

Research Briefing

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Local Government and Social Care Ombudsman



Summary

- 1 Introduction
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Summary

The Local Government Ombudsman investigates complaints from members of the public who have suffered personal injustice arising from maladministration by local authorities.

The Ombudsman investigates complaints about local councils, care homes and some other organisations providing local public services in England. The service is independent of government and of Parliament.

The Ombudsman was created in 1974 by the [Local Government Act 1974](#) which established the Commission for Local Administration, the body that oversees its work and determines its strategic priorities.

The Ombudsman was renamed the Local Government and Social Care Ombudsman (LGSCO) in 2017 to reflect the fact that it looks at all areas of adult social care, including privately arranged or funded care.

Similar duties are carried out by the [Public Services Ombudsman for Wales](#), the [Scottish Public Services Ombudsman](#) and the [Northern Ireland Public Services Ombudsman](#). Complaints against central government departments and health bodies in England are covered by the [Parliamentary and Health Services Ombudsman](#).

For a valid complaint to be made, a complainant must have suffered personal injustice through maladministration by the authority or body concerned. They should also have made use of the authority's own complaints procedure before approaching the LGSCO. The LGSCO has a great deal of discretion in the way it carries out its functions with an emphasis on seeking a settlement between the complainant and the authority, rather than in formally identifying maladministration.

The LGSCO cannot compel an authority to implement its recommendations, although in practice councils almost always do act on them. There is no right of appeal against a decision by the LGSCO, but it is possible to seek judicial review where it is believed that the legal basis of a decision is flawed.

1 Introduction

The first ombudsman scheme, the Parliamentary Ombudsman, was created in 1967. Over the next decade, other public-sector ombudsmen were appointed and by the late 1970s there were parliamentary, health, and local government ombudsman services in all parts of the United Kingdom.

The Local Government and Social Care Ombudsman's powers and responsibilities are set out in the [Local Government Act 1974](#). The Ombudsman can investigate complaints from members of the public who believe that they have suffered injustice because of maladministration by local authorities and other bodies providing public services.

The Ombudsman is appointed by the King under the 1974 Act on the advice of the Secretary of State for Levelling Up, Housing and Communities.¹

The LGSCO's head office is in Coventry with satellite offices in London and York. The [Local Government Act 1974](#) originally required them to divide England into areas with one or more local commissioner responsible for each area.² The 2007 Act introduced greater flexibility by allowing the Commission to decide on categories for the allocation of investigations with each category the responsibility of one or more of the local commissioners.³

Information on the workload of the LGSCO service can be found in the [annual reports and accounts](#) and [complaints statistics](#) on its website. The annual report must be laid before Parliament. The service employed 175 staff in 2023.⁴

The current Ombudsman, Amerdeep Somal, was appointed following an open recruitment process overseen by Commissioner for Public Appointments.⁵

¹ [Local Government Act 1974 section 23\(4\)](#)

² [Local Government Act 1974 section 23\(8\)](#)

³ [Local Government and Public Involvement in Health Act 2007 section 169](#)

⁴ LGSCO, [Annual Report and Accounts 2022/23](#) (PDF), HC 412, December 2023, page 60

⁵ DLUHC, [New Local Government and Social Care Ombudsman appointed](#), 18 January 2024

2

The role of the ombudsman

The LGSCO investigates individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other public service organisations.

The Ombudsman covers local authorities and other specific public bodies within England only. Complaints about English NHS bodies and UK government departments should be addressed to the [Parliamentary and Health Service Ombudsman](#).⁶ Complaints about public bodies, including health bodies, in Scotland, Wales and Northern Ireland, should be addressed to the Ombudsmen in those parts of the UK.⁷

Parish and town councils do not come within the Local Government Ombudsman's jurisdiction. In Wales, community councils are covered by the Public Service Ombudsman for Wales.

The various [types of authorities whose actions may be investigated by the LGSCO](#) are listed on its webpage: [how to make a complaint](#).

2.1

Handling complaints

The Ombudsman's enabling legislation, the 1974 Act, gives the Ombudsman discretion in deciding which complaints to pursue and how. The LGSCO uses an [Assessment Code](#) to decide which complaints to investigate. It aims to complete its assessment within 20 working days.⁸ It can take many months from start to finish for a complaint that goes through all its stages.

The Ombudsman's [internal guidance on jurisdiction](#) provides more detail on [Who can complain](#).

The 1974 Act requires that a member of the public must have personally sustained injustice in consequence of maladministration in connection with the action taken by or on behalf of an authority. The Act defines a member of the public as "an individual or a body of persons, whether incorporated or not" other than public authorities or bodies set out in the Act⁹ so, for

⁶ Commons Library briefing [The Parliamentary Ombudsman: role and proposals for reform](#)

⁷ See the [Scottish Public Services Ombudsman](#), the [Public Services Ombudsman for Wales](#), and the [Northern Ireland Public Services Ombudsman](#).

⁸ The [2021-22 Annual report](#) notes that this is an aspirational aim. The LGSCO has set a target of carrying out an initial investigation on 40% of cases in 20 working days, page 14.

⁹ [Local Government Act 1974 section 27](#)

example, a parish council or public body cannot put forward a complaint in its own name.

