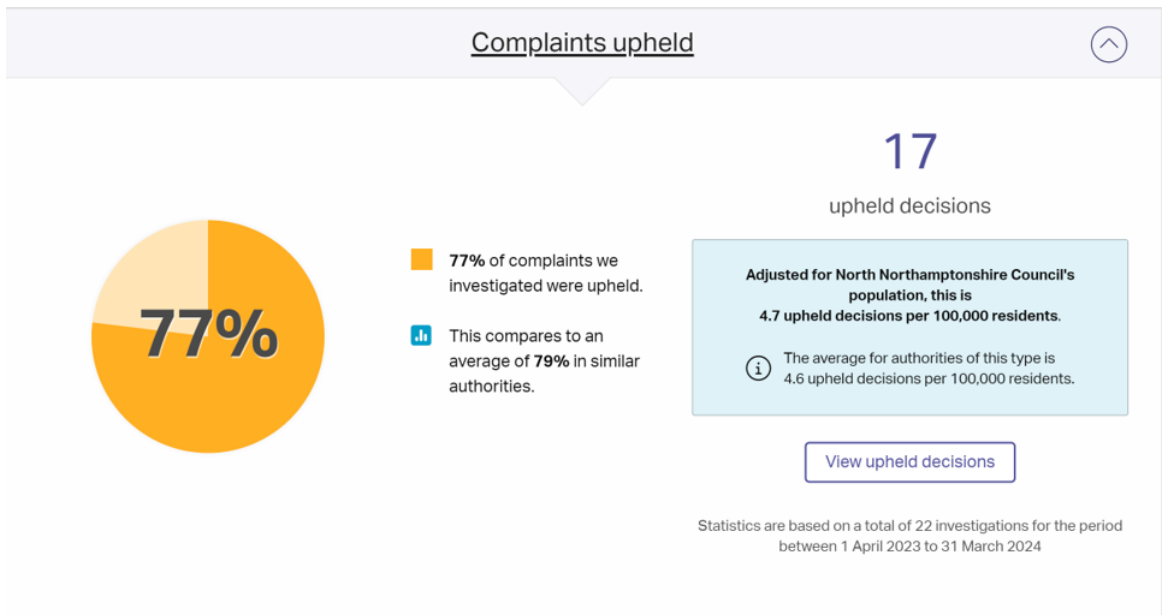
The Code is considered good practice for all organisations we investigate (except where there are statutory complaint handling processes in place), and we may decide to issue it as guidance to other organisations in the future.”

5.3. The LGSCO noted a delay in responses being received in a timely manner for information requests, citing that 73% of the councils responses were late.

5.4. Whilst the LGSCO welcomed that the council agreed to and implemented recommendations made in 15 cases, there was disappointment that over half of these cases were not completed within the agreed timescales.

5.5. It was noted that this is the second consecutive year that timely responses and remedial action have been an issue for the authority, with a reminder to provide the Ombudsman with information requests promptly.

- 5.6. North Northamptonshire Council accepts these findings and is actively seeking to address feedback handling within the organisation. As part of the changes to the LGCSO and Housing Ombudsman Service (HOS), complaint handling codes, the council's comments; compliments and complaints policy (**Appendix A**) has been reviewed and updated. Alongside this, a new remedy policy has been published (**Appendix B**), to empower resolution at the first point of contact in non-financial and financial cases.
- 5.7. A new case management system is being deployed in October 2024, which will host all case work associated to stage one; stage two and Ombudsman complaints, giving better visibility and real time reporting. This will aid response time and service areas adherence and allow the council to track learning points.
- 5.8. The LGSCO hosts complaint handling courses, of which the council has 15 attendees signed up in October 2024. Further sessions will be utilised as well as the opportunity to attend specialist adult social care and children services courses in the future, once available.
- 5.9. Work is being undertaken to raise awareness on complaint handling with services, and as a result, we expect to see a difference in the next annual report and beyond.
- 5.10. Listed below are the three key LGSCO annual statistics for the Council. They also show how the council compares against similar authorities.



5.11. The following tables summarise the 17 upheld decisions made by the LGSCO in respect of the council in 2023/24, some will be omitted due to confidentiality.

