

## **PUTTING THE LOCAL IN THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN**

Michael King, chair of the Local Government and Social Care Ombudsman

For nearly 50 years, the Local Government and Social Care Ombudsman (LGSCO) has had the power to investigate complaints about problems faced by people using all kinds of local services, from registering births to caring for our oldest residents.

We investigate complaints about principal local authorities, district and borough councils, county councils, unitary and metropolitan authorities, national parks, and many others. We respect and support those organisations resolving their complaints locally wherever possible.

But when this fails, we are a vital independent backstop. When we decide to investigate someone's complaint and find fault causing injustice, we help put things right and prevent things from going wrong in future.

However, dig a little deeper, and there's a whole layer of local government that we cannot look at when things go wrong in local (parish and town) councils.

The legislation we have worked to since the early 1970s deliberately excludes this most local foundation of councils from our remit. We can only investigate complaints concerning local councils where they deliver services on behalf of a principal authority. Yet where they provide their services, we cannot look at complaints about them.

So, for example, if a town council delivers a park maintenance contract for principal authorities, we could look at complaints about this. We would then hold that principal authority, not the parish, to account for any faults we found. This is because we treat services provided on behalf of a council as the responsibility of that council. But if a local council used its powers to provide a service, we couldn't investigate complaints about those matters.

We know the world of local government has radically changed since our enabling legislation was drafted in 1974. We think it's high time it is changed so we can adequately reflect local councils' critical role in people's lives.

Local councils are now often at the heart of delivering critical, valued local services. People complaining about those services have no place to go other than the courts if they are dissatisfied with how things have been resolved locally.

Equally, we know many local councils are frustrated by having no independent place to refer complainants to and to help bring closure to complaints made without merit.

Now, with some local council budgets exceeding those of smaller districts, new councils being created, including in previously unparished cities, and local councils taking on services in areas with prominent new unitary principal authorities, we are convinced of the need for change.

That said, this expansion of jurisdiction would need to be managed carefully. With more than 10,000 local councils in existence, we need to find a way of focusing on the complaints that matter most.

Every three years, we present to the government our proposals for changing the way we work. Our most recent Triennial Review, published in December, suggested bringing the largest 100 local councils under our jurisdiction. We also suggested carefully piloting this new approach, working closely with the National Association of Local Councils (NALC) and volunteer local councils to explore how this might work.

As part of that pilot, we can help develop the effectiveness of local complaint handling. We would support the new, or newly empowered, parish and town councils to establish efficient, effective complaint-handling systems. Working together this way, whilst preserving our independence, could help develop best practices for modelling elsewhere.

The councils in the pilot would benefit from an impartial, independent investigation of a complaint, once that council has had the opportunity to look at it, and a final word on what happened judged against what should have happened. From the thousands of cases, we investigate every year; we know many organisations value the line in the sand we draw under often intractable cases which have, in some cases, been ongoing for months or years.

We strongly welcome NALC's thoughtful, supportive work with us in developing these proposals. We share NALC's commitment to recognising the professionalism and significance of local councils. We await its response with our Triennial Review now lodged with the government. The focus of the government's time will be on the levelling up agenda. Our Triennial submission emphasises the vital role we see for the ombudsman in enabling 'levelling up through speaking up'.

We look forward to continuing to work with NALC and its members on this critical objective.

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