

REPORT TO AUDIT & GOVERNANCE COMMITTEE

Date of Meeting: 19 March 2025

Report of: Head of Legal & Democratic Services and Monitoring Officer

Title: Local Government Ombudsman's Annual Review of Complaints 2023-24

Is this a Key Decision?

No

Is this an Executive or Council Function?

Neither. This report is for consideration by the Council's Audit & Governance Committee.

1. What is the report about?

- 1.1. The report explains the role of the Local Government & Social Care Ombudsman (LGO) in investigating and making recommendations concerning complaints about local authorities. It also presents the LGO's annual review of complaints about Exeter City Council for the year ending 31 March 2024.

2. Recommendations:

- 2.1. That Members note the content of this report and the complaints considered by the LGO.

3. Reasons for the recommendation:

- 3.1. The Monitoring Officer is required to communicate to elected members the council's performance in relation to LGO investigations.

4. What are the resource implications including non-financial resources.

- 4.1. There was a compensation payment of £200 arising out of one of the two upheld complaints (22 014 000).

5. Section 151 Officer comments:

- 5.1 Other than
the small amount of compensation to be noted, there are no further financial considerations for Council.

6. What are the legal aspects?

- 6.1. There is a duty under section 5(2) of the Local Government and Housing Act 1989 for the council's Monitoring Officer to prepare a formal report to the council (Audit and Governance Committee) on all Ombudsman complaint decisions.
- 6.2. The LGO considers that this duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period. This may be adequately addressed through an annual report on complaints to members, hence this report.

- 6.3. On limited occasions, the LGO can also issue a '*Formal Public Report*' if a local authority, or any part of it:
- has acted or is likely to act in such a manner as to constitute maladministration or service failure perhaps because of the scale of the fault or injustice, or the number of people affected; and
 - where the LGO has conducted an investigation in relation to the matter.
- 6.4. Under the provisions of The Local Government Act 1974, whenever the LGO issues a Formal Public Report, the Council is obliged to lay that report before the Council for consideration and respond within three months setting out the action taken, or proposed to be taken, in response to the report. The LGO has not issued any Formal Public Reports in relation to Exeter City Council.
- 6.5. In the unlikely event that an authority is minded not to comply with the LGO's recommendations following a finding of maladministration, the Ombudsman would expect the Monitoring Officer to report this to members under section 5 of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

7. Monitoring Officer's comments:

- 7.1. Please see the Monitoring Officers' duty set out in paragraph 6 above.

8. Report details:

- 8.1. The LGO investigates complaints from the public about councils and some other bodies providing public services in England. The LGO investigates alleged or apparent maladministration or service failure that have caused injustice to the complainant. Most council services can be investigated including planning, council tax and housing benefit and some areas of housing. Maladministration in broad terms might include:
- flaws in policies or decision making;
 - poor administrative practice;
 - failure to adhere to or consider properly statutory guidelines;
 - failing to consider properly the exceptional circumstances of an individual or a situation;
 - not properly considering statutory powers or duties; and
 - failing to give an adequate service.
- 8.2. The LGO will usually only become involved after a council's complaints procedure has been exhausted. If the LGO finds the council acted with fault, which caused the person an injustice, it will recommend a remedy to put things right. The LGO's remedies are aimed at putting the person back in the position they would have been had the fault not occurred. Where appropriate it also recommends action to avoid similar issues affecting other people - such as reviewing practice and procedure - and can recommend remedies for other persons affected by faults found in an individual complaint
- 8.3. Details of the complaints received by the LGO about Exeter City Council, and the decisions made by the LGO on those complaints, for the year ending 31st March 2024 are set out in the attached document. Members will note that:
- The Ombudsman made decisions on 7 cases;
 - 2 of those cases were closed after initial enquiries;
 - 2 cases were referred back to the council for local resolution;

- 1 case was not upheld; and
- 2 cases were upheld. A copy of the Ombudsman's Final Decision Notices for these two cases are included in the attached document (References 22014000 and 23014448).

8.4. To assess how the council's performance compares with other councils, the Ombudsman compares three key annual statistics with similar authorities to provide an average marker of performance. This is included in the attached document but is of limited value in view of the low numbers of cases.

9. How does the decision contribute to the Council's Corporate Plan?

9.1. Effective handling of complaints and following due process are aspects of a well-run council.

10. What risks are there and how can they be reduced?

10.1. No risks identified.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- and foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the report addresses the findings of the LGO and does not, of itself, have a negative impact on people with protected characteristics.

12. Carbon Footprint (Environmental) Implications:

12.1 Not applicable

13. Are there any other options?

13.1 Not applicable.

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Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:

None