

## Local Government and Social Care Ombudsman Annual Letter 2020/21

### Jo Beer – Head of Information Governance

The LGSCO's annual letter sets out the complaints they have investigated against the LA in the last financial year. This purpose of this report is to provide further details in relation to the complaints the LGSCO investigated and upheld. The role of the Ombudsman is to consider whether the actions of a local authority has caused an injustice to an individual.

Of the complaints the LGSCO received regarding Torbay Council:

- 15 were closed after initial enquiries
- 14 were referred back for local resolution and advice was given
- 5 were not upheld

The table below shows comparison data to Devon and Plymouth. The LGSO have identified that across authorities similar to Torbay, 63% of complaints they investigated were upheld.

Year	Torbay	Devon	Plymouth
2020/21	72% (13/18)	54% (13/24)	78% (14/18)
2019/20	53% (8/15)	58% (21/36)	52% (12/23)
2018/19	71% (12/17)	65% (22/34)	90% (18/20)

The table on page 2 below sets out the details of the 13 cases which were upheld, the majority of which the LGSCO determined there had been maladministration and injustice to the customer.

The Ombudsman has identified in his letter that he is concerned about the erosion of effective complaints procedures in local authorities and therefore we will need to be able to demonstrate that our process is effective and that we are aiming to provide local resolutions and remedies where possible. Torbay Council will continue to welcome feedback from our customers about the services we provide and we will continue to welcome the independent oversight from the LGSCO.



\*The table shows the categories of services as the LGSCO categorises complaints, they do not necessarily reflect the same service structure at Torbay Council. For example, Education & Children’s Services is Children’s Services at Torbay Council, and Environmental Services & Public Protection & Regulation covers services which sit under Community Safety.

Category*	Decision	Decision Reason	Remedy	Service improvement recommendations
Education & Children’s Services	Upheld	mal & injustice	Apology, New appeal/review or reconsidered decision, financial redress: Loss of service, Financial redress: Avoidable distress/time and trouble	
Environmental Services & Public Protection & Regulation	Upheld	mal & injustice - no further action, BinJ already remedied		
Housing	Upheld	mal & injustice	Apology, Financial redress: Avoidable distress/time and trouble, new appeal/review or reconsidered decision, Provide information/advice	The Council will inform the Ombudsman what action it will take when people tell it they are subject to hate crimes.
Highways & Transport	Upheld	mal no injustice		
Adult Care Services	Upheld	mal & injustice	Financial Redress: Quantifiable Loss	
Planning & Development	Upheld	mal & injustice	Financial Redress: Quantifiable Loss	
Adult Care Services	Upheld	mal & injustice	Apology, Financial redress: Avoidable distress/time and trouble £150	
Highways & Transport	Upheld	mal & injustice	Reassessment	
Education & Children’s Services	Upheld	mal & injustice	Apology, Provide training and/or guidance	Remind its social workers to: Ask for contact information at the earliest possible opportunity where it seems likely reports or other documents will have to be shared. Ensure they send relevant reports to all participants well in advance of any meetings.
Environmental Services & Public Protection & Regulation	Upheld	mal & injustice	Apology, Financial redress (£50): Avoidable distress/time and trouble, Provide information/advice	
Adult Care Services	Upheld	Injustice remedied during complaint processes		

Corporate & Other Services	Upheld	mal & injustice	Apology, Financial Redress (£90): Quantifiable Loss	
Benefits & Tax	Upheld	mal & injustice	Apology, Financial redress (£400): Avoidable distress/time and trouble, Provide training and/or guidance	The Council has agreed to provide training or guidance to relevant staff, to ensure they are aware of the need to make evidence-based decisions and to keep a contemporaneous written record of decisions and reasons.

