



**Governance and Audit
Committee**

Tuesday 11th October 2022

**Local Government and Social Care Ombudsman (LGSCO)
Annual Review Letter Report 2021/22**

Report by: Director of Commercial & Operational Services

Contact Officer: Natalie Kostiuk
Customer Experience Officer
natalie.kostiuk@west-lindsey.gov.uk

Purpose / Summary: Report on the Local Government and Social Care Ombudsman (LGSCO) Annual Review Letter 2022 covering complaints referred to and decided by them between April 2021 and March 2022. Examining upheld complaints, learning actions and benchmarking with other similar authorities.

RECOMMENDATION(S):

That committee members welcome this report, and after considering its contents are assured that the current complaint handling procedures are functioning adequately.

IMPLICATIONS

Legal:

There are no legal implications arising from this report.

Financial: FIN/81/23/GA/SL

A payment that was recommended as a conclusion of a complaint received by the LGSCO in the previous year (2020/21) was made in April 2021, this was a £450 payment made from an existing service budget.

Staffing:

There are no staffing implications arising from this report.

Equality and Diversity including Human Rights:

The LGSCO have not identified any issues with how complaints are handled in terms of Equality and Diversity and Human Rights.

Data Protection Implications:

There are no data protection implications arising from this report.

Climate Related Risks and Opportunities:

Not Applicable.

Section 17 Crime and Disorder Considerations:

Not Applicable.

Health Implications:

There are no health implications arising from this report.

Title and Location of any Background Papers used in the preparation of this report :

Link to the Local Government and Social Care Ombudsman website –
Annual Review Letter 2022 for West Lindsey District Council
[Annual LGSCO Review Letters - West Lindsey District Council](#)

Link to the Local Government and Social Care Ombudsman website –
Complaint Decisions for West Lindsey District Council
[LGSCO Decisions - West Lindsey District Council](#)

Link to the Local Government and Social Care Ombudsman website –
Complaint Decisions for West Lindsey District Council
[West Lindsey District Council Performance 2021/22](#)

Risk Assessment :

Not Applicable.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

X

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

X

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Executive Summary

This report examines the Local Government and Social Care Ombudsman (LGSCO) Annual Review Letter 2022 covering complaints that were either referred to or decided by them during the 2021/22 period from April 2021 to March 2022.

Historical data on complaints handled by the LGSCO is included within this report along with comparison to previous year's figures and findings.

Finally, the report compares how West Lindsey District Council has performed overall nationally and in comparison with 20 other similar authorities in terms of the number of complaints referred, investigated and upheld by the LGSCO.

During the 2021/22 period a total of 12 new complaints were referred to the LGSCO. 50% (6) of these were in relation to Planning and Development and 25% (3) of these were in relation to Planning Enforcement. 1 complaint was in regards to Council Tax, 1 was in relation to Community Safety and another 1 was about Housing.

As well as the 12 complaints referred to them the LGSCO made final decisions on 3 complaints that were still open from the previous (2020/21) period. Information on these decisions is included within this report.

The complaint referred to the LGSCO in regards to Housing was not shared with the Council at the time as it was referred to them prematurely so the complainant was referred back to the authority for local resolution.

The LGSCO closed 4 of the complaints referred to them after initial enquiries, either because the complaint was not warranted, was out of time, it was unlikely that any injustice had been caused, unlikely that any fault would be identified or because the complainant has another route of complaint they could follow such as a formal appeal. These complaints related to Planning and Development (3) and Council Tax (1).

In total the LGSCO carried out detailed investigations into 8 complaints, 1 of these was a complaint referred to them the previous year. 3 for Planning and Development, 3 for Planning Enforcement, 1 for Environmental Protection and 1 for Community Safety.