Cases for North Northamptonshire Council		
LGSCO ref	Summary	Outcome
22009889	<p>Education & Childrens Services Mrs X complained her son, Y, did not receive the provision specified in his Education, Health and Care Plan (EHCP) since September 2020. Mrs X also complained Y had not received any education since September 2022. Mrs X complained of delays in this case. She says the Council did not follow statutory timescales in the EHCP process and delayed responding or did not respond to her complaints. The Council was at fault. The Council did not issue a decision to amend the EHCP or amend the plan in statutory timescales. The Council did not respond to complaints. Y missed provision specified in his plan and Mrs X was put to time and trouble to complain to the Ombudsman. The Council should apologise to Mrs X and Y, pay a financial remedy and remind its staff of the important of adhering to statutory timescales.</p>	<p>Apology and financial redress The Council apologised to Mrs X and Y and paid £4,400 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>
22002745	<p>Planning We will not investigate this complaint about the Council's failure to notify the complainant of a planning application for a new property close to her home. The Council was at fault for failing to tell the complainant about the application. However, from the information we have seen, the outcome was unlikely to have been different if the fault had not occurred.</p>	<p>Agreement with action the Council took The Council apologised to Miss X for its failure regarding the planning application.</p>
22014118	<p>Education & Childrens Services The complainant (Mrs X) said the Council's failed when getting professional advice during her son's (Y) Education Health and Care (EHC) needs assessment and failed to comply with the Education Health and Care plan</p>	<p>Apology and financial redress The Council apologised to Mrs X and Y and paid £1,600 reflecting loss of education and a further £1,000 acknowledging distress caused. The Council was also requested</p>

	<p>(EHCP) timescales. She also complained about delays with Personal Budget and direct payments and the Council's failure to arrange alternative education for Y from September 2022. We found the Council at fault in most areas of Mrs X's complaint. This fault caused injustice to Y and Mrs X. The fault found in getting professional advice for EHCP did not cause Y and Mrs X injustice. We did not find fault with the Council's timescales when considering Mrs X's Personal Budget request. The Council agreed to apologise, make payments to recognise injustice caused to Y and Mrs X and advise Mrs X of her appeal rights. The Council also agreed some service improvements.</p>	<p>to provide a plan identifying improvement to compliance and timescales within three months of the final decision.</p>
23003708	<p>Adult Social Care We will not investigate this complaint about failure to share a copy of an adult social care and support plan. This is because the Council has accepted fault and apologised for the impact of that fault. We are satisfied this is appropriate action in response. We could not add to the Council's investigation and are unlikely to achieve a different outcome.</p>	<p>Agreement with action the Council took The Council apologised to Ms B for its failure in service delivering and apologised to Ms C for the impact of those failures.</p>
22010502	<p>Adult Social Care Mr X complained the Council and ICB gave him conflicting information about how his relative, Mrs Y's, care should be funded, and did not review Mrs Y's care needs. We found the Council and ICB failed to work together to decide how Mrs Y's care should be funded, and the ICB did not review Mrs Y's care needs. We found this caused uncertainty and avoidable distress to Mr X. The Council and ICB agreed to take action to remedy the injustice caused.</p>	<p>Apology and financial redress The Council apologised to Mr X and paid £500 to reflect time and trouble the complainant has taken to obtain a response. The ICB paid £250 to Mr X in recognition of the avoidable uncertainty caused to Mr X by failing to carry out a review of Mrs Y's needs. The Council and ICB were also requested to work together to review and develop their policies on handling complaints involving both organisations.</p>