Maladministration is not defined in legislation. The LGSCO's website gives some examples of "service failure", which could give rise to a valid complaint:

- Delay
- Poor record keeping
- Failure to take action
- Failure to follow procedures or the law
- Poor communication
- Giving out misleading information
- Failure to investigate
- The organisation not doing what it said it would.¹⁰

Generally, the Ombudsman will only consider complaints within **twelve months** of the date on which the person who is complaining first became aware of the matter they are concerned about.

The Ombudsman requires complaints to be put first to the organisation concerned to give them a chance to resolve the complaint. This usually means going through all stages of the organisation's complaints process. Complainants need not have exhausted every stage of that procedure, but they should have allowed the council a 'reasonable opportunity' (normally defined as 12 weeks from the date of submission of the initial complaint) for the matter to be dealt with.

There are certain matters that the Local Government Ombudsman cannot investigate. These include when:

- you have left it more than 12 months since knowing about the problem
- the matter has not affected you personally or caused you an injustice
- the issue affects most people in the council's area
- you have, or had, a right to appeal or take legal action and we think it is reasonable for you to have done so. This might be to:
 - a tribunal (such as the Housing Benefit Appeals Service)
 - a government minister (such as a planning appeal)

¹⁰ LGSCO, [What we can and cannot look at](#) [accessed 2 April 2024]

- the courts
- it is about personnel matters (such as your employment or disciplinary issues).¹¹

Where these alternative remedies are available but have not been used by the complainant, the Ombudsman is not required to investigate though, exceptionally, they may do so.

The LGSCO is not an appeals body or regulator for councils and care providers and cannot overturn decisions made by organisations if they were made in the correct way. It can only look at whether organisations have followed the correct processes when making decisions.

2.2 Investigations and outcomes

In 2022/23, the Ombudsman dealt with around 17,000 complaints and enquiries. Of these, the Ombudsman closed 6,457 cases after initial checks (such as whether the complaint had first been put to the organisation concerned or was within its remit) and closed 6,205 cases after applying its [Assessment Code](#).

Of the 4,301 cases subject to detailed investigation, 3,203 cases (74%) were upheld.¹²

While the Ombudsman does not have legal powers to force organisations they investigate to follow their recommendations, it is rare for them not to be implemented. 99.4% of its recommendations were complied with in 2022/23.¹³

In addition to investigating individual complaints, the LGSCO aims to improve local services by:

- making recommendations to improve services that will benefit everybody (organisations investigated agreed to carry out more than 2,500 service improvements)
- sharing the learning from its investigations to increase accountability for service providers and inform public policy (publication of public interest reports and focus report)

The Assessment Code

The 1974 Act gives the Ombudsman discretion in deciding which cases to pursue.¹⁴ Using its [Assessment Code](#), the LGSCO concentrates on issues that

¹¹ LGSCO, [What we can and cannot look at](#) [accessed 2 April 2024]

¹² LGSCO, [Annual Report and Accounts 2022-2023](#) (PDF), December 2023, p9

¹³ LGSCO, [Annual Report and Accounts 2022-2023](#) (PDF), December 2023, p6

¹⁴ [Local Government Act 1974 section 24A\(6\)](#)

have had a serious or long-term impact on people's lives, or which affect many individuals. It applies its Assessment Code in two stages. The [jurisdictional stage](#) considers any legal restrictions, the [discretionary stage](#) uses four inter-related tests:

- [The Public Interest Test](#) - This assesses the level of wider public interest arising from the individual case.
- [The Injustice Test](#) - This assesses the level of personal injustice the complainant claims to have been caused as a direct result of the actions or inactions of the service provider.
- [The Fault Test](#) - This assesses the scale and nature of the fault, that the complainant alleges has occurred and whether it is directly linked to the injustice claimed.
- [The Remedy Test](#) - This assesses how likely it is we will be able to achieve a meaningful outcome to the complaint.¹⁵

Where the LGSCO decides to investigate, it shares a draft decision with the complainant once it thinks it has enough information to make a fair decision. Once it has made its final decision, it shares this with the complainant and the organisation complained about.

Decisions

LGSCO [Decisions](#) are published in an anonymised form six weeks after the date of completion, unless the Ombudsman decides it is not in the complainant's interest to do so. Where the LGSCO has found that a complainant has suffered injustice through maladministration, it recommends action to put things right. Examples include asking the council to:

- apologise to you
- provide a service you should have had
- make a decision it should have done before
- reconsider a decision it did not take properly in the first place
- improve its procedures so similar problems do not happen again
- make a payment¹⁶

Section 92 of the [Local Government Act 2000](#) gave local authorities the power to pay compensation or provide some other benefit to a person who has been, or may have been, adversely affected by actions that amount to

¹⁵ LGSCO, [How we apply the Assessment Code](#), July 2021

¹⁶ LGSCO, [What the outcome will be](#) [accessed 2 April 2024]

maladministration. Such restitution may be made irrespective of whether the LGSCO has become involved.¹⁷

Public interest and focus reports

The Ombudsman produces public interest reports where there is a recurrent fault, significant injustice, systemic problems, or non-compliance with a recommendation. This triggers the statutory requirement for councils to consider them.¹⁸ The Ombudsman issued 41 public interest reports in 2022-23.

