

To: **Cabinet**
12 November 2024

Local Government and Social Care Ombudsman annual review letter 2023 – 24

Executive director of communities – democratic and registration services

1 Purpose of report

- 1.1 To present the Local Government and Social Care Ombudsman (LGSCO)'s annual review letter to the cabinet. The letter details the council's LGSCO complaints performance in the financial year 2023 – 24

2 Cabinet member for leisure, culture, public protection and democracy introduction

2.1 Executive Summary

This report presents the Local Government and Social Care Ombudsman (LGSCO) annual review letter for the financial year 2023-24, detailing the council's performance in handling complaints.

As the cabinet member for leisure, culture, public protection, and democracy emphasises the borough's commitment to being an ambitious, resilient, and sustainable organization.

The cabinet is advised to note the LGSCO's annual review letter for 2023-24, including any recommendations from the Overview and Scrutiny (O&S) Commission meeting on October 17.

- The LGSCO reviewed 33 complaints about the council, investigating 13, with 12 (92%) upheld, significantly higher than the average rates of 79% and 80% for similar organizations and nationally.
- The council successfully implemented all LGSCO recommendations, including remedial actions and service improvements.
- Seven of the complaints were related to special educational needs and disabilities (SEND), with noted delays in responses.
- The report highlights systemic issues in SEND provision, acknowledging broader challenges faced by local authorities.
- The council's internal complaints process effectively resolved 97% of complaints without LGSCO escalation, indicating a strong focus on early resolution.

The LGSCO has become more selective in investigations, contributing to higher upheld rates. The report emphasizes the importance of good complaints handling for service improvement and maintaining the council's reputation. It notes no significant legal or financial implications and confirms that the report is a management tool without equalities impact or health considerations.

The annual review letter serves as a vital resource for assessing the council's complaints handling performance and identifying areas for further improvement. The council is committed to addressing issues raised and enhancing service delivery.

- 2.2 Borough priority: ambitious, resilient and sustainable organisation

3 Recommendation

3.1 To note the LGSCO's annual review letter 2023 - 24.

(Any recommendations from O&S commission on 17 October to be included)

4 Reasons for recommendation

4.1 The annual review letter provides the council with information to help assess the council's performance in handling complaints.

5 Alternative options considered

5.1 None considered.

6 Supporting information

6.1 The LGSCO annual review letter 2023 - 24 is attached as Annex A. An overview of upheld LGSCO complaints from 1 April 2023 – 31 March 2024 is attached as Annex B.

6.2 The LGSCO is an independent service that investigates complaints made against public bodies where there is alleged maladministration (or fault) causing injustice. The LGSCO can only investigate claims where the alleged fault has caused personal injustice to the complainant. The council has an obligation to provide information to LGSCO investigators to support their investigation.

6.3 The LGSCO does not investigate every complaint it receives. An initial assessment considers the level of public interest in an investigation, the level of injustice a complainant claims to have suffered, the scale and nature of the alleged fault and how likely it is that an investigation will achieve a meaningful outcome for the complainant. The assessment also considers whether the complaint is within the LGSCO's jurisdiction.

6.4 The LGSCO's annual letter provides an overview of the council's LGSCO complaints performance in 2023 - 24 and is accompanied by relevant data. In the letter, the ombudsman comments on and provides statistics illustrating the council's complaints performance. The annual letter and complaints statistics, along with any service improvement recommendations the council has agreed to make, are published on the [LGSCO website](#).

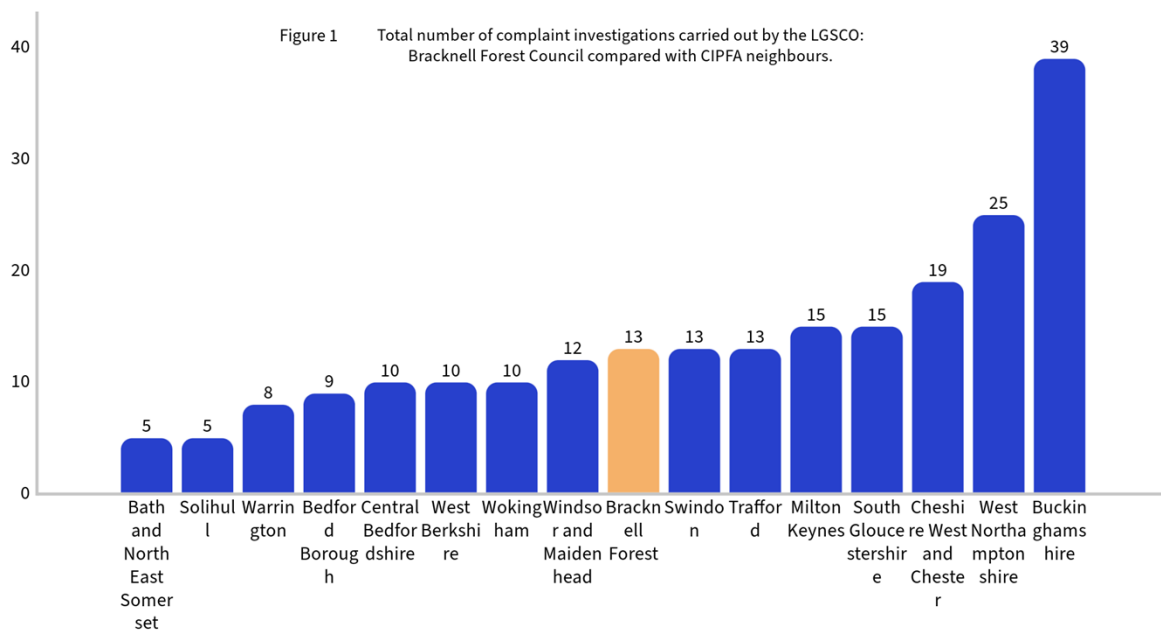
6.5 This year's information highlights:

