

**CABINET
9 SEPTEMBER 2025**

**COMPLAINTS MADE TO THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN
AND THE HOUSING OMBUDSMAN SERVICE**

**Responsible Cabinet Member -
Councillor Mandy Porter, Resources Portfolio**

**Responsible Director -
Elizabeth Davison, Executive Director Resources and Governance**

SUMMARY REPORT

Purpose of the Report

1. To provide Members with the Annual Review Letter of the Local Government and Social Care Ombudsman (LGSCO) (**Appendix 1**).
2. To provide Members with an update on the outcome of cases which have been determined by the LGSCO and the Housing Ombudsman Service (HOS) since the preparation of the previous report to Cabinet on 10 September 2024.

Summary

3. The Annual Review Letter of the LGSCO, provides a positive assessment of the Council's performance against their three performance measures.
4. This report sets out in abbreviated form the decisions reached by the LGSCO and the HOS between 1 April 2024 and 31 March 2025 and outlines actions taken as a result. It seeks to identify trends and any further organisational learning to improve services provision.

Recommendation

5. It is recommended that the contents of the report be noted.

Reasons

6. The recommendations are supported by the following reason; it is important that Members are aware of the outcome of complaints made to the LGSCO and the HOS in respect of the Councils activities.

**Elizabeth Davison
Executive Director Resources & Governance**

Background Papers

Correspondence with the LGSCO and HOS is treated as confidential to preserve anonymity of complainants.

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Council Plan	Learning from complaints contributes towards the delivery of the priorities in the Plan.
Addressing inequalities	Learning from complaints, compliments and comments contributes to addressing inequality.
Tackling Climate Change	Learning from complaints, compliments and comments contributes to tackling climate change.
Efficient and effective use of resources	The revised procedures aim to improve the efficiency with which complaints are handled. The recommendations contained within the appended reports aim to reduce risk and improve efficiency in the way we interact with our customers.
Health and Wellbeing	Learning from complaints, compliments and comments contributes to the effective delivery and the improved health and well-being of the population of Darlington.
S17 Crime and Disorder	Learning from complaints, compliments and comments contributes to the effective delivery of the Community Safety services.
Wards Affected	All.
Groups Affected	All.
Budget and Policy Framework	This report does not have a direct impact on the Budget and Policy Framework.
Key Decision	This report does not constitute a Key Decision.
Urgent Decision	This report does not require an Urgent Decision.
Impact on Looked After Children and Care Leavers	The purpose of the Children's Social Care Complaints, Compliments and Comments Annual Report is, in part, to improve the service we provide to Looked After Children and Care Leavers.

MAIN REPORT

Background

7. The LGSCO encourages officers to share the annual letter with colleagues and elected Members, as the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.
8. The opportunity is normally taken to analyse the areas of the Council's functions where complaints have arisen. It is appropriate to do that in order to establish whether there is any pattern to complaints received or whether there is a particular Directorate affected or a type of complaint which is prevalent. If there were a significant number of cases in any one particular area, that might indicate a problem which the Council would seek to address.

Information and Analysis

Annual Review Letter of the Local Government and Social Care Ombudsman

- 9. As detailed in their Annual Review Letter (Appendix 1), the LGSCO made 5.4 upheld decisions per 100,000 residents. The average for authorities of this type is 5.3 upheld decisions per 100,000 residents.
- 10. The LGSCO were satisfied the Council had successfully implemented 100% of their recommendations.
- 11. The LGSCO also found the Council had provided a satisfactory remedy in more upheld cases (33%) than similar organisations (10%), before the complaint reached the Ombudsman.

Outcome of cases which have been determined by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service (HOS)

- 12. Between 1 April 2024 and 31 March 2025, the LGSCO notified the Council it had determined 17 complaints.
- 13. Between 1 April 2024 and 31 March 2025, the HOS notified the Council it had determined one complaint.
- 14. The LGSCO has updated the decisions they use. As a result, it is not possible to make a direct comparison with previous years. However, the new decisions in ***bold/italics*** in the table below are broadly comparable to those previous decisions in *italics* in the table below.

15. The outcome of cases on which the LGSCO reached a decision is shown in the table below.

LGSCO Findings	No. of cases 2024/25	No. of cases 2023/24	No. of cases 2022/23	No. of cases 2021/22
Closed after initial enquiries: no further action	7	11	9	9
Closed after initial enquiries: out of jurisdiction	4	5	4	1
<i>Not upheld: no fault</i>	0	0	1	N/A
<i>Not upheld: No further action</i>	0	1	N/A	N/A
<i>Not upheld: no maladministration</i>	0	0	1	1
Premature	0	1	N/A	N/A
<i>Upheld: fault and injustice</i>	3	3	4	N/A
<i>Upheld: Maladministration and Injustice</i>	0	0	0	4
Upheld: Maladministration, No Injustice	0	0	0	0
<i>Upheld: fault and injustice – no further action, organisation already remedied</i>	0	2	1	N/A
<i>Upheld: maladministration and injustice - no further action, satisfactory remedy provided by the org</i>	0	0	0	1
<i>Upheld: no further action, organisation already remedied</i>	3	3	1	N/A
<i>Upheld: not investigated - injustice remedied during Body in Jurisdiction's complaint process</i>	0	0	0	0