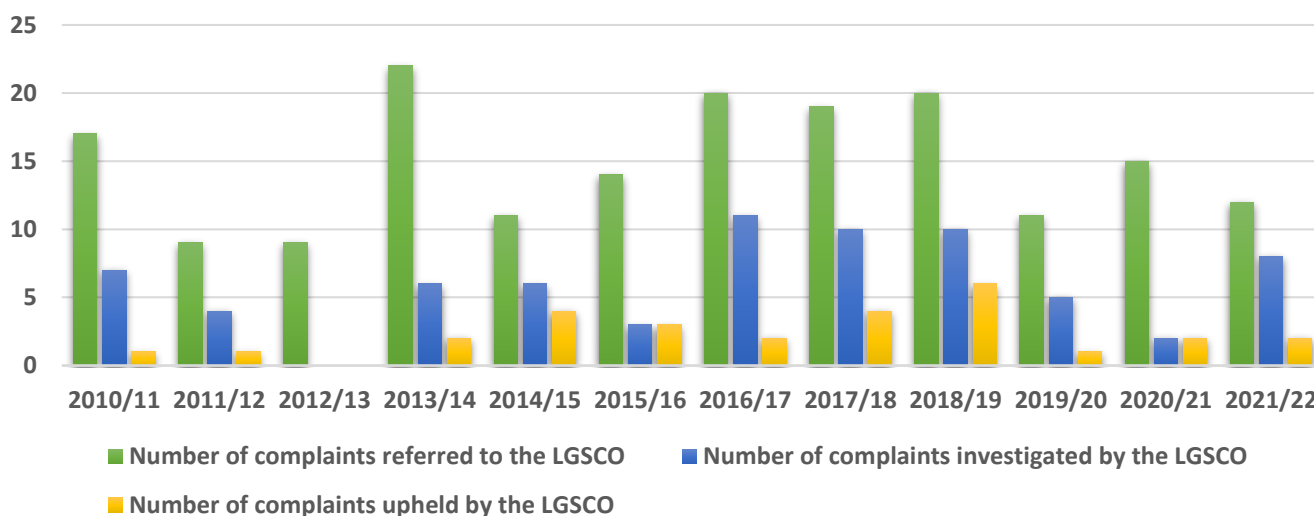
The LGSCO upheld 2 of the 8 complaints investigated, this equates to a 25% upheld rate, this compares to an average of 51% in similar organisations. The upheld complaints were in relation to Planning Enforcement and Community Safety. No financial payments were recommended but apologies and changes in process/procedure were recommended. These actions were carried out as requested, further details can be found within the upheld complaint section of this report.

The LGSCO were still considering 3 complaints that were referred to them between April 2021 and March 2022 when the Annual Review Letter for 2022 was published therefore those 3 outstanding complaints and the decisions reached will be detailed in next years report.

A complaint that was concluded at the end of March 2021 recommended a £450 payment and other improvement actions, this payment was made from an existing service budget in April 2021 and the other recommendations were completed during 2021/22. Details of the complaint and why it was upheld were included in last year's annual report but are also included in this year's compliance data.

1. Introduction

- 1.1 If a customer has completed the Council’s formal complaints policy and remains dissatisfied with the outcome of their complaint or the way it has been handled by West Lindsey District Council they are entitled to refer their complaint to the LGSCO for review.
- 1.2 The LGSCO will only consider a complaint once it has been dealt with in full via the West Lindsey District Council Customer Feedback Policy and only if it meets their criteria for investigation - <https://www.lgo.org.uk/make-a-complaint/what-we-can-and-cannot-look-at>
- 1.3 Issues that have another formal route of appeal or tribunal will not be investigated by the LGSCO.
- 1.4 There is no cost to the authority for work carried out by the LGSCO.
- 1.5 An Annual Review letter is published by the LGSCO for each authority every year which details the number of complaints referred to them, investigated by them and details of any complaints upheld by them. Information regarding compliance with LGSCO recommendations is also included. The full Annual Review letter for 2022 can be found in [Appendix 1](#) of this report.
- 1.6 The information published by the LGSCO allows us to examine our performance for the year and look at how we compare to other similar authorities.
- 1.7 The investigations carried out and the decisions made by the LGSCO allow us to learn and make improvements to the way we operate our services and deal with our customers on a daily basis. We can also learn from LGSCO complaints and decisions made for other authorities, when weekly decision lists are published they are shared with relevant team managers.
- 1.8 The graph below illustrates how many West Lindsey District Council complaints have been referred to, investigated and upheld by the LGSCO each year since 2010. As you can see there has been a decrease in the number of complaints referred to them during 2021/22.



**The number of complaints investigated and upheld for 2012/13 is unknown*

1.9 The LGSCO do not necessarily investigate all of the complaints that are referred to them. During the 2021/22 period 12 new complaints were referred to them but they only investigated 8 of them.

2. Annual Review Letter Figures

2.1 In total 12 new complaints were referred to the LGSCO in 2021/22, this is less than the previous year when 15 were referred, this is lower than the historical average. The table below shows which services the complaints related to compared to the previous 5 years.

