

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Finance & Audit Committee

Date: 17 September 2024

Reporting officer: Assistant Director (Interim); Community Support

Subject: Local Government & Social Care Ombudsman Annual Review Letter 2023-24

Purpose and summary of report:

To provide Finance & Audit Committee with a copy of the Local Government & Social Care Ombudsman's Annual Review Letter.

Recommendations:

1. This report is for information and to support transparency and learning from complaints

Key Implications:	
Item	Implications
Legal	<p>The Local Government Act 1974 (the '1974 Act') established the, then, Local Government Ombudsman for England and for Wales and defines the main statutory functions as follows:</p> <ul style="list-style-type: none">• to investigate complaints against councils and some other authorities• to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009)• to provide advice and guidance on good administrative practice <p>The main activity under Part III of the 1974 Act is the investigation of complaints, which the Act states is limited to complaints from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure.</p> <p>Under Part IIIA the Ombudsman investigates complaints from people who allege they have suffered injustice as a result of action by adult social care providers. The Ombudsmen's jurisdiction under Part III covers all local authorities (excluding town and parish councils); police and crime bodies; school admission appeal panels and a range of other bodies providing local services.</p>

Finance and Value for Money	The LG&SCO annual report summarises the complaints it has investigated in relation to Gravesham Borough Council in the previous financial year. Good complaint handling ensures instances of service failures or injustice are limited and that improvements to services can be identified at the earliest opportunity.
Corporate Plan	#One Council
Climate Change	N/A This report is for information only and relates to the handling of complaints.

1. Background

- 1.1 The Local Government & Social Care Ombudsman (LG&SCO) publish an annual review letter for each authority, summarising the complaints and enquiries they have dealt with over the past year, along with the action taken i.e. whether the complaint was investigated. Gravesham Borough Council's annual letter is attached as Appendix I.

2. Year End Findings for Gravesham Borough Council

- 2.1 For the year ending 31 March 2023, the LG&SCO received a total of 12 complaints or enquiries about Gravesham Borough Council services. 5 of these related to Housing, 3 to Planning & Development, 2 to Environmental Services and 2 to Benefits and Tax. See Appendix II
- 2.2 In total, the Ombudsman made 11 decisions (1 complaint was still awaiting decision at the time the report was issued). Of those decisions:
- 5 were referred back to the Council as premature complaints; i.e. to provide us the opportunity to resolve the issue through our own complaint procedure
 - 5 were closed after initial enquiries; i.e. there were reasons why the Ombudsman would not investigate, such as being outside of the 12 month timescale, or outside their jurisdiction
 - 1 complaint was investigated and subsequently upheld, resulting in fault on the part of the Council. Details of this complaint, decision and redress are attached at Appendix III

3. Recommendations

- 3.1 This report is for information and to support transparency and learning from complaints. There are no specific recommendations.

4. Appendices

- 4.1 Appendix I – Annual Review Letter 2023/23
- 4.2 Appendix II – Complaints received and decisions
- 4.3 Appendix III – Final Decision Notices for the upheld complaint

5. Background Documents

5.1 There are no background documents.

5.2 Further information is available on the LG&SCO website at www.lgo.org.uk

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Secondary Implications	
Risk Assessment	This report is for information only
Data Protection Impact Assessment	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	<p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>No</p>
	<p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p> <p>N/A</p>
	<p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk.</p> <p>N/A</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer.</p> <p>No</p>
	<p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer.</p> <p>Yes – the LG&SCO investigates complaints against Councils and upholds any findings of maladministration and injustice. This would include inequality</p>
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
Crime and Disorder	Good complaint handling can help to identify issues that may link, for example, anti-social behaviour. Effective management of complaints can therefore lead to a reduction in such instances or appropriate action being taken to address them
Digital and website implications	There are no implications
Safeguarding children and vulnerable adults	There are no safeguarding implications. This report is for information only.