The LGSCO also publishes [focus reports](#) designed to highlight common or systemic issues. Four focus reports were published in 2022-23. Two of these looked at complaints across all public service areas that involved aspects of people's human rights, and of people's rights to be treated equally regardless of having a disability.

The other two focus reports highlighted case studies from two areas of concern for the LGSCO – the need for councils to properly consider the alternative educational needs of children who cannot attend school, and an update on how local housing authorities are implementing the [Homelessness Reduction Act 2017](#) five years after it came into force.

2.3

Right of appeal

Complainants have no right of appeal against a decision by the LGSCO. Complaints about the Ombudsman's decision-making are referred to an internal review process. In 2017-18 this led to a revised decision in 8% of cases.¹⁹

It is not possible to refer a disputed decision on to another ombudsman, or to the Secretary of State for Levelling Up, Housing and Communities. Like the Parliamentary Ombudsman, the LGSCO is a statutory body independent of both Government and Parliament. It is publicly funded but is not answerable, in terms of its decisions on cases, to the Government or to Parliament.

The LGSCO will conduct an internal review under specified circumstances:

We will review our decision if you can show:

- it was based on important evidence that contains facts that were not accurate, and you can show this using readily available information, or
- you have new and relevant information that was not previously available and which affects the decision we made.

¹⁷ [Local Government Act 2000](#), section 92

¹⁸ [Local Government Act 1974, section 31](#)

¹⁹ LGSCO, [Annual report 2017-18](#), page 16

To request a review, you should fill in our form [Your complaint, our decision: review request form](#) within one month of our decision.²⁰

The Government's view on this issue was clarified in September 2009:

Through the Local Government Act 1974 Parliament has established the local government ombudsman as independent of both central Government and local government. Parliament has required the ombudsman to present an annual report to it and the ombudsman's decisions, including on individual cases, can be subject to judicial review by the courts. We consider this sufficient.²¹

Brian Thompson, from the University of Liverpool, addressed this issue in evidence to the Communities and Local Government Committee in 2012:

...the whole point of the Ombudsman service in all areas is that it is meant to be accessed after the complainant has engaged with the body that caused the difficulty. In that sense it is meant to be the top of the complaints ladder. Obviously, there has to be finality and people can make a judgment as to where they think that would be, but the Ombudsman is meant to be the final point, subject to law—so there is the possibility of judicial review, but clearly that will not be possible for everybody who feels disgruntled because they will not be able to afford it. But if you start to do that you are really changing the system, because there has to be a final point and where do you draw that?²²

An independent external evaluation carried out in 2013 considered the lack of an appeal mechanism but rejected the concept of an appeal against ombudsman decisions.²³ The evaluators did recommend that the LGSCO employ an independent reviewer to review complaints about its service.

2.4 Complaint handling code

The LGSCO launched a [Complaint Handling Code](#) in February 2024 to provide a single standard for complaint handling by local councils in areas not already covered by statutory complaint processes.

The Code, issued under [section 23\(12A\)](#) of the Local Government Act 1974, is designed to “help both local authorities and the public to recognise what good looks like in terms of complaint handling.”²⁴

²⁰ LGSCO, [Challenging our decisions](#) [accessed 2 April 2024]

²¹ HC Deb 9 Sep 2009 c2011W. See also [the response](#) to the Communities and Local Government Select Committee's report in 2012.

²² Brian Thompson, [evidence to the Communities and Local Government Select Committee](#), 23 April 2012, Q35, ev6

²³ Richard Thomas CBE, Jim Martin and Dr Richard Kirkham, External evaluation of the Local Government and Social Care Ombudsman, April 2013, pages 69-70

²⁴ LGSCO, [Annual Reports and Accounts 2022-23](#), December 2023, page 2

The LGSCO expect local councils to consider the Code when developing policies and procedures in relation to complaint handling as well as when considering individual complaints.

The LGSCO intends to start considering the Code as part of its processes from April 2026 at the earliest to give local councils the opportunity to adopt the Code successfully into working practices.²⁵

2.5

Changes in jurisdiction

Adult social care

Since October 2010, the Ombudsman has been able to consider complaints from people who arrange or fund their own adult social care (including those who have a personalised budget from a local authority). This group, which was estimated to form about 35% of adult social care users, did not previously have recourse to an independent complaints procedure. By way of contrast, those whose care is funded and arranged by a local authority have long been able to access statutory local authority social services complaints procedures, with subsequent recourse to the LGSCO where they are not satisfied with the local authority's response.

The [Health Act 2009](#) inserted a new part 3A into the Local Government Act 1974, creating an extended remit for the LGSCO to include investigation of complaints about adult social care not arranged or funded by a local authority. The explanatory notes to the Act note that the new scheme was largely modelled on the existing legislation for investigation of complaints concerning local authorities.²⁶ As with councils, the LGSCO will normally only consider a complaint once the care provider has been given a reasonable opportunity to deal with the situation.