	Benefits and Council Tax	Corporate and Other Services	Environmental Services (including Community Safety)	Highways and Transport	Housing	Planning and Development (and Planning Enforcement)	Other	Total
2021/22	1	0	1	0	1	9	0	12
2020/21	0	0	3	0	1	10	1	15
2019/20	4	1	1	0	1	4	0	11
2018/19	4	1	3	0	1	11	0	20
2017/18	3	2	2	0	0	12	0	19
2016/17	3	1	4	1	2	9	0	20

2.2 During 2021/22 50% (6) of the complaints referred to the LGSCO were in relation to Planning and Development and 25% (3) of these were in relation to Planning Enforcement.

2.3 As you can see, historically the majority of complaints referred to the LGSCO have been in regards to Planning and Development, which includes Planning Enforcement complaints.

2.4 The Environmental Services category also includes Community Safety complaints.

2.5 LGSCO investigations into 3 of the complaints during 2021/22 were not completed by the end of March 2022, these complaints are included in the received figures within this report but not the decision figures. Decisions for the complaints have been received since March so information is included within this report but they will also be included within the decision figures in next year's report.

2.6 In total 12 decisions were made by the LGSCO during the 2021/22 period. The table below gives information on the complaints that were decided including the dates they were received and decided by the LGSCO, the service they related to, the decision made and any recommendations made in regards to the decision reached.

Note: the first 3 complaints in the table are the ones that were received the previous year but decided during 2021/22 – **The Category and Reference titles below are live links to the full complaint report**

Category and LGSCO Reference	Received	Decided	Days	Decision	Decision Reason
Environmental Services & Public Protection & Regulation 20009972	04/01/2021	02/08/2021	210	Not Upheld	No Maladministration
Environmental Services & Public Protection & Regulation 20010710	15/01/2021	02/07/2021	168	Not Upheld	No Maladministration
Planning & Development 20013364	12/03/2021	21/04/2021	40	Closed after initial enquiries	26B (2) not made in 12 months
Planning & Development 21001117	26/04/2021	17/06/2021	52	Closed after initial enquiries	Not warranted by alleged maladministration/service failure
Planning Enforcement (Planning and Development) 21001434	30/04/2021	06/12/2021	220	Upheld	Maladministration and Injustice
Planning & Development 21002031 (Report not published due to risk of identification)	21/05/2021	06/01/2022	230	Not Upheld	No Maladministration
Planning Enforcement (Planning and Development) 21004657	30/06/2021	18/01/2022	202	Not Upheld	No Maladministration
Planning & Development 21006422	30/07/2021	04/02/2022	189	Not Upheld	No Maladministration
Community Safety (Environmental Services & Public Protection & Regulation) 21007140	13/08/2021	27/03/2022	226	Upheld	Maladministration and Injustice
Planning & Development 21008610	10/09/2021	04/02/2022	147	Not Upheld	No Maladministration
Housing 21011440 (No LGSCO report produced)	02/11/2021	02/11/2021	1	Referred back for local resolution	Premature Decision - advice given
Council Tax (Benefits and Tax) 21017190	21/02/2022	11/03/2022	18	Closed after initial enquiries	Other reason not to investigate

These are the details of the complaints that had not received a decision by the end of March 2022 but have since then. These will be counted in next year's decision numbers and more details will be included in next year's annual report:

Category and LGSCO Reference	Received	Decided	Days	Decision	Decision Reason
Planning & Development 21018943	28/03/2022	18/04/2022	21	Closed after initial enquiries	No further action
Planning & Development 21018969	28/03/2022	13/04/2022	16	Closed after initial enquiries	No further action
Planning Enforcement (Planning and Development) 21002386	21/05/2021	27/04/2022	341	Not Upheld	No Maladministration

- 2.7 During 2022/23 there was 1 complaint that was referred back to West Lindsey District Council for a local resolution. This occurs when a customer has not initially made their complaint known to us or have not given us the chance to investigate and resolve their complaint internally. The LGSCO will only investigate complaints once they have been investigated via the authority under the Council's formal complaints process.
- 2.8 In total 3 complaints were closed after initial enquiries were made. This occurs when the LGSCO receive a complaint and consider the initial information including details of the complaint and the response we have given them. If the LGSCO decide that it is unlikely that any fault or maladministration will be found or that any harm or injustice has been caused they will not investigate the matter further. The LGSCO will also take this approach to complaints where an appeal or tribunal route is available to the complainant or where the complaint has been made out of time.
- 2.9 Two of the complaints that were closed after initial enquiries related to Planning and Development services, one of them was out of time as it was not made within 12 months of the complainant becoming aware of the problem and the LGSCO decided that the other was not warranted by the alleged maladministration/service failure. The other complaint closed after initial enquiries was in relation to Council Tax, the LGSCO decided that the complaint about the Council's decision on council tax liability was best dealt with by the Valuation Tribunal Service.
- 2.10 The LGSCO carried out detailed investigations into 8 of the complaints received, these were in relation to Planning and Development (3), Planning Enforcement (2), Environmental Protection (2) and Community Safety (1).
- 2.11 Two of the complaints that were investigated by the LGSCO were upheld as fault was identified, maladministration and injustice was identified in both complaints. These complaints were in relation to Planning Enforcement and Community Safety.
- 2.12 As the LGSCO upheld 2 of the 8 complaints investigated the 2021/22 upheld rate for West Lindsey District Council was 25%, this is a decrease compared to the previous year where both of the 2 complaints investigated were upheld resulting in a 100% upheld rate for 2020/21.