23001131	<p>Adult Social Care</p> <p>There was delay by the Council in carrying out a financial assessment. This caused uncertainty, as the complainants were not told in writing of the charge for non-residential care services until 2 months after they started using the service. The Council also took the charging start date from the date of assessment rather than 28 days after the request for the service. A payment, towards the financial loss and uncertainty, remedies the injustice caused.</p>	<p>Apology and financial redress</p> <p>The Council apologised to Mrs Y and paid £460 reflecting the uncertainty caused to the complainant.</p>
23001082	<p>Housing</p> <p>Ms X complained about the way the Council handled her homelessness application when she fled domestic abuse. The Council was at fault for a delay in arranging interim accommodation, inappropriate advice about the consequences of refusing an offer, a failure to confirm in writing why the property offered was suitable and the consequences of refusing, and failings in the complaints handling process. The Council will apologise, pay Ms X £700 for the distress caused and give guidance to relevant staff.</p>	<p>Apology and financial redress</p> <p>The Council apologised to Ms X and paid £700 as a result of being left at risk of harm and lost opportunity to make an informed decision, including avoidable time and trouble caused by the failings in the complaints process. The Council was requested to share the outcome with staff and a reminder on interim accommodation arrangements and accurate record keeping.</p>
23001607	<p>Adult Social Care</p> <p>Mrs F complained the Council failed to tell her that she would have to contribute to the cost of her husband's attendance at a day centre. There was fault which caused distress to Mrs F. The Council has already apologised. It has also now clarified the letters it issues about financial contributions.</p>	<p>Agreement with action the Council took</p> <p>The Council apologised to Mrs F and agreed to remedy the injustice caused.</p>
23003346	<p>Environmental</p> <p>Mr X complained that the Council failed to take enforcement action when his neighbour changed the use of agricultural premises next to his home in breach of planning permission. He said the Council</p>	<p>Apology and financial redress</p> <p>The Council apologised to Mr X and paid £300 in recognition of the distress and uncertainty caused.</p>

	<p>repeatedly promised to act but failed to do so. We found the Council delayed in investigating Mr X's concerns and in deciding whether to take enforcement action. It also raised his expectations by stating it would serve an enforcement notice but then failed to do so. It also failed to keep him informed. In recognition of the injustice caused, the Council has agreed to apologise to Mr X and make a payment to him. It will also decide whether formal enforcement action is warranted and inform Mr X of its decision.</p>	<p>The Council was also requested to reach a decision on whether formal enforcement action was warranted and inform Mr X in writing.</p>
22016105	<p>Education & Childrens Services Mrs M complains her daughter, G, has missed a considerable amount of school due to anxiety. Limited tuition was provided on behalf of the Council when G's school reported problems in December 2022, and the Council increased provision in May 2023 when there had been no progress on plans to re-integrate G to school. However, the Council has not explained why the tuition provided was not full-time sooner. G missed education as a result.</p>	<p>Apology and financial redress The Council apologised to Mrs M and G and paid £1,500 reflecting loss of education. The Council was also requested to review its policies and procedures, ensuring that in future it can demonstrate decision making.</p>
22017245	<p>Education & Childrens Services The complainant (Miss X) said the Council failed to follow the right process when assessing her daughter's (Y) Education Health and Care (EHC) needs and issuing her EHC plan. Miss X also complained about the Council's failure to provide Y with education for many months, its complaint-handling and inadequate communication. We found fault with the Council which caused injustice to Y and Miss X. The Council agreed to apologise and make payments to recognise Y's loss of provision and Miss X's distress. The Council also agreed to carry out some staff training and review its processes.</p>	<p>Apology and financial redress The Council apologised to Miss X and Y and paid £2,600 reflecting loss of education and a further £500 acknowledging distress caused by delays, as well as £250 for the unnecessary time and trouble when complaining. It also reminded staff of the statutory process when amending EHC plans and reviewed its complaint handling to ensure that there are no delays in providing stage two responses.</p>

23000262	<p>Planning</p> <p>X complained about the Council's decisions relating to protected trees on his land. We found fault because the Council did not properly assess the impact development might have on a tree that was protected by a Tree Preservation Order. We found that if the application had been properly considered, it is likely it would have been refused because of the likely damage to a protected tree. The Council agreed to our recommendations to remedy the injustice caused by the fault and which might help avoid it happening again in future.</p>	<p>Apology and financial redress</p> <p>The Council apologised to X and agreed to remedy the injustice caused to the developer. It also negotiated with the developer, in consultation with its tree officer, efforts to ensure the tree is protected.</p>
23005151	<p>Education & Childrens Services</p> <p>The Council failed to provide the provision set out in Miss K's Education Health and Care plan, or take sufficient steps when this meant she could not go to school. The Council also failed to notify her parents that it intended to maintain the plan without amendment, and it took too long to respond to their complaints. The Council's failings meant that Miss K did not have any education for two years and her parents lost the right to appeal the decision not to amend the plan. This caused the family distress and frustration. The Council has agreed my recommendations to remedy the complaint.</p>	<p>Apology and financial redress</p> <p>The Council apologised to Mr and Mrs B and paid £2,200 per term for the six terms of missed provision and a further £1000 acknowledging distress caused by delays, A payment of £500 for the unnecessary time and trouble when complaining was also made.</p>
23002345	<p>Adult Social Care</p> <p>Mr X complains on behalf of his wife, Mrs X, about the standard of care she received from a Care Provider the Council had arranged. Mr X said the care was not always delivered in accordance with her care plan and visits were not made at the agreed times. We uphold part of Mr X's complaint as the Care Provider did not deliver care in line with Mrs X's care and support plan. We also find fault</p>	<p>Agreement with action the Council took</p> <p>The Council apologised to Mr and Mrs X and agreed to remedy the injustice caused.</p>