The Ombudsman's role is distinct from that of the Care Quality Commission (CQC), which deals with complaints about registered services as a whole and does not consider individual matters. Information and guidance on adult social care complaints can be found on the LGSCO's website.²⁷

The LGSCO's jurisdiction for adult social care is restricted to providers directly registered with the CQC. The LGSCO's 2021 Triennial Review proposed extending this to include care providers who are not registered with the CQC.²⁸

²⁵ LGSCO, [Complaint Handling Code](#) [accessed 10 April 2024]

²⁶ [Health Act 2009: Explanatory Notes](#)

²⁷ LGSCO [Adult Social Care](#) [accessed 2 April 2024]

²⁸ LGSCO, [Triennial Review 2021](#), 2 December 2021, page 11

Councils and councillors

In March 2015 the Government consulted on proposals to extend the jurisdiction of the LGSCO to larger parish and town councils.²⁹ The May 2015 general election meant there was no government response to this consultation.

The 2018³⁰ and 2021 LGSCO Triennial Reviews highlighted this gap in its jurisdiction, particularly where town and parish councils exercise powers previously held by district councils³¹ and recommended a pilot programme to explore bringing the largest town and parish councils within the remit of the LGSCO.³² The government stated that it is “considering the Triennial Review’s proposals and will respond in due course.”³³

The Housing, Communities and Local Government Committee’s 2021 report into devolution in England recommended that the Ombudsman should be “given jurisdiction over those powers which were formerly exercised by district councils which have been passed by unitary authorities to parish, town and community councils”.³⁴

In 2019, the Committee on Standards in Public Life recommended that “The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed.³⁵ This would be in line with the PSOW and NIPSO and would require changes to the Localism Act 2011.

The government’s response noted that sanctions are available to local authorities and that “All councillors are ultimately held to account via the ballot box.”³⁶

The Local Government (Review of Decisions) Act 2015

This Act implements recommendations in Lord Young of Graffham’s report, [Common Sense, Common Safety](#), which advocate the establishment of a fast-track appeal process to the Ombudsman where an event has been banned or restricted on health and safety grounds as a result of advice from council

²⁹ Cabinet Office, [Strengthening parish and town council accountability: consultation on extending the remit of the LGCO to larger parish and town councils](#), 26 March 2015

³⁰ LGSCO, [Triennial Review 2018](#) (PDF), page 8

³¹ LGSCO, [Triennial Review 2021](#), 2 December 2021, page 6

³² As above, page 7

³³ PQ 157508 [[LGSCO: Parish and Town Councils](#)] 28 Apr 2022

³⁴ HCLGC, [Progress on devolution in England](#), HC 36 2021-22, para 159

³⁵ CSPL, [Local Government Ethical Standards A Review by the Committee on Standards in Public Life](#), January 2019, Page 16, Number 14

³⁶ DLUHC, [Government response to the Committee on Standards in Public Life review of local government ethical standards](#) Page 8, recommendation 14

officials. Details of its passage through Parliament are available on the bill pages for the [Local Government \(Review of Decisions\) Act 2015](#).³⁷

Education

Under section 207 of the [Apprenticeships, Skills, Children and Learning Act 2009](#), the Ombudsman took on jurisdiction over schools in relation to internal matters as part of a pilot scheme across 14 local authorities. The pilot ran from April 2010 to July 2011 and was evaluated in the 2012 report, [Parents and Young People's complaints about schools](#).³⁸

This power was returned to the Secretary of State for Education through section 45 of the [Education Act 2011](#), and all complaints to the Ombudsman in this area were resolved by 31 March 2013.

The LGSCO has called this power to be reinstated and for an extension of its jurisdiction to:

- Close the gaps in redress for children and young people with Special Educational Needs and Disabilities
- Encompass academies and free schools into existing powers for 'maintained' schools about admissions, admission appeals, and exclusion appeal cases³⁹

Housing

The LGSCP deals with complaints about most council housing services other than social housing.⁴⁰ The Housing Ombudsman deals with complaints about social housing, including councils' role as social landlords.

The Housing Ombudsman took on the investigation of housing complaints from tenants of local authorities in April 2013 under the provisions of section 44 of the [Localism Act 2011](#), creating a unified service for investigating complaints about the provision of social housing.⁴¹

The LGSCO's 2021 Triennial Review identified gaps in redress for housing complaints and, in conjunction with the Housing Ombudsman, called for amendments to existing legislation.⁴²

³⁷ See [Explanatory Note for the Bill](#) for background and summary of the Bill

³⁸ Department for Education, [Parents and Young People's complaints about schools](#), 23 February 2012

³⁹ LGSCO, [Triennial Review 2021](#), 2 December 2021, pages 15-16; See also [Triennial Review 2018](#) (PDF), page 8

⁴⁰ See LGSCO, [What we can and cannot look at](#) and [Complaint fact sheets: Housing](#)

⁴¹ See Baroness Hanham's comments at Lords report stage: HL Deb 10 October 2011 c1353.

⁴² LGSCO, [Triennial Review 2021](#), 2 December 2021, page 21

2.6

LGSCO and devolution

The only ombudsman with a UK-wide remit is the Parliamentary Ombudsman, who can investigate complaints of maladministration by UK government departments and certain public bodies across the UK, and reserved matters in relation to Wales, Scotland, and Northern Ireland.