	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17
Complaints and enquiries received by the LGSCO	12	15	11	20	19	20
Number of detailed investigations carried out by the LGSCO	8	2	5	10	10	11
Number of complaints upheld by the LGSCO	2	2	1	6	4	2
Upheld complaint percentage %	25%	100%	20%	60%	40%	18%

- 2.13 The upheld rate has fluctuated over the years depending on how many complaints were investigated by the LGSCO. The actual number of upheld complaints is minimal, this has decreased across the last 6 years.
- 2.14 The decrease in the number of complaints referred to the LGSCO overall and the reduction in the number of complaints that the LGSCO felt were justified could be attributed to the work of the Customer Experience Officer and the amended more centralised complaints handling process.
- 2.15 It is acknowledged that cases referred to the LGSCO have been more complex in nature and we welcome a fresh pair of eyes on these matters to assist us in identifying how we can do things differently in the future.

3. Upheld Complaints

- 3.1 In total the LGSCO carried out detailed investigations into 8 of the 12 complaints received, this is more than the previous year when only 2 were investigated. Overall 2 of the 8 complaints investigated were upheld. The tables below show information on the complaints that were upheld and the remedy that was recommended by the LGSCO. The received and decided dates illustrate the length of time that it took the LGSCO to investigate and reach a final decision.
- 3.2 It should be noted that the term ‘maladministration’ which is used by the LGSCO covers a broad spectrum of issues that may arise, from a small innocent and accidental human administration error or mistake to a deliberate and malicious action.

Service and LGSCO Reference	Received	Decided	Decision	Decision Reason
Planning Enforcement (Planning and Development) 21001434	30/04/2021	06/12/2021	Upheld	Maladministration and Injustice
Days to resolve 220 days				
Remedy				
An apology was recommended.				
Service Improvement Recommendations				
No service improvement recommendations were made in the LGSCO’s final decision.				
Learning and Improvement Actions				
The maladministration and injustice that was identified was in regards to the length of time taken for enforcement action to be progressed against the complainant’s neighbour. The LGSCO found that the Council unnecessarily delayed taking action and that the complainant was not properly updated on the progress of the case.				

Service and LGSCO Reference	Received	Decided	Decision	Decision Reason
Community Safety (Environmental Services & Public Protection & Regulation) 21007140	13/08/2021	27/03/2022	Upheld	Maladministration and Injustice
Days to resolve 226 days				
Remedy				
An apology and procedure or policy change/review was recommended.				
Service Improvement Recommendations				
The LGSCO recommended that the Council should review its procedures to ensure that the wording in Community Protection Notices is effective and that officers review them after any legal advice is received.				
Learning and Improvement Actions				
The maladministration and injustice that was identified was in relation to a Community Protection Notice (CPN) that was served on the complainant's neighbour. The LGSCO found that the CPN was not worded in a way that was enforceable.				

3.3 The information below includes the detail and the findings of the 2 complaints that were investigated by the LGSCO and upheld.

3.4 **21001434 Planning Enforcement (Planning and Development)
Upheld – Maladministration and Injustice**

Mrs X complained the Council unnecessarily delayed taking planning enforcement action against her neighbour. She also complained about how we updated her on the cases progress. The LGSCO found the Council was at fault for allowing the case to drift for a short period of time. The LGSCO recommended that the Council should apologise to Mrs X and were assured that we had taken suitable action to prevent the fault occurring again.

When Mrs X first reported her concerns about the neighbours building work in September 2019, the Council responded within the time frames set out in its policy. We decided that, providing the neighbour made the amendments they said they would, the structure would be permitted development. The Council considered the relevant information in making its decision; we were not at fault.

