



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	AUDIT AND GOVERNANCE COMMITTEE – 18 OCTOBER 2023
Subject	ANNUAL SUMMARY OF COMPLAINTS STATISTICS FROM THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN – YEAR ENDING 31 MARCH 2023
Wards affected	All
Accountable member	Councillor Joe Harris, Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	Robert Weaver, Chief Executive Email: Robert.Weaver@Cotswold.gov.uk
Report author	Cheryl Sloan, Business Services Manager, Governance, Risk & Business Continuity Email: Democratic@Cotswold.gov.uk
Summary/Purpose	This report presents the Annual Complaints statistics as provided by the Local Government and Social Care Ombudsman for the year 1 st April 2022 – 31 st March 2023.
Annexes	Annex A – Annual Review Letter 2022 – 2023 Annex B – Upheld complaint by Local Government and Social Care Ombudsman
Recommendation(s)	That the Audit and Governance Committee resolves to: 1) Note the content of the report and the Annual Review Letter 2022 – 2023.
Corporate priorities	<ul style="list-style-type: none">• Deliver the highest standard of service• Respond to the climate crisis• Provide socially rented homes• Make our local plan green to the core• Support health and wellbeing• Enable a vibrant economy
Key Decision	No



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Exempt	No
Consultees/ Consultation	NA



1. EXECUTIVE SUMMARY

- 1.1** This report provides an overview from the annual summary of complaints statistics from the local government and social care ombudsman – year ending 31 March 2023.

2. BACKGROUND

- 1.1** At the end of each financial year, the Local Government and Social Care Ombudsman (LGO) write to the Chief Executive, Leader of the Council, and Chair of Scrutiny to provide an annual summary of the complaint statistics which have been received by the LGO in relation to the Cotswold District Council (CDC).
- 1.2** The information is provided to give insight about the organisations approach to complaints, and for consideration as part of the Council corporate governance processes.
- 1.3** CDC has three stages to its' internal complaints process as detailed below. Once this is exhausted, if the complainant remains unsatisfied with the response provided, it is at this point that they can refer their complaint to the LGO.
- Stage 1: Service Area Response
 - Stage 2: Independent Review
 - Stage 3: Appeal
- 1.4** The Annual Letter details the complaints which have been escalated to the LGO in relation to services provided by CDC.
- 1.5** It should be noted, as detailed in the Annual Letter (appendix 1), the LGO have changed their process for complaints review for 2022 – 2023. The LGO is now more selective about the complaints which are reviewed in detail, prioritising where it is in the public interest to investigate, therefore, changes in uphold rates in this year's reporting, are not solely down to the nature of the cases being referred to the LGO.
- 1.6** As such, this report, will focus on 2022-2023 only, and performance will not be compared to previous years, as they are no longer comparable. However, to provide comparative information, the report includes the statistics for West Oxfordshire District Council and Forest of Dean Council, and additional statistics for similar Authorities as provided by the LGO.

3. OVERVIEW



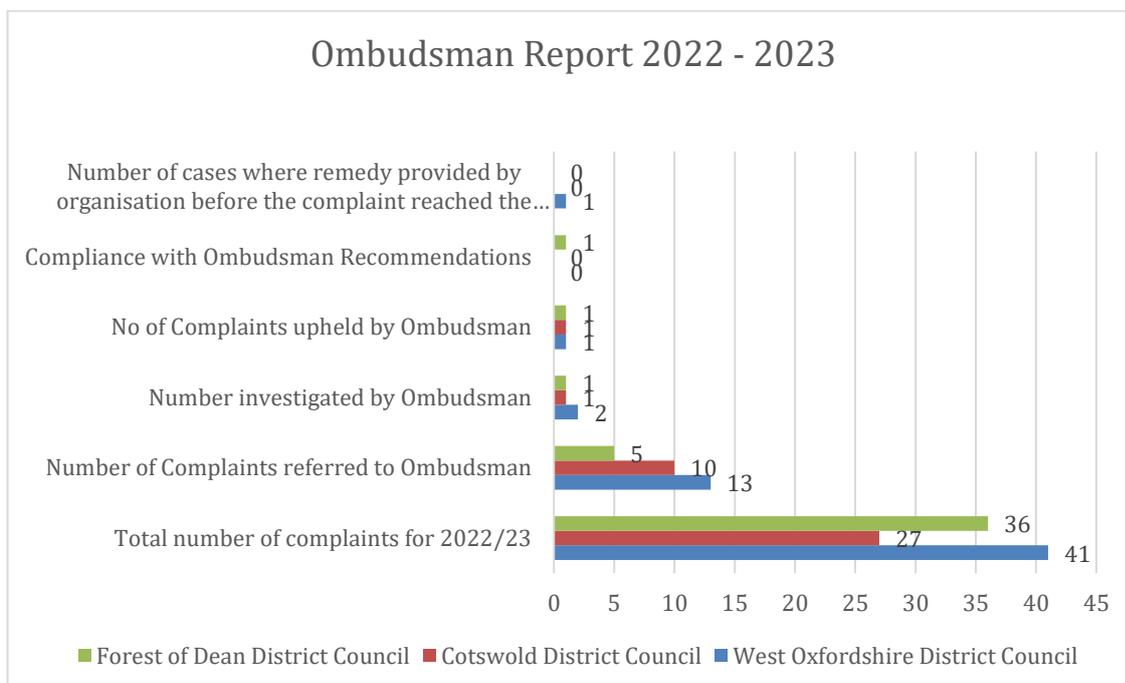
- 3.1** A total of 10 complaints were escalated to the LGO about services provided by CDC during financial year 2022 - 2023.
- 3.2** Of the 10 complaints received by the LGO, one complaint was investigated, which was 'upheld'.
- 3.3** The table below provides a summary of the 10 complaints received by the LGO, the complaint category (service area), the decision which has been made and the reason for the decision.