The LGSCO's jurisdiction covers England only. Scotland, Wales and Northern Ireland all now have unified public service ombudsmen created by acts of the devolved legislatures that cover the public services devolved in those areas.

Scottish Public Service Ombudsman (SPSO)

The [Scottish Public Service Ombudsman Act 2002](#) established the [SPSO](#). The Act provided for a new, integrated ombudsman service in Scotland, which combined the existing roles of Scottish Parliamentary Ombudsman, the Health Service Ombudsman for Scotland, the Local Government Ombudsman for Scotland and the Housing Association Ombudsman for Scotland into a single ombudsman post.

The SPSO handles complaints in Scotland concerning public services provision. Its remit includes councils, the National Health Service, housing associations and cooperatives, universities and colleges, most water and sewage providers, prisons, the Scottish Government (and its agencies and departments), and most Scottish authorities.⁴³

Section 16 of the 2002 Act gives the SPSO specific powers and responsibilities to publish complaints handling procedures and to monitor and support best practice in complaints handling.⁴⁴

Public Service Ombudsman for Wales (PSOW)

The [PSOW](#) was established by the [Public Services Ombudsman \(Wales\) Act 2005](#) which abolished the Welsh Administration Ombudsman, the Health Service Commissioner for Wales, the Social Housing Ombudsman for Wales and the Commission for Local Administration in Wales, transferring their role and remit to the PSOW.

In addition to the jurisdiction the PSOW has over the general service provision by the devolved administration and local authorities, social landlords, and the National Health Service in Wales, the PSOW also has what the Law Commission has described as a “unique” jurisdiction for an ombudsman, the ethical conduct of local government members and employees.⁴⁵

⁴³ The precise bodies within the SPSO's jurisdiction are set out in parts 1 and 2 of [Schedule 2](#) of the Scottish Public Service Ombudsman Act 2002.

⁴⁴ SPSO, [How to handle complaints](#), 27 October 2022

⁴⁵ Law Commission, [Public Services Ombudsmen](#) (PDF), 13 July 2011, HC 1136, para 2.28

The [Public Services Ombudsman \(Wales\) Act 2019](#) repealed and replaced the 2005 Act. The 2019 Act extended the ombudsman's powers by allowing own initiative investigations without needing a complaint to have been made. It also gives the PSOW the power to act as a [complaint standards authority](#).⁴⁶

[Schedule 3](#) of the 2019 Act lists the bodies that individuals can complain to the Ombudsman about, referred to as listed authorities. They are also [listed](#) on the [PSOW website](#).

Northern Ireland Public Services Ombudsman (NIPSO)

NIPSO was established in April 2016 by the [Public Services Ombudsman Act \(Northern Ireland\) 2016](#). Schedule 3 of that Act lists the authorities within the Ombudsman's jurisdiction. This includes all Northern Ireland government departments, their agencies and public bodies; district councils, education and library boards, as well as Housing Associations in Northern Ireland. NIPSO was also given the power to look into maladministration in relation to university students.

NIPSO investigates complaints of maladministration in the delivery of public services in Northern Ireland. It replaced and expanded on the existing jurisdictions of the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints. These were separate offices held by the same person by convention, and which were previously known collectively as the Northern Ireland Ombudsman.

The 2016 Act extended the ombudsman's powers by enabling it to undertake its own investigations where there is evidence of systemic failings.⁴⁷ These powers came into force in April 2018.

Devolved bodies

The Housing, Communities and Local Government Committee identified gaps in the LGSCO's jurisdiction. Its 2021 report into devolution in England recommended that:

proper complaints procedures should be in place in all combined authorities. The Local Government and Social Care Ombudsman's jurisdiction should also apply to services such as passenger transport authorities which are integrated into combined authorities unless there are equivalent complaint procedures already in place. The Local Government and Social Care Ombudsman should also be given jurisdiction over those powers which were formerly exercised by district councils which have been passed by unitary authorities to parish, town and community councils.⁴⁸

⁴⁶ Law.gov.wales, [Public Services Ombudsman for Wales](#), 9 September 2022

⁴⁷ [Northern Ireland Public Services Ombudsman Act 2016](#), Sections 8 & 9

⁴⁸ HCLG Committee, [Progress on devolution in England](#), HC 36 2021-22, 1 October 2021, para 159

3 Accountability of the Ombudsman

3.1 LGSCO structure

The LGSCO is a statutory body independent of both Government and Parliament. It is publicly funded but not answerable, in terms of its decisions on cases, to a Secretary of State or to Parliament.

The work of the LGSCO is overseen by the [Commission for Local Administration](#) in England chaired by the Ombudsman, Amerdeep Somal.

The [Commission for Local Administration](#), established by the [Local Government Act 1974](#), is the governing body for the [Local Government and Social Care Ombudsman](#) (LGSCO) service. It operates as the board of the LGSCO, setting strategic priorities and reviewing LGSCO's performance against those priorities. The [Executive Team](#) is responsible for the day-to-day management of its operations.