- The LGSCO reviewed 33 complaints relating to the council in 2023 - 24.
- After assessment, 13 were investigated of which 12 were upheld. This is an upheld rate of 92%, compared to a 79% average upheld rate across similar organisations and 80% nationally.
- The council successfully implemented all recommendations made by the LGSCO. These included apologies and remedial payments to residents, as well as service improvements.
- In one of the 12 upheld decisions (8%), the LGSCO found the council had provided a satisfactory remedy before the complaint was referred.

- Seven out of eight responses to LGSCO enquiries about special educational needs and disabilities (SEND) were received late.

6.6 The LGSCO recorded eight enquiries about SEND whereas the council has recorded seven enquiries. The ombudsman notes that the data it records may not match the data recorded by individual authorities, mainly because the ombudsman’s data includes complaints and enquiries, and the council may not have been notified of all enquiries to the ombudsman. It is also because we use different complaint categories for more targeted information. The council has not had sight of all the 33 complaints and enquiries reviewed by the LGSCO. We have records of 29 of the complaints and enquiries.

6.7 The LGSCO investigated 13 complaints about the council, representing 40% of the 33 complaints and enquiries it reviewed. It is comparable to the mean number of investigations across the council’s Chartered Institute of Public Finance and Accountancy (CIPFA) neighbours, which is 13.8. The comparison is illustrated in figure 1.



6.8 Of the 13 complaints, seven were related to SEND, three to children’s social care, two to adult social care and one to climate change. An adult social care complaint was the only complaint not upheld by the LGSCO.

6.9 Education also made up the largest proportion nationally, representing 29% of all complaints investigated by the LGSCO. Nationally, the LGSCO upheld 92% of education complaints, of which SEND assessments, provision, reviews and education, health and care (EHC) plans made up 73%.

