

**Teignbridge District Council
Audit Scrutiny
29 August 2023
Part 1**

OMBUDSMAN ANNUAL REVIEW LETTER 2023

Purpose of Report

To provide an overview of the findings of the Local Government and Social Care Ombudsman.

Recommendation(s)

The Audit Scrutiny Committee resolve to NOTE the report.

Report Author

Sue Heath – Audit and Information Governance Manager
Tel: 01626 215258 Email: sue.heath@teignbridge.gov.uk

Executive Member

Councillor Richard Keeling – Executive Member for Resources

1. INTRODUCTION / BACKGROUND

1.1 The Local Government and Social Care Ombudsman (LGO) investigates complaints which cannot be resolved by the Council, and makes recommendations where faults have caused injustice.

1.2 Before the LGO will consider a case, customers must have first pursued the Council's own complaints process. This typically involves two stages:

- Stage 1: the service will review the complaint, and respond accordingly. This response will usually be from the relevant service manager.
- Stage 2: if the claimant is still dissatisfied, it will be escalated to a member or the Senior Leadership Team.

- 1.3 The LGO issues an Annual Review Letter to each Council. Teignbridge’s is shown below. In summary, **three** investigations were undertaken for the period 1 April 2022 to 31 March 2023. **Two** of these were upheld.
- 1.4 The rate of 67% upheld compares to an average of 59% for similar bodies and to neighbouring councils as follows:

East Devon DC: 100% of complaints upheld based on 2 investigations
 Exeter City Council: 50% of complaints upheld based on 2 investigations
 Mid Devon DC: 100% of complaints upheld based on 1 investigation
 West Devon DC: 100% of complaints upheld based on 1 investigation
 North Devon DC: 67% of complaints upheld based on 3 investigations

The upheld complaints were in the following areas:

1	<p>Planning Applications 20-Jun-22</p> <p>The Council failed to respond to a complaint regarding dissatisfaction in the way a listed building in disrepair was not preserved. There is no fault in the Council’s handling of the listed building. However, it failed to reply to a formal complaint. This was fault but it did not cause a significant injustice.</p>
2	<p>Councillor Conduct and Standards 21-Dec-22</p> <p>The complaint was that the Council failed to follow due process when investigating alleged breaches of its code of conduct for councillors. Fault found causing injustice and recommendations made.</p>

2. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

- 2.1 **Financial** - there are no financial implications.
- 2.2 **Legal** - there are no legal issues.
- 2.3 **Risks** - not applicable.
- 2.4 **Environmental/Climate Change Impact** - not applicable.

3. CONCLUSION

That the report be noted.

Local Government & Social Care OMBUDSMAN

19 July 2023

By email

Mr Shears
Managing Director
Teignbridge District Council

Dear Mr Shears

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.

Your organisation's performance

During the year, we [issued a public report](#) about your Council's investigation of a complaint alleging an elected councillor had breached its Code of Conduct. We found fault with a number of aspects of the investigation including that the Council had received no written complaint, that it conflated its investigation with that into a different councillor and did not consider the potential relevance of the Human Rights Act and right to freedom of speech. We also found it missed opportunities to address faults in its procedure when the councillor attempted to raise these matters.

We considered the councillor had suffered injustice; the investigation should not have taken place, nor the councillor sanctioned as a result. So, we asked the Council to apologise and rescind its decision notice where it had upheld the complaint about the councillor's actions. The Council responded positively and carried out the recommendations.

We also asked the Council to ensure its officers had a written procedure for investigating standards complaints. The Council has indicated its willingness to comply with this recommendation and we currently await confirmation that an appropriate procedure is now in place.

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.

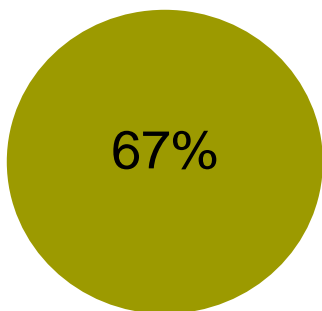
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops 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



67% of complaints we investigated were upheld.

This compares to an average of **59%** in similar organisations.

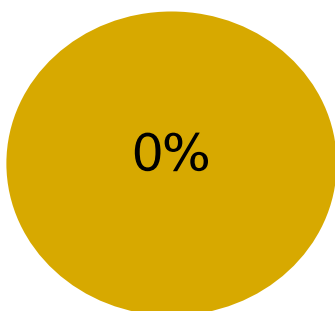
2
upheld decisions

Statistics are based on a total of **3** investigations for the period between 1 April 2022 to 31 March 2023

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedy provided by the organisation



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 **15%** in similar organisations.

0
satisfactory remedy decisions

Statistics are based on a total of **2** upheld decisions for the period between 1 April 2022 to 31 March 2023