When Mrs X reported further development in December 2019, the Council decided the development was in breach of planning control. We took informal action first, writing to the neighbour several times from December to February. We then decided to proceed to formal action, issuing the first Enforcement Notice in June 2020. We confirmed that we intended to prosecute Mrs X's neighbour and were preparing documents at the time of the complaint. The government encourages councils to resolve planning control

breaches informally and to use formal action as a last resort. We acted in accordance with government guidance so were not at fault.

We accepted there was some delay between contacting the neighbour in February 2020 and issuing the Enforcement Notice in June 2020. This was because of issues the neighbour raised which needed to be addressed and due to the impact of the COVID-19 pandemic. The LGSCO accepted our explanation and did not find us at fault.

The neighbour subsequently made further changes to the structure including adding a large fence along its edge. We reassessed whether the fence was a new breach of planning control before deciding to proceed with prosecution. We did not unduly delay doing so. The LGSCO concluded the Council was not at fault.

We decided to halt progress on the case while Mrs X's neighbour complained to the Ombudsman. This was not found to be a fault. However, the LGSCO's investigation ended in February 2021. We did not take any action until the end of May 2021 and then made little progress on the case until September 2021 when we began preparing the prosecution evidence. The LGSCO considered our explanation for the delay in that period but still considered there was unnecessary drift. The LGSCO concluded that this caused Mrs X avoidable frustration. The LGSCO therefore recommended that an apology be made to Mrs X. The LGSCO were satisfied the Council had made suitable efforts to prevent the fault again by hiring an extra member of staff and by reviewing how we respond to low priority cases.

The LGSCO found fault leading to personal injustice and recommended action to remedy that injustice. The LGSCO recommended that we offer Mrs X a meaningful apology for the frustration caused by the delays in progressing the case in 2021 and requested that we offer the apology within one month of the date of the final decision being reached.

3.5 21007140 Community Safety (Environmental Services & Public Protection & Regulation) Upheld – Maladministration and Injustice

The LGSCO found evidence of fault by the Council. The Community Protection Notice served on a neighbour due to anti-social behaviour was not worded in a way that it was enforceable. In addition, when the Council got legal advice on the notice, it did not review or revise it to ensure that it was relevant to the anti-social behaviour complained about. The Council's apology and revision of procedures on wording and reviewing notices remedies the injustice caused.

The Council served a CPN in April 2020 as we believed the issues were mainly anti-social behaviour. In April 2020 we were not aware how long COVID-19 restrictions would be in place for and so expected to be able to carry out monitoring at some point.

We were aware that Mrs Y was experiencing problems with her neighbours that needed monitoring. However, we did not consider noise was the main issue so did not install noise monitoring equipment initially. Having looked at the diary sheets Mrs Y provided the LGSCO could see that her complaints were about a wide range of anti-social behaviour and so they could understand why the CPN was used rather than noise monitoring.

In response to the LGSCO's enquiries, we explained that we believed we could have improved three things during Mrs Y's complaint. The LGSCO considered that the first two were fault.

Firstly, the LGSCO said that the Council should have reviewed the CPN once officers were aware of the legal advice that serving the CPN on the property owner did not mean that it applied to other members of the household. Officers did not consider if a different notice could be served in order to remedy this fault.

Second, the LGSCO concluded that the wording of the notice needed improvement to enable the Council to take enforcement action. The CPN described the noise levels Mrs Y's neighbour should comply with as 'respectable' and 'minimal'. These are subjective and respectable levels of noise could mean different things to different people. The CPN also said the neighbour should tell Mrs Y when she was going to have a bonfire. But, unless this was done in writing there would be no proof. In addition, officers would be unlikely to be able to decide if the bonfire material was wet or dry once the neighbour had burnt it. So, the LGSCO considered the imprecise wording on the notice was fault.

We explained that we felt that we could have also managed Mrs Y's expectations in an improved way so she was aware of what the Council could achieve. While this was noted, the LGSCO were not convinced the Council's actions on this point amounted to fault.

We agreed that we were at fault, as we could have dealt with the above areas of the case more effectively. We explained that if Mrs Y continues to have problems with noise from her neighbours, we will consider installing noise monitoring equipment.

Mrs Y has explained that she felt there has been no deterrent to her neighbour, as the Council did not enforce the CPN. In order to remedy her injustice, The LGSCO considered the Council should apologise to Mrs Y and ensure that we improve our procedures to prevent similar problems in the future.

The LGSCO recommended that the Council wrote to Mrs Y within one month of the date of the decision on this complaint to apologise that we could have dealt with her complaint more effectively.