The Commission is an independent body funded by annual grant from the Government. The [Local Government Act 1974](#) sets out the functions of the Commission with operational detail provided by the [Framework Document](#) agreed between the Commission and its sponsor department, the Department for Levelling Up, Housing and Communities.⁴⁹

The Commission comprises the Local Government Ombudsman as Chair, the Parliamentary and Health Service Ombudsman, and three advisory members.⁵⁰ It provides advice on the strategic direction of the organisation and independent scrutiny. It does not have a role in the adjudication of complaints.

Under the 1974 Act, the Commission is required to review the operation of its legislation every three years, known as triennial reviews.⁵¹

The Ombudsman is appointed by the King on the recommendation of the Secretary of State. Pre-appointment hearings are carried out by the Levelling Up, Housing and Communities Committee. The last [pre-appointment hearing](#) was held in January 2024.⁵²

⁴⁹ DCLG, Local Government Ombudsman Commission for Local Administration in England: [Framework Document](#) (PDF), December 2017

⁵⁰ See LGSCO [Commission](#) for members

⁵¹ Local Government Act 1974, [section 23\(12\)](#)

⁵² LUHC Committee [HC 1819, 2023](#) (PDF); [ParliamentLiveTV](#), 18 September 2023

Following the passage of the [Local Government and Public Involvement in Health Act 2007](#), the Ombudsman is appointed for a period not exceeding seven years. They may be removed from office at their own request or on grounds of incapacity or misbehaviour.

3.2

Annual reports and accounts

The Local Government Ombudsman is accountable to Parliament through the presentation of its [annual report and accounts](#). In addition, the Levelling Up, Housing and Communities Committee is able to hold inquiries into the work of the Local Government Ombudsman, which has involved the LGSCO giving evidence before the Committee. In July 2012 the Committee published a report on [The Work of the Local Government Ombudsman](#) which commented on the accountability of the Ombudsman:

Independence is critical to the operation of any ombudsman. The Commission is detached from central and local government, and it is answerable to neither DCLG nor to the local authorities the Ombudsmen investigate. This has to be right, in order to ensure that it can function as Parliament intended it should. Similarly, although not exempt from scrutiny by Parliament, we consider there should be constraints on how we approach our job of scrutinising the work of the Ombudsmen. As we made clear when we issued our call for evidence and at the first oral evidence session, we were not reviewing the Ombudsmen's decisions, acting as a court of appeal or considering cases currently before the Ombudsmen. In this inquiry we therefore conceive of our job as "lighter touch" scrutiny than we would normally apply to a public body funded by the taxpayer. Nevertheless the Commission and the Ombudsmen have to be subject to examination to ensure that they are providing the service to the public which the legislation requires and the taxpayer expects.⁵³

The Committee concluded that "In our view, Parliament can legitimately and reasonably call the Commission to account".⁵⁴

LGSCO [annual report and accounts](#) are laid before Parliament. These reports concentrate on the performance of the LGSCO against their strategic objectives. In 2022/23, reporting on 'strategic objective 2: we remedy injustice through impartial, fair and rigorous investigations', the Chief Executive said:

We had no serious concerns with compliance with our recommendations, as 99.4% of cases were complied with, and we did not have to issue any formal notices of non-compliance. Our internal reviews of the quality of our decision statements showed that 58 out of 63 statements reviewed met our standard for being reasonable and defensible.⁵⁵

Information on complaint statistics of the organisations investigated are published in [annual reviews of complaints](#), available from 2013.

⁵³ CLGC, [The Work of the Local Government Ombudsman](#) (PDF), HC 431, 17 July 2012, para 2

⁵⁴ As above, page 30, para 6

⁵⁵ LGSCO, 2022/23 [Annual Reports and Accounts](#) (PDF), page 6

3.3 Triennial reviews

The Commission for Local Administration, that runs the Ombudsman Service, is required to review the operation of its legislation every three years.

The [Triennial Review 2018](#) (PDF) recommended that the LGSCO be directly accountable to Parliament, rather than a government department. This would be in line with the Parliamentary and Health Service Ombudsman and other bodies as noted by the Ombudsman, Michael King.⁵⁶

The latest review, the [Triennial Review 2021](#) (PDF), did not revisit this recommendation but did continue to call for the LGSCO to be a ‘Complaints Standards Authority’. The review also called for legislative change to provide the LGSCO with ‘own-initiative’ powers to allow the Ombudsman to look at “legitimate complaints about maladministration brought by concerned local citizens, where that person has not suffered personal injustice, but where justice exists. This could be achieved through a minor amendment to two sections of the Local Government Act 1974 Act.”⁵⁷

3.4 Committee Scrutiny

The relevant Select Committee scrutinises the work of the LHSCO and holds oral evidence sessions with the Ombudsman. The Committee has been renamed over the years, in line with changes to the sponsor department of the LGSCO.

Pre-appointment hearings for the LGSCO

[Pre-appointment hearings](#)⁵⁸ are an opportunity for the Committee to assess the candidate’s suitability for the role.

The Levelling Up, Housing and Communities Committee, held a [pre-appointment hearing](#) for the current Ombudsman in 2023.

