

EXECUTIVE 18th November 2021

Report Title	Local Government and Social Care Ombudsman Annual Report 2020-21
Report Author	Lisa Hyde, Director of Transformation
Executive 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 for exemption from publication under Schedule 12A Local Government Act 1974	

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 shows the LGSCO's findings in respect of the sovereign authorities of Corby Borough Council, East Northamptonshire District Council, Kettering Borough Council, Northamptonshire County Council and Wellingborough Borough Council between the 1st of April 2020 and the 31st of March 2021.

2. Executive Summary

- 2.1 Overall, the following numbers of complaints were received by the LGSCO in 2020-21, listed below by sovereign authority:-

Sovereign authority	Number
Corby Borough Council	6
East Northamptonshire District Council	6
Kettering Borough Council	11
Northamptonshire County Council	61
Wellingborough Borough Council	7
Total	91

- 2.2 Overall, the following numbers of complaints received by the LGSCO had were broken down by service area as below:-

Service area	Number
Adult social care	26
Benefits and Tax	4
Corporate and other services	7
Education and Children's services	28
Environmental Services, Public Protection and Regulation	4
Highways and transport	5
Housing	5
Planning and development	11
Other	1
Total	91

3. Recommendations

- 3.1 It is recommended that:

- a) Executive notes the content and recommendations of the Ombudsman's reports.

4. Report Background

- 4.1 The Local Government and Social Care Ombudsman (LGSCO) notes that from the 1st April 2021 all Borough, County and District Councils in Northamptonshire were abolished and their functions absorbed by the newly formed West Northamptonshire Council and North Northamptonshire Council. This data relates to 2020-21 and separate review letters were issued in respect of each sovereign authority as they existed during that year.
- 4.2 It should be noted that due to the COVID pandemic the LGSCO suspended all casework between March 2020 and late June 2020.

5. Issues and Choices

- 5.1 In reviewing complaints nationally, Mike King the LGSCO said that he was concerned about "general erosion" to Council's complaints functions. He also noted that nationally:-

- 67% of complaints were upheld, compared to 61% previous year.
- Recommendations to remedy an injustice were up 2% on previous year.
- Children's Services cases make up the largest proportion of the work that LGSCO is now dealing with and 77% of those complaints are upheld.
- Covid has not created new themes but magnified existing issues.
- The main cause of complaints is a lack of basic administration.
- There should be more focus on "getting boring stuff right".

5.2 More detailed information by sovereign authority is shown in this section. The full LGSCO reports about individual case decisions can be accessed via the link to background papers in section 7 of this report.

5.3 The table below shows comparative data for the number of cases investigated by the LGSCO in 2020-21 in respect of the sovereign authorities in North Northamptonshire and their outcomes:-

	Corby Borough Council	East Northamptonshire District Council	Kettering Borough Council	Northamptonshire County Council	Wellingborough Borough Council
2020-21					
Complaints, enquiries received by LGSCO	6	6	11	61	7
Cases investigated by LGSCO	1	3	1	23	1
Above cases of which upheld	1	0	1	15	0
Average of cases upheld for similar authorities	100%	0%	100%	65%	0%
Comparison for 2019-20					
Cases investigated by LGSCO	2	0	1	29	2
Above cases of which upheld	2	0	0	22	2

5.4 The following tables summarise the cases upheld by the LGSCO in respect of the individual sovereign councils in North Northamptonshire:-

Cases for Corby Borough Council		
LGSCO ref	Summary	Outcome
18 012 217	The Council had not made reasonable adjustments to its communications to allow for disabilities. It also did not backdate council tax support.	The Council agreed to pay the equivalent to the amount of the council tax support it would have awarded had it been backdated.

		The Council wrote to apologise for the faults I have identified and developed a policy on how to check with service users whether they need any reasonable adjustments, because of a disability, to allow access to a service.
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Cases for East Northamptonshire District Council
There were no cases in 2020-21.

Cases for Kettering Borough Council		
LGSCO ref	Summary	Outcome
19 010 250	How the Council dealt with an alleged breach of planning control.	The Council apologised and paid £250. It reminded staff of the importance of clear communications in respect of enforcement matters.