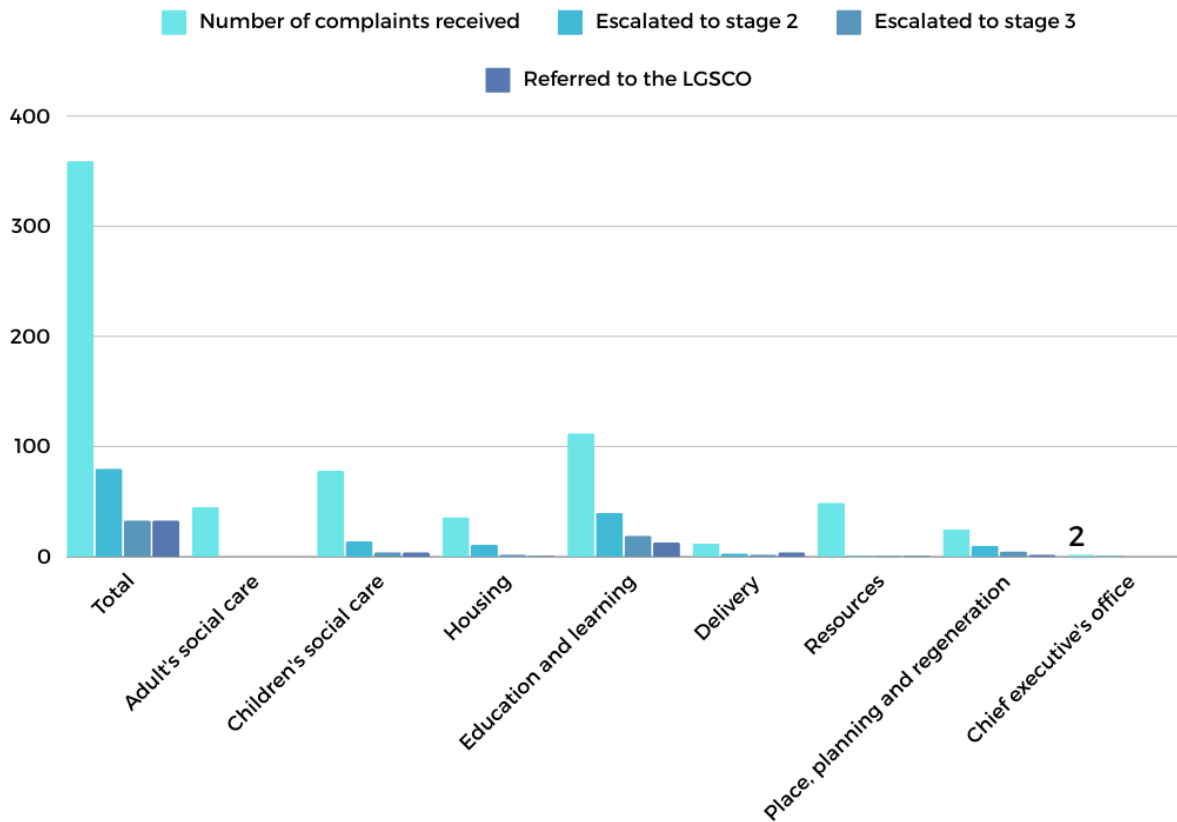
6.10 The ombudsman recognises the issues with SEND provision across the country, saying that “the system is simply not working for children, families or local authorities”. Referring to wider council services, the ombudsman has spoken about a “sector struggling to cope” rather than a lack of care or inability to take responsibility for what has gone wrong. This is not to excuse any faults by the council but does put them in the current context.

6.11 In July 2023, the LGSCO confirmed it was more selective about the complaints it looked at in detail, prioritising cases where it is in the public interest to investigate.

The LGSCO is less likely to investigate what it referred to as 'borderline' issues but did not provide examples of borderline issues. The initial sifting of complaints has contributed to an increase in the average upheld rate for all councils and provides context for the council's upheld rate of 92% in 2023 - 24. It is reasonable to say that under the new complaints processes, where the LGSCO investigates it is likely to find fault.

- 6.12 Of the 12 complaints upheld by the LGSCO, the council had upheld nine of them during our own complaints process, demonstrating good alignment and understanding of fault. In eight of these cases, the LGSCO proposed additional remedies to those offered by the council. Where different remedies were proposed, the council has complied with all recommendations.
- 6.13 Three of the upheld complaints were raised by the same complainant, meaning the 12 upheld decisions refer to ten different complainants.
- 6.14 The 12 upheld complaints in 2023 - 24 represent 3% of the 359 complaints received by the council during the period. 97% of complaints were resolved within our three-stage corporate or statutory complaints processes without escalation to the LGSCO. Of the 359 complaints received, 80 (22%) were escalated to stage two and 33 (9%) were escalated to stage three. These are not identical to the 33 complaints reviewed by the LGSCO. Our records show 21 complaints were escalated to the LGSCO having completed our process in 2023 – 24, 6% of complaints received.
- 6.15 279 complaints (78%) were not escalated beyond stage one and illustrate the council's focus on early resolution.

Figure 2: Complaints received by the council in 2023-24



6.16 The LGSCO annual letter does not report on the council's internal complaint performance. Complaints and their outcomes are monitored through the quarterly service reports (QSRs).

7 Consultation and other considerations

Legal Advice

7.1 There are no specific legal issues arising from this report.

Financial Advice

7.2 There are no direct financial implications associated with this report. Whilst payments can be made as part of the complaint resolution, these are generally not of a significant value and are met from within existing council budgets.

Other consultation responses

7.3 None specific.

Equalities impact assessment

7.4 This report does not require an equalities impact assessment as this is a management reporting tool.

Strategic risk management issues

- 7.5 Good complaints handling improves outcomes for service users and enhances the council's reputation. It removes inefficiencies caused by escalation and duplication of work, and ensures the council meets the timeframes of statutory complaints processes. Understanding our complaints also helps the council to make more targeted use of resources. Regular review of our complaints performance provides insights and supports further improvement.

Climate change and ecological impact

- 7.6 The recommendation in section 3 is expected to have no impact on emissions of CO₂ or ecological considerations. The reason the council believes that this will have no impact is that this is a management reporting tool.

Health & wellbeing considerations

- 7.7 There are no specific health and wellbeing implications relevant to this report.

Annex A – LGSCO annual letter 2023 - 24

Annex B – summary of upheld complaints

Background Papers

None

Contacts for further information

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