Non-inquiry sessions

Non-inquiry sessions do not necessarily result in a report. They can be used to take evidence on a topical matter, such as the publication of Triennial Reviews.

⁵⁶ HCLG Committee, [oral evidence](#) 6 March 2019, Q23

⁵⁷ LGSCO, [Triennial Review 2021](#) (PDF), December 2021

⁵⁸ Commons Library briefing paper, [Pre-appointment hearings](#)

The Levelling Up, Housing and Communities Committee held a one-off [oral evidence session in 2022](#) with the Ombudsman following the 2021 Triennial Review.

Following the 2018 Triennial Review, the Housing, Communities and Local Government Committee took [oral evidence in 2019](#) from the Ombudsman and Rishi Sunak, the Minister for Local Government. The committee questioned the Ombudsman and the minister on the proposals to introduce a Public Service Ombudsman.

Committee inquiries

The Committee can also inquire into the work of the LGSCO.

The Communities and Local Government Committee (CLGC) held an inquiry into [The work of the Local Government Ombudsman](#) in 2012-13.⁵⁹ During and after the inquiry, the LGSCO embarked on a process of restructuring. The Committee's report looked at the structure of the LGSCO and delays in handling cases and made a number of recommendations including:

- the appointment of a Chief Operating Officer to assume the roles of Chief Executive and Accounting Officer for the Commission, both roles previously undertaken by the Chair.
- Commission and publish an annual, independent staff survey
- arrange for an annual evaluation of the LGSCO by an external, independent reviewer
- Update and replace the 1999 Grant Memorandum to clarify the LGSCO's relationship with, and responsibilities to, the Department for Communities and Local Government.⁶⁰

The LGSCO welcomed the Committee's recommendations and provided information on their implementation, including the new Framework Document which would supersede the Grant Memorandum that provided the basis of the financial relationship between the DCLG⁶¹ and the LGSCO. The Ombudsman noted that By April 2015, the LGSCO will have introduced a new business model to handle complaints more efficiently and gave details on the recruitment process for a Chief Operating Officer. The [Government's response](#) was published in October 2013.⁶²

⁵⁹ CLGC press notice, [MPs to question the Local Government Ombudsman](#), 21 February 2012

⁶⁰ CLGC, [The work of the Local Government Ombudsman](#) (PDF), HC 431 2012-14, 17 July 2012)

⁶¹ DCLG (Department for Communities and Local Government) is the predecessor department to the current DLUH (Department for Levelling Up, Housing and Communities)

⁶² See also the LGSCO's [response to the Committee's report](#) [HC 615 2012-13] and [DCLG's response](#) [HC 650 2012-13]

The CLGC conducted a [Further review of the work of the Local Government Ombudsman](#) in 2013-14.⁶³ In its report, the Committee commended the Ombudsman's efforts to improve its performance and noted two external reviews: an independent, external evaluation team to review its operation, and a government commissioned review by Robert Gordon, a former civil servant. [Responses](#) from the Secretary of State for Communities and Local Government and the Ombudsman were published in June 2014.⁶⁴

3.5 External reviews

In 2014, The Select Committee scrutinising the work of the LGSCO recommended that the LGSCO introduce an external evaluator of complaints about the LGSCO's service, but not decisions.⁶⁵

The current external reviewer of complaints is Professor Cosmo Graham, appointed in August 2020. He reviews a sample of complaints about the LGSCO service, reports on how they have responded and makes recommendations in his [biannual service complaint reviews](#).

An independent external review of the Local Government and Social Care Ombudsman was undertaken in late 2023/early 2024. It found that the Local Government and Social Care Ombudsman has outstanding performance and is highly efficient when compared to other public sector Ombudsmen but highlighted a lack of resources.⁶⁶

Amongst its recommendation, the review identified areas for legislative reform:

- i. Creation of a new Public Services Ombudsman for English public services, appointed by and reporting to Parliament.
- ii. Provision of Complaint Standard Authority and own-initiative powers of investigation.
- iii. A legislative requirement for independent social care providers to signpost complainants to the LGSCO (which might also be achieved through regulatory provisions or contractual terms imposed by local authorities when commissioning services).

⁶³ CLGC, [Further review of the work of the Local Government Ombudsman](#) (PDF), HC 866 2012-14, 15 January 2014

⁶⁴ CLGC, [Further review of the work of the Local Government Ombudsman: Responses to the Committee's Report](#) (PDF), HC 192 2014-15, 9 June 2014

⁶⁵ CLGC, [Further review of the work of the Local Government Ombudsman](#) (PDF), HC 866 2013-14, 15 January 2014, page 19

⁶⁶ [Independent external review of the Local Government and Social Care Ombudsman](#), (PDF) Part one of the Review was carried out by RSM UK Consulting LLP. Part two was carried by a peer review panel appointed by the International Ombudsman Institute, January 2024, page 1

- iv. The power to issue binding decisions in relation to complaints about independent social care services.⁶⁷

The review also raised the current sponsorship arrangements through DLUHC and the possibility of reformed sponsorship arrangements for the LGSCO.⁶⁸

Gordon reviews

The Secretary of State for Communities and Local Government commissioned Robert Gordon, an ex-civil servant, to carry out a governance review of the LGSCO.