They also recommended that we review our procedures to ensure that the wording in Community Protection Notices is effective and that officers review them after any legal advice is received, within two months of the date of the decision on this complaint.

The LGSCO upheld this complaint as the Council was at fault and concluded that the steps outlined above were a satisfactory remedy to the injustice suffered by Mrs Y.

4. Compliance with Ombudsman Recommendations

- 4.1 The LGSCO produce and report statistics on compliance with the recommendations they make in relation to upheld complaints. The LGSCO's recommendations are specific and will include a timeframe for completion, allowing them to follow up with authorities and seek evidence that the recommendations have been implemented.
- 4.2 During 2021/22 there were two sets of recommendations that had to be completed within a certain time period.

- 4.3 We carried out the recommendations within the required timeframe so the compliance rate for West Lindsey District Council in 2020/21 was 100%.
- 4.4 The LGSCO state that failure to comply with recommendations made is rare. *“An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.”*
- 4.5 A complaint that was concluded at the end of March 2021 recommended a £450 payment and other improvement actions, this payment was made from an existing service budget in April 2021 and the other recommendations were completed during the 2021/22 period. Details of the complaint and why it was upheld were included in last year’s annual report but are also included again below. These recommendations are included in this year’s compliance data.

Service and LGSCO Reference	Received	Decided	Decision	Decision Reason
Environmental Services & Public Protection & Regulation 20006845	22/10/2020	26/03/2021	Upheld	Maladministration and Injustice
Days to resolve 155 days				
Remedy				
Financial redress: Avoidable distress/time and trouble, Provide services, Procedure or policy change/review, Provide training and/or guidance <ul style="list-style-type: none"> • Pay Mr B £450 to recognise the distress, time and trouble we caused him. • Commence an investigation into the noise nuisance issue. We should ensure we record our decision making properly and appropriately. • If the Councils investigation leads to any action the Council should consider a financial remedy payment to Mr B for the period we failed to investigate. The LGSCO suggested that we should consider a monthly payment for any loss of amenity. This amount should take into consideration the severity of the loss, circumstances of the complaint and impact on daily life. 				
Service Improvement Recommendations				
The Council should: <ul style="list-style-type: none"> • Remind relevant staff of the community trigger review process and when to inform a customer of this option. • Remind relevant officers of the importance of proper and appropriate record keeping of decision making. • Review its policy and procedure of how it works with other agencies in respect of noise nuisance and ASB complaints. It should conduct the review with the fault and learning points of this investigation in mind. It should provide the Ombudsman with evidence of any changes to prevent a recurrence of the fault. 				
Learning and Improvement Actions				
An email was sent to relevant officers regarding the Community Trigger Review Process and amendments to the Environmental Policy in regards to how we will liaise with other agencies. Information regarding the Community Trigger Review Process is now included on our standard letters.				

The policy for Environmental Protection has been reviewed and amended:

Section 3.6 now states *“Where there are complaints that contain both statutory nuisance and other regulatory issues (i.e. Anti – Social Behaviour) the Council will use the relevant powers available to deal with the specific complaint. This may mean that multiple powers and multiple officers are used across single cases in order to ensure that the overall complaint is resolved. For example, if an ASB case includes a noise complaint, the Council will investigate the noise and the ASB as separate cases in line with its statutory obligations. Where the complaints involve different agencies, it will be made clear to the complainant and any other parties involved, which agency is responsible for which aspects.*

Where possible the Council will ensure that there is a lead officer for the overall case to ensure that there is a coordinated response to the customer. Information in relation to the case or cases will be shared across the relevant agencies in order to ensure that each party is aware of the current position.” - All relevant staff are aware of this amendment to the policy.

The relevant officers have been advised and reminded of the importance of proper and appropriate record keeping via email. Updates have also been made to the decision-making form which is used by the team. This is merged through our database, can be used at any step, and is used for any decision recording the officer feels necessary. Our procedures have been updated to include to this process.

- 4.6 The other complaint that was upheld in 2020/21 that concluded in a recommendation from the LGSCO was in relation to Planning Enforcement (Planning and Development, the full details of this complaint are included within the sections above (21001434) Planning Enforcement. An apology was recommended, this was sent within the required timeframe.
- 4.7 The recommendations made for the upheld complaint (21007140) Community Safety which is included in the upheld section above were to be implemented within the next period (2022/23), they were completed in May 2021 and will be included within the compliance details in next year’s annual report.