16. The outcome of cases on which the HOS reached a decision is shown in the table below.

HOS Findings	No. of cases 2024/25	No. of cases 2023/24	No. of cases 2022/23	No. of cases 2021/22
Maladministration	0	2	0	0
No Maladministration	0	0	0	0
Service Failure	1	0	0	2

17. A summary of the findings in relation to those cases which were upheld is provided below.

Local Government and Social Care Ombudsman (LGSCO)

Upheld: fault and injustice

18. Mrs X complained the Council failed to properly comply with some of the recommended actions it agreed to complete following the Ombudsman's investigation into her original complaint about Disability Related Expenditure (DRE) requests. The Council was at fault for

its delays and failure to properly complete the agreed actions. It was also at fault for its poor communication with Mrs X. This caused Mrs X and Mr Y injustice. To remedy the injustice caused by the faults identified, the Council apologised; paid Mrs X £150 to acknowledge the further distress and confusion caused; issued Mr Y a new support plan which showed the increased £50 per session for his Day Care DRE; and backdated Mr Y's Day Care DRE to May 2021 and refunded him with the additional one-year outstanding DRE cost.

19. Mr X and his mother, Mrs Y, complained about the Council's failure to provide a personal budget that met his eligible care and support needs. The LGSCO found the Council to be at fault. To remedy the injustice the Council agreed to apologise, pay Mr X and Mrs Y £100 each to recognise their distress and frustration caused; and refund the money paid by Mr X to attend day services back to when he was first charged. The Council also agreed to refund other services users who were similarly affected and make service improvements.
20. Mr X complained the Council lost evidence, delayed and didn't adequately investigate his reports of noise nuisance from a barking dog. The Council had not retained all the documents relating to this case causing frustration and uncertainty. However, the Council had subsequently investigated the complaints and found no evidence of a statutory nuisance. To remedy the injustice caused by the fault identified the Council paid Mr X £400 to recognise the uncertainty and frustration caused and issued a written reminder to all staff of the importance of keeping proper records.

Upheld: no further action, organisation already remedied

21. Mr X complained about the quality of his mother's, Mrs Y's, domiciliary care. He said the Care Provider had failed to provide the care specified in Mrs Y's care plan, including medication errors, and missed meals. Mr X said despite the Council upholding his complaint the issues had continued. The LGSCO decided they would not investigate the complaint as the Council had fully upheld the complaint and agreed to make service improvements. The LGSCO concluded further investigation by the Ombudsman would not lead to a different outcome.
22. Mr B was concerned about a lack of safety procedures in the Lifeline services provided by the Council to meet Adult Social Care needs. Because the Council had not provided a copy of the relevant procedures Mr B did not believe they existed and worried anyone using the Lifeline service is at risk. Mr B wanted the Council to review or create safety procedures for the Lifeline service. The LGSCO decided they would not investigate the complaint as the Council accepted fault and has taken satisfactory action to acknowledge the impact on the complainant and improve future service. The LGSCO concluded there was not enough evidence to suggest a wider problem that would justify investigation.
23. Mr X complained his father Mr Y, has been charged £9,000 for care received having been told by the Council the care would be funded. The LGSCO decided not to investigate Mr X's complaint as the Council has agreed a proportionate way to resolve the complaint.

Housing Ombudsman Services (HOS)

Service Failure

24. The HOS determined that in accordance with paragraph 52 of the Housing Ombudsman Scheme, there was service failure by the landlord (the Council) in relation to its response to the resident installing CCTV and its complaints handling. To remedy the complaint the Council apologised and paid the resident £200 in recognition of the distress, inconvenience and time and trouble caused. The Council also ensured its staff were fully trained on the guidelines surrounding domestic CCTV and are clear on how residents can apply for permission and in what circumstances it might grant permission; and contacted the resident to check if they had any current concerns about vandalism or security issues.

Analysis

25. The Council's performance, as detailed in the Annual Review Letter of the LGSCO, is comparable to other unitary authorities in terms of upheld decisions, implementation of recommendations and notably better in terms of providing a satisfactory remedy to complainants prior to the LGSCO's involvement.
26. In relation to LGSCO decisions, the Council received three Upheld: Fault and Injustice decisions, the same number as in 2023/24. The Council also received three Upheld: no further action, organisation already remedied decisions, the same number as in 2023/24.
27. In relation to HOS decisions, the Council received zero maladministration decisions, a decrease from two in 2023/24. The Council also received one Service Failure decision, an increase from zero in 2023/24.
28. No trends have been identified that would lead the Council to implement additional measures to those identified by the Ombudsmen, and the organisational learning identified as a result of these complaints should be sufficient to assist in ensuring there is not a re-occurrence.

Outcome of Consultation

29. The issues contained within this report do not require formal consultation.