Robert Gordon reported to the Government in November 2013.⁶⁹ Among other measures, he recommended there should be one ombudsman (instead of the two to three provided for in the 1974 Act) and for the LGSCO and the PHSO to continue their pattern of close joint working. He also recommended that consideration should be given to the creation of a unified public services ombudsman (PSO).⁷⁰

In 2014, Robert Gordon was asked by Oliver Letwin to review the public sector ombudsman landscape, building on his earlier examination of the LGSCO.

The 2014 report recommended that the Government should legislate to create a single PSO comprising the current remits and responsibilities of the Parliamentary Ombudsman, Health Service Ombudsman, LGSCO and Housing Ombudsman.

It also proposed that a PSO should be equipped with own initiative powers to allow it undertake investigations on its own initiative, without first receiving a complaint from an individual.⁷¹

The Government welcomed the conclusions and recommendations in the Gordon Report and held a consultation on proposals for reform based on these.⁷²

See section 2.2 of the Commons Library briefing [A Public Service Ombudsman for the UK](#) for more information on the 2014 Gordon Report.

⁶⁷ As above, Appendix D, page 5

⁶⁸ As above, Appendix D, page 30

⁶⁹ [HC Deb 29 Nov 2013](#) c28-9WS

⁷⁰ Robert Gordon, [Governance Review of the Local Government Ombudsman Service](#), November 2013

⁷¹ Robert Gordon, Better to Serve the Public: [Proposals to restructure, reform, renew and reinvigorate public services ombudsmen](#), October 2014

⁷² Cabinet Office, [A Public Service Ombudsman: Government Response to Consultation](#), December 2015, p4

4

Reforming the ombudsman

There have been longstanding calls for reform of the multiple ombudsman schemes in England covering public services, including by the LGSCO in 1998.⁷³

The Law Commission published a report in 2011 which recommended a wide-ranging government review of public service ombudsmen and their relationship with other institutions for administrative redress, such as courts and tribunals.⁷⁴

In April 2000 the Cabinet Office report, *Review of Public Sector Ombudsmen in England (the Collcutt Review)* was published and consulted upon but pressure on legislative time meant that primary legislation to implement the proposals was not forthcoming.

Following the 2011 *Open Public Services White Paper* Oliver Letwin, then Cabinet Office Minister, proposed two government reviews on the question of complaints about public services in evidence to the Public Administration Select Committee:

One, to look into the question of how we make better use of complaints and use them to achieve both redress for the citizen and improvement in service delivery; the other, to look at this question of the ombudsmen landscape.⁷⁵

The Local Government Ombudsman supported the creation of a single public services ombudsman in evidence to the same inquiry:

Direct Access to a single public services ombudsman would provide the public with a clearer route to redress.⁷⁶

A 2014 report by the Public Administration Committee recommended a government consultation on the creation of a single public service ombudsman.⁷⁷

⁷³ In October 1998 the Local Government Ombudsmen for England and the PHSO submitted a joint paper to Ministers proposing a single commission for public administration. They suggested moving the focus from cases of 'maladministration' to 'hardship'; See P Collcutt and M Hourihan, *Review of the public sector ombudsmen in England*, April 2000, pages 5-6

⁷⁴ The Law Commission, [Public Services Ombudsmen](#), HC 1136, 13 July 2011

⁷⁵ Public Administration Select Committee, [Complaints: do they make a difference?](#) HC 229, 16 October 2013, p.16

⁷⁶ LGSCO [written evidence to the Committee's inquiry](#) on Complaints, (PHS 16)

⁷⁷ Public Administration Committee, [Time for a People's Ombudsman Service](#), HC 655, 28 April 2014

The government's response committed to undertake a review of the public sector landscape, and to look at the case for a single public sector ombudsman for England.⁷⁸

The Commons Library briefing [A Public Service Ombudsman for the UK](#) looks at the existing ombudsman landscape for public services across the UK and the government's proposal to bring forward a draft bill for a public service ombudsman.

4.1

Draft public service ombudsman bill

The Government published a [draft Public Service Ombudsman Bill](#) in December 2016. The draft bill would have created a Public Service Ombudsman (PSO) for UK reserved matters and public services in England.⁷⁹

The draft Bill was based on recommendations made in the 2014 report by Robert Gordon⁸⁰ but, following consultation, the Government decided not to include the Housing Ombudsman in the proposed PSO.

Pre-legislative scrutiny of the draft bill was carried out by the Housing, Communities and Local Government Select Committee. The Committee held a one-off evidence session with the LGSCO, Michael King, and Housing Ombudsman, Denise Fowler, on 6 March 2017.⁸¹

The draft Bill would have merged the LGSCO with the PHSO, leaving open the option of merging in the Housing Ombudsman at a later date. The bill would have removed the 'MP filter', which provides that complaints must be made to the PHSO via a Member of Parliament (the MP filter does not apply to complaints to the LGSCO or for complaints about the NHS to the PHSO).

The bill did not provide for own 'own initiative' powers as recommended by the Gordon Report and called for by the LGSCO. At present, both the PHSO and LGSCO are reactive organisations: they must receive a complaint before investigating.