5. Learning from LGSCO Complaint Investigations

- 5.1 During 2021/22 learning opportunities from LGSCO complaints have been minimal. Only one procedure/policy change was recommended.
- 5.2 Following receipt of the upheld complaint decision in relation to Community Safety relevant officers were briefed on the LGSCO’s findings and recommendations. In May 2022 a new procedure for Community Protection Notices (CPN’s) was produced and implemented to assist officers when drafting and serving a CPN in the future to ensure that any wording used is accurate, relevant and that it can be enforced should it need to be. The new procedure was shared with the LGSCO as evidence.
- 5.3 A complaint in relation to Planning Enforcement services, although not upheld, did highlight a need for ensuring planning application conditions are more relevant, specific and easily enforceable in the future. This stemmed from a complaint where the enforcement team were not able to take any action as the planning condition was not specific enough. It is important for all planning conditions to be practical and enforceable. This observation has been shared with the relevant Team Managers for consideration.

6. Comparison with other Local Authorities Nationally

- 6.1 The LGSCO deals with complaints for 356 local authorities in total.
- 6.2 West Lindsey District Council is number **264**/356 overall in terms of the number of complaints referred to the LGSCO for each authority, the highest number of complaints being 463 for Birmingham City Council. Last year West Lindsey District Council was number 188/356 overall.
- 6.3 In terms of the number of upheld complaints West Lindsey District Council is number **239**/356 overall. Birmingham City Council had the highest number of upheld complaints with 100 of their complaints being upheld by the LGSCO. Last year West Lindsey District Council was number 203/356 overall.
- 6.4 Compared to the previous period (2020/21) West Lindsey District Council has moved to a lower position on the chart for the number of complaints referred and upheld by the LGSCO, this is a positive move.
- 6.5 The tables that show the results for all authorities can be accessed here: <https://www.lgo.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>

7. How we compare with other similar Local Authorities

- 7.1 A list of 20 local authorities that are similar to West Lindsey District Council in terms of size, population and services provided has been compiled so that some meaningful comparison and benchmarking can take place.
- 7.2 The tables in [Appendix 2](#) of this report show how West Lindsey District Council compares with the other 20 similar authorities.
- 7.3 In terms of the number of complaints referred to the LGSCO, West Lindsey District Council is number **13**/21 compared to similar local authorities. Last year (2020/21) West Lindsey District Council was number 2/21 overall.
- 7.4 West Lindsey District Council is joint number **6**/21 in terms of the number of upheld complaints when compared to similar local authorities, please keep in mind that only 2 complaints were upheld in total.

Appendix 1 – LGSCO Annual Review Letter 2022

20 July 2022

By email

Mr Knowles
Executive Director of Resources
West Lindsey District Council

Local Government &
Social Care
OMBUDSMAN

Dear Mr Knowles

Annual Review letter 2022

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 2022. The information offers valuable insight about your organisation's approach to complaints. 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.

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.

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 agreed 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 27 July 2022. 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 your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

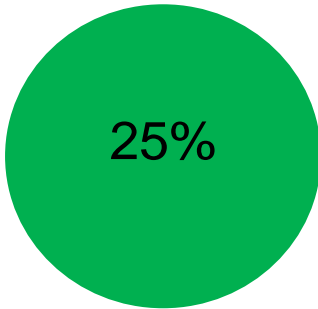
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



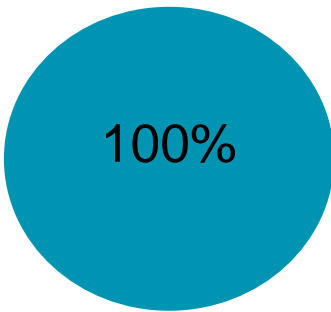
25% of complaints we investigated were upheld.

2 upheld decisions

This compares to an average of 51% in similar organisations.

Statistics are based on a total of 8 investigations for the period between 1 April 2021 to 31 March 2022.

Compliance with Ombudsman recommendations



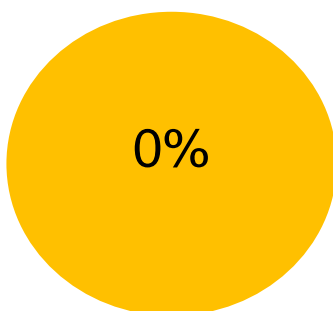
In 100% of cases we were satisfied the organisation had successfully implemented our recommendations.

Statistics are based on a total of 2 compliance outcomes for the period between 1 April 2021 to 31 March 2022.

This compares to an average of 100% in similar organisations.