Category	Decided	Decision	Decision Reason
Planning & Development	25/5/2022	Upheld	fault no inj (injustice was not sufficient to warrant any further remedy)
Planning & Development	18/7/2022	Closed after initial enquiries	26(6)(b) appeal to Minister
Corporate & Other Services	12/4/2022	Closed after initial enquiries	Other reason not to investigate
Environmental Services & Public Protection & Regulation	25/5/2022	Closed after initial enquiries	Not warranted by alleged injustice
Corporate & Other Services	24/6/2022	Referred back for local resolution	Premature Decision - advice given
Planning & Development	13/7/2022	Closed after initial enquiries	26(6)(b) appeal to Minister
Planning & Development	6/9/2022	Referred back for local resolution	Premature Decision - advice given
Benefits & Tax	17/10/2022	Closed after initial enquiries	Not warranted by alleged fault
Planning & Development	14/12/2022	Referred back for local resolution	Premature Decision - referred to Organisation
Environmental Services & Public Protection & Regulation	23/3/2023	Referred back for local resolution	Premature Decision - advice given

- 3.4** A total of 4 complaints were referred back to the Council, this is due to the complainant having not exhausted the 3 stages of the internal complaints process, 5 were closed after initial enquiries, and one complaint was upheld.
- 3.5** Of the one complaint upheld (please see appendix 2), this related to the Council mistakenly issuing a Decision Notice without removing the Permitted Development Rights, the Council acknowledged its error and apologised. The Council went onto explain why it would not apply for a Judicial review to re-issue the Decision Notice without the Permitted Development as the application was in an area of outstanding natural beauty, which meant there were further limits over what developments could take place. The Ombudsman upheld the complaint because the Council had made error for not issuing the correct Decision Notice, however the injustice was not sufficient to warrant any further remedy. The case was therefore closed.



- 3.6** During 2022-2023, CDC recorded a total of 27 complaints. 10 were referred to the Ombudsman, which equates to 37%. Whilst this seems high, it should be noted that four of the complaints were referred straight back to the Council, which is, in the majority, where they have gone straight to the LGO, rather than through the Council's internal complaints process and 5 were closed after initial investigations.
- 3.7** Whilst the council receives a wide range of complaints, the majority relate to where decisions have been made, as opposed to the standard of services provided. This includes decisions around planning, housing, revenues and benefits and enforcement. A number of these complaints could be rejected by the Council as they are excluded under the Complaints policy, however, to try to mitigate residents' concerns, they are, in the main, still responded to under the complaints process. Complaints received by the Council and partner Councils are reviewed to check for trends, lessons learnt and mitigation action.
- 3.8** Comparing this to our partner Councils; West Oxfordshire and Forest of Dean. West Oxfordshire had two complaints investigated and one complaint upheld, and the Forest of Dean had one complaint investigated and one complaint upheld. The graph below details the total number of complaints received by each Council during 22/23, and the breakdown of complaints referred to the LGO.





- 3.9** Comparative data for other similar Authorities, as provided by the LGO, was that an average of 59% of the complaints investigated were upheld, this is lower than CDC, for which 100% of the complaints were upheld (one of one complaints).
- 3.10** Given the number of services provided by CDC, to have one complaint upheld by the LGO, of which remedy had already been provided, should be seen as a positive reflection of the way in which services are provided, and complaints are managed and subsequently rectified.

4. ALTERNATIVE OPTIONS

- 4.1** None

5. FINANCIAL IMPLICATIONS

- 5.1** There are no financial implications arising from this report.

6. LEGAL IMPLICATIONS

- 6.1** There are no direct legal implications arising from this report.

7. RISK ASSESSMENT

- 7.1** If the Council's governance arrangements are weak then the Council is at risk of failing to safeguard the use of public funds. In turn this would lead to poor external assessments, damaging the reputation of the Council.

8. EQUALITIES IMPACT

- 8.1** An equalities impact assessment is not required for this report.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 9.1** There are no climate or ecological emergency implications arising directly from this report.

10. BACKGROUND PAPERS

- 10.1** The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- 11.** Annual Complaints Statistics and Annual Letter from the LGO

- 11.1** These documents will be available for inspection online at www.cotswold.gov.uk or by contacting democratic services democratic@cotswold.gov.uk for a period of up to 4 years from the date of the meeting.