	with the way the Council responded to Mr X's complaint. The Council has already waived the outstanding balance on Mrs X's account and has agreed to apologise, make a symbolic payment and service improvements.	
23003318	Education & Childrens Services The Council took almost a year to secure special educational provision on Z's Education, Health and Care plan. This was fault causing Z to be out of education. The Council will apologise and make payments set out in this statement for the loss of special educational provision and for his father Mr X's avoidable distress.	Apology and financial redress The Council apologised to Mr X and Z and paid £7,000 reflecting loss of education and a further £250 acknowledging distress caused by delays,
23008172	Education & Childrens Services Mrs D complained about the Council's handling of the Education, Health, and Care Plan process and the education it provided her son (X). We found the Council at fault for failing to adhere to the statutory timescales and to provide X with alternative educational provision he could access and was entitled to from February 2022. The Council will apologise to Mrs D and make payment to remedy the injustice this caused her and X.	Apology and financial redress The Council apologised to Mrs D and X and paid £8,400 reflecting loss of education and a further £500 acknowledging distress caused by delays. The Council was also requested to provide a plan identifying improvement to compliance and timescales within three months of the final decision.

6. Next Steps

- 6.1. Ombudsman findings are shared with services effected, to ensure that identified actions are agreed and actioned. Service liaison meetings have been set up with key stakeholders to monitor cases in real time.

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 this report.

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 this report and the actions being taken to improve performance.

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 report has not been considered by an Executive Advisory Panel.

7.7. Consideration by the Executive

7.7.1. This report is being considered by the Executive on Thursday 10 October 2024; a verbal update can be provided to Scrutiny.

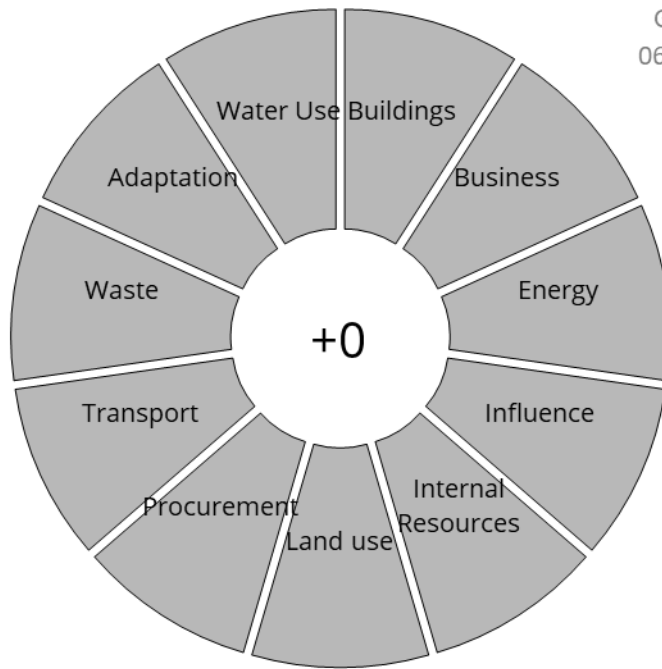
7.8. Equality Implications

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. They ensure that all equality considerations are taken into account and therefore cases it investigates meet all equality obligations.

7.9. Climate Impact

7.9.1. With the Council's declaration of a climate emergency in July 2021 and the approval of the Carbon Management Plan in December 2022, we have committed to working towards becoming a carbon neutral council by 2030.

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North Northamptonshire Council has committed to being a carbon neutral organisation by 2030, 5 yrs & 3 mos away.

7.9.2. There are no climate implications as result of this report.

7.10. **Community Impact**

7.10.1. There are no 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. Annual report data published on the LGSCO [website](#)

8.2. Annual letter published on the LGSCO [website](#)