- 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



In 0% of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

0 satisfactory remedy decisions

Statistics are based on a total of 2 upheld decisions for the period between 1 April 2021 to 31 March 2022

This compares to an average of 20% in similar organisations.

Appendix 2 – Comparison with 20 similar local authorities – Complaints Received

Local Government & Social Care OMBUDSMAN	Adult Social Care	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environmental Services, Public Protection and Regulation	Highways and Transport	Housing	Planning and Development	Other	Total
Derbyshire County Council	22	0	3	40	1	18	0	1	1	86
South Hams District Council	0	0	3	0	12	1	0	10	1	27
South Somerset District Council	0	6	4	0	6	0	0	9	0	25
Allerdale Borough Council	0	1	4	0	4	2	1	6	2	20
Breckland District Council	0	1	3	0	2	1	4	6	0	17
East Lindsey District Council	0	5	1	0	4	0	2	5	0	17
King's Lynn & West Norfolk Council	0	3	1	0	1	1	1	9	1	17
Selby District Council	0	1	3	0	1	0	1	10	1	17
Stratford-on-Avon District Council	0	1	2	0	2	2	1	8	0	16
Babergh District Council	0	0	4	0	1	0	0	9	0	14
Cotswold District Council	0	1	2	0	4	0	0	7	0	14
Torridge District Council	0	4	3	0	1	0	0	6	0	14
West Lindsey District Council	0	1	0	0	1	0	1	9	0	12
Hambleton District Council	0	1	0	0	0	0	0	9	0	10
South Holland District Council	0	0	1	0	1	0	2	4	2	10
Mid Devon District Council	0	1	2	0	1	0	1	4	0	9
North Devon District Council	0	1	0	0	2	0	0	5	1	9
Mid Suffolk District Council	0	0	1	0	3	0	0	3	0	7
North Kesteven District Council	0	0	1	0	2	0	0	3	0	6
Copeland Borough Council	0	0	0	0	2	0	0	2	0	4
Daventry District Council	0	0	0	0	2	0	0	2	0	4

Notes

These statistics include all complaints and enquiries that were received from 01 April 2021 to 31 March 2022.

Some cases are received and decided in different business years. This means the number of complaints and enquiries received may not match the number of decisions made.

You can find comparisons with last year's data on the second tab of this workbook.

For more information on how to interpret our : please visit: <http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Appendix 2 continued – Comparison with 20 similar local authorities –

Complaints and Enquiries Decided (by Outcome) 2021-22

Local Government & Social Care OMBUDSMAN	Invalid or Incomplete	Advice Given	Referred Back for Local Resolution	Closed after Initial Enquiries	Not Upheld	Upheld	Total	Uphold rate (%)	Average uphold rate (%) of similar authorities
Derbyshire County Council	2	3	30	28	6	24	93	80%	71%
Allerdale Borough Council	3	0	6	7	1	4	21	80%	51%
East Lindsey District Council	0	0	7	7	3	3	20	50%	51%
South Somerset District Council	0	0	12	7	4	3	26	43%	51%
Stratford-on-Avon District Council	0	0	3	7	2	3	15	60%	51%
Cotswold District Council	0	0	6	6	1	2	15	67%	51%
Daventry District Council	0	0	1	2	1	2	6	67%	51%
Hambleton District Council	0	0	1	7	2	2	12	50%	51%
North Devon District Council	0	0	4	6	0	2	12	100%	51%
North Kesteven District Council	0	0	0	4	2	2	8	50%	51%
South Hams District Council	3	0	12	8	3	2	28	40%	51%
Torridge District Council	0	0	5	9	3	2	19	40%	51%
West Lindsey District Council	0	0	1	3	6	2	12	25%	51%
Babergh District Council	1	0	6	6	2	1	16	33%	51%
Mid Devon District Council	0	0	1	6	1	1	9	50%	51%
Mid Suffolk District Council	0	0	3	4	4	1	12	20%	51%
South Holland District Council	2	0	3	4	3	1	13	25%	51%
Breckland District Council	3	0	4	7	2	0	16	0%	51%
Copeland Borough Council	0	0	1	2	2	0	5	0%	51%
King's Lynn & West Norfolk Council	1	0	8	4	4	0	17	0%	51%
Selby District Council	0	1	3	12	2	0	18	0%	51%

Notes

These statistics include all complaints and enquiries that were decided from 01 April 2021 to 31 March 2022.

Some cases are received and decided in different business years. This means the number of complaints and enquiries received may not match the number of decisions made.

You can find comparisons with last year's data on the second and third tabs of this workbook.

For more information on how to interpret our statistics: <http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

