

Bath & North East Somerset Council

MEETING	Standards Committee	
MEETING	17th October 2023	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Annual Report on Commission for Local Administration in England (Local Government & Social Care Ombudsman) complaints	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 Annual letter from the Ombudsman Appendix 2 Anonymised determinations made by the Ombudsman 2022-23		

1 THE ISSUE

- 1.1 To report the Ombudsman's Annual Review and determinations for 2022 – 2023 and provide an opportunity for the Standards Committee to comment on these.

2 RECOMMENDATION

The Committee is asked to note the Annual Review and note the determinations made by the Ombudsman and determine what, if any, further action is required.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 None.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The duty under s.5(2) Local Government & Housing Act 1989 requiring the Monitoring Officer to prepare a formal report to Council where the Ombudsman has found maladministration, can be discharged by an annual periodic report to the Council. The Council has delegated the consideration of any report of the Local Government Ombudsman to the Standards Committee.

5 THE REPORT

5.1 This report covers the year ending 31st March 2023. During this period 32 decisions were made by the Ombudsman. Of the 11 detailed investigations undertaken by the Ombudsman, 5 were not upheld and 6 were upheld. Appendix 2 to the report details the upheld cases in anonymised form and any recommendations made by the Ombudsman.

	Year 18-19	Year 19-20	Year 20-21	Year 21-22	Year 22-23*
Investigated cases upheld with fault	5	6	2	3	6
Investigated cases dismissed with no fault	7	6	1	4	5
Other cases assessed & dismissed without fault	41	32	23	27	21
TOTAL escalated cases	53	44	26	34	32

* Note The LGSCO restricted cases it investigated for capacity reasons and statistics are not comparable (see Appendix 1 for full explanation.)

6 RATIONALE

6.1 To allow consideration of the complaints and recommend any actions required.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 S.151 Officer

9 RISK MANAGEMENT

9.1 A risk assessment has been undertaken, in compliance with the Council's decision-making risk management guidance.

Contact person	Michael Hewitt tel 01225 395125
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Local Government &
Social Care
OMBUDSMAN

19 July 2023

By email

Mr Godfrey
Chief Executive
Bath and North East Somerset Council

Dear Mr Godfrey

Annual Review letter 2022-23

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld – We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with that of similar organisations, rather than previous years, to better understand your organisation's performance.

Compliance with recommendations – We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority – In these cases, the organisation upheld the complaint and we were satisfied with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

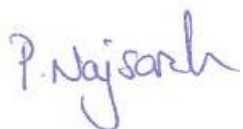
Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 26 July 2023. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Supporting complaint and service improvement

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

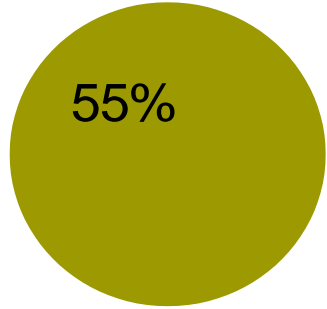
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

Yours sincerely,



Paul Najsarek
Interim Local Government and Social Care Ombudsman
Interim Chair, Commission for Local Administration in England

Complaints upheld



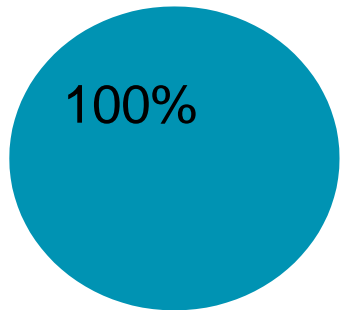
55% of complaints we investigated were upheld.

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

6 upheld decisions

Statistics are based on a total of 11 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 4 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

0%

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 **13%** in similar organisations.

0

satisfactory remedy decisions

Statistics are based on a total of **6** upheld decisions for the period between 1 April 2022 to 31 March 2023

Appendix 2

1	Reference	Authority	Category	Received
2	21014477	Bath and North East Somerset Council	Adult Care Services	13/07/2022
3	21017264	Bath and North East Somerset Council	Housing	06/04/2022
4	22000074	Bath and North East Somerset Council	Education & Childrens Services	09/08/2022
5	22000909	Bath and North East Somerset Council	Adult Care Services	20/05/2022
6	22001257	Bath and North East Somerset Council	Planning & Development	07/07/2022
7	22001411	Bath and North East Somerset Council	Highways & Transport	02/05/2022
8	22001973	Bath and North East Somerset Council	Adult Care Services	29/06/2022
9	22002449	Bath and North East Somerset Council	Highways & Transport	24/05/2022
10	22002451	Bath and North East Somerset Council	Benefits & Tax	24/05/2022
11	22002577	Bath and North East Somerset Council	Corporate & Other Services	26/05/2022
12	22003029	Bath and North East Somerset Council	Planning & Development	08/06/2022
13	22003161	Bath and North East Somerset Council	Benefits & Tax	09/06/2022
14	22003320	Bath and North East Somerset Council	Benefits & Tax	21/06/2022
15	22004077	Bath and North East Somerset Council	Planning & Development	05/07/2022
16	22005205	Bath and North East Somerset Council	Corporate & Other Services	20/01/2023
17	22006752	Bath and North East Somerset Council	Planning & Development	18/08/2022
18	22007381	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	25/11/2022
19	22008178	Bath and North East Somerset Council	Highways & Transport	15/09/2022
20	22009364	Bath and North East Somerset Council	Adult Care Services	12/10/2022
21	22010291	Bath and North East Somerset Council	Education & Childrens Services	26/10/2022
22	22011772	Bath and North East Somerset Council	Highways & Transport	24/11/2022
23	22011850	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	02/12/2022
24	22012710	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	16/12/2022
25	22013772	Bath and North East Somerset Council	Planning & Development	16/01/2023
26	22014814	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	01/02/2023
27	22014862	Bath and North East Somerset Council	Benefits & Tax	02/02/2023
28	22015226	Bath and North East Somerset Council	Education & Childrens Services	22/03/2023
29	22016344	Bath and North East Somerset Council	Adult Care Services	27/02/2023
30	22016708	Bath and North East Somerset Council	Benefits & Tax	08/03/2023
31	22017440	Bath and North East Somerset Council	Adult Care Services	22/03/2023
32	22017994	Bath and North East Somerset Council	Adult Care Services	30/03/2023

Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy
20010005	Bath and North East Somerset Council	Education & Childrens Services	20/04/2022	Upheld	fault no inj	
21012022	Bath and North East Somerset Council	Education & Childrens Services	07/04/2022	Upheld	fault no inj	Provide training and/or guidance
21012909	Bath and North East Somerset Council	Highways & Transport	12/12/2022	Not Upheld	no fault	
21014003	Bath and North East Somerset Council	Education & Childrens Services	16/09/2022	Upheld	fault & inj	Apology,Provide information/advice to person affected
21014477	Bath and North East Somerset Council	Adult Care Services	02/08/2022	Closed after initial enquiries	Sch 5.1 court proceedings	
21014981	Bath and North East Somerset Council	Adult Care Services	15/07/2022	Upheld	fault & inj	Apology,Financial redress: Avoidable distress/time and trouble
21017264	Bath and North East Somerset Council	Housing	16/12/2022	Not Upheld	no fault	
22000074	Bath and North East Somerset Council	Education & Childrens Services	04/01/2023	Not Upheld	no fault	
22000909	Bath and North East Somerset Council	Adult Care Services	12/10/2022	Not Upheld	no fault	
22001257	Bath and North East Somerset Council	Planning & Development	08/07/2022	Closed after initial enquiries	Not warranted by alleged fault	
22001411	Bath and North East Somerset Council	Highways & Transport	30/05/2022	Closed after initial enquiries	Not warranted by alleged fault	
22001973	Bath and North East Somerset Council	Adult Care Services	11/07/2022	Closed after initial enquiries	Not warranted by alleged fault	
22002449	Bath and North East Somerset Council	Highways & Transport	12/12/2022	Upheld	fault & inj	Apology
22002451	Bath and North East Somerset Council	Benefits & Tax	30/11/2022	Not Upheld	no fault	
22002577	Bath and North East Somerset Council	Corporate & Other Services	15/06/2022	Closed after initial enquiries	S27 not by member of the public	
22003029	Bath and North East Somerset Council	Planning & Development	20/06/2022	Closed after initial enquiries	Not warranted by alleged fault	
22003161	Bath and North East Somerset Council	Benefits & Tax	09/06/2022	Referred back for local resolution	Premature Decision - advice given	
22003320	Bath and North East Somerset Council	Benefits & Tax	21/06/2022	Referred back for local resolution	Premature Decision - advice given	
22004077	Bath and North East Somerset Council	Planning & Development	11/07/2022	Closed after initial enquiries	26(6)(b) appeal to Minister	
22005205	Bath and North East Somerset Council	Corporate & Other Services	13/02/2023	Closed after initial enquiries	Not warranted by alleged injustice	
22006752	Bath and North East Somerset Council	Planning & Development	08/09/2022	Closed after initial enquiries	No worthwhile outcome achievable by investigation	
22007381	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	19/12/2022	Closed after initial enquiries	Not warranted by alleged fault	
22008178	Bath and North East Somerset Council	Highways & Transport	15/09/2022	Referred back for local resolution	Premature Decision - advice given	
22009364	Bath and North East Somerset Council	Adult Care Services	22/03/2023	Upheld	fault & inj	Apology,Financial redress: Avoidable distress/time and trouble,Reass guidance
22011850	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	02/12/2022	Referred back for local resolution	Premature Decision - advice given	
22012710	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	16/01/2023	Closed after initial enquiries	26(6)(a) tribunal Other	
22013772	Bath and North East Somerset Council	Planning & Development	16/01/2023	Referred back for local resolution	Premature Decision - advice given	
22014814	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	24/02/2023	Closed after initial enquiries	Not warranted by alleged fault	
22014862	Bath and North East Somerset Council	Benefits & Tax	16/02/2023	Closed after initial enquiries	26B(2) not made in 12 months	
22016344	Bath and North East Somerset Council	Adult Care Services	28/03/2023	Closed after initial enquiries	26B(2) not made in 12 months	
22016708	Bath and North East Somerset Council	Benefits & Tax	08/03/2023	Referred back for local resolution	Premature Decision - advice given	
22017994	Bath and North East Somerset Council	Adult Care Services	30/03/2023	Incomplete/Invalid	Insufficient information to proceed and PA advised	

Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
21012022	Bath and North East Somerset Council	Education & Childrens Services	06-Apr-22	Provide training and/or guidance	09-May-22	06-Apr-22	Remedy complete and satisfied
21014003	Bath and North East Somerset Council	Education & Childrens Services	15-Sep-22	ApologyProvide information/advice to person affected	17-Oct-22	29-Sep-22	Remedy complete and satisfied
21014981	Bath and North East Somerset Council	Adult Care Services	14-Jul-22	ApologyFinancial redress: Avoidable distress/time and trouble	15-Aug-22	09-Aug-22	Remedy complete and satisfied
22002449	Bath and North East Somerset Council	Highways & Transport	12-Dec-22	Apology	12-Jan-23	19-Dec-22	Remedy complete and satisfied