Cases for Northamptonshire County Council (all upheld, it is not possible to split by North or West Northamptonshire)		
LGSCO ref	Summary	Outcome
19 018 067	The provider commissioned by the Council failed to provide the care it agreed to provide, harassed and bullied, acknowledged concerns but made no changes.	The Council produced a detailed care plan. A sample of anonymised care plans during quality monitoring was inspected to ensure the change outlined above have been introduced.
19 020 094	The Council took too long to act upon a request for contact with grandchildren. It provided inaccurate information when explaining its decision to refuse contact.	The Council apologised and paid £250. It wrote to the person with an update as to the progress of the work the Council has carried out promoting contact. Staff dealing with children placed into care were reminded that requests for contact need to be processed in a timely manner. Staff were reminded about the process of dealing with letters

Cases for Northamptonshire County Council (all upheld, it is not possible to split by North or West Northamptonshire)		
LGSCO ref	Summary	Outcome
		between children in care and their family.
20 002 614	The Council were at fault for including inaccurate information in respect of a single assessment and complaints about it.	The Council apologised and paid £250.
19 005 571	The Council did not handle a special educational needs case properly.	The Council was at fault, but the LGSCO did not feel that significant injustice had been caused.
19 020 393	The Council double charged for contributions to a domiciliary care package and respite care.	The Council apologised and paid £350. The Council checked that no other service users were similarly affected and changed its policy.
19 019 642	The Council's Sensory Impairment Service within the education department, was unwilling to work with social care to continue support from a deaf tutor.	The Council apologised and paid £500. The Council ensured that accumulated direct payments were still available for support and completed a review and associated care plan to reflect current needs and care package.
19 018 350	The Council delayed informing a decision to cease to maintain an Education, Health and Care plan.	The Council apologised and paid £300. It issued written reminders to staff to adhere to the timescales set out in legislation after the annual review of an EHC plan.
19 010 540	Time taken by the Council to complete a care needs assessment and increase the support needed.	The Council apologised and paid £700. It ensured that for future assessments or interactions support is available to support the person through the process. The Council ensured that reasonable adjustments are made to support other users including providing more

Cases for Northamptonshire County Council (all upheld, it is not possible to split by North or West Northamptonshire)		
LGSCO ref	Summary	Outcome
		bespoke access to officers such as by direct telephone call.
19 010 137	The Council failed to properly consider needs. It failed to provide appropriate full-time education for a long period of time and failed to manage the process towards developing an Education, Health and Care Plan, including finding a suitable placement.	The Council apologised and paid £400. The Council considered how it addresses complaints to ensure they are dealt with as quickly as possible and to tell the LGSCO what action it will take in the future.
19 017 510	The Council had failed to provide any support with social activities since 2017, causing isolation and affecting mental health.	The Council apologised and paid £200. It allocated a social worker and completed a full care needs assessment.
19 010 596	An application for home to school transport for a disabled child was refused.	The Council apologised, reconsidered the case using the correct criteria and reimbursed transport costs incurred. The Council reviewed its policy and procedures to ensure the correct criteria are applied in future in similar cases. Training was arranged for both officers and panel members on the revised policy to ensure it is properly understood and applied in future.
19 015 304	The Council delayed recovering an overpaid direct payment, failed to properly explain the amount outstanding and wrongly said a repayment plan has been agreed.	The Council apologised and liaised with the resident about the outstanding debt. Officers were reminded of the need to follow the Council's policy when pursuing repayment and the need to confirm any payment plans in writing and ensure a process is in place to follow up promptly when a payment is not received.
19 015 098	The Council failed to arrange for its insurers to make contact so that a claim for unfair loss of income that the family	The Council had already apologised and paid £500 but agreed to pay a further £200.

Cases for Northamptonshire County Council (all upheld, it is not possible to split by North or West Northamptonshire)		
LGSCO ref	Summary	Outcome
	sustained while fostering to adopt could be made.	The Council then monitored cases to minimise the time lag between a matter being referred to its insurer and appropriate action being taken.
19 014 990	The Council decided not to award a child home to school transport.	The Council arranged another appeal with a different panel to consider the case.
N/a	One further case was upheld but was not reported upon due to confidentiality.	

Cases for Wellingborough Borough Council		
There were no cases in 2020-21.		

6. Implications (including financial implications)

6.1 Resources and Financial

6.6.1 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.

6.2 Legal

6.2.1 The Local Government Ombudsman's powers are defined by the Local Government Act 1974 as amended by the Local Government and Public Involvement in Health Act 2007

6.3 Risk

6.3.1 There are no significant risks arising from the recommendations in this report.

6.4 Consultation

6.4.1 No consultation is applicable in respect of this report.

6.5 Consideration by Scrutiny

6.5.1 This matter has not been considered by the Scrutiny Commission.

6.6 **Climate Impact**

6.6.1 There is no climate impact from this report.

6.7 **Community Impact**

6.7.1 There is no community impact from this report.

7. **Background Papers**

7.1 The LGSCO publishes information about Council performance on its [website](#)
The performance of individual sovereign authorities in North Northamptonshire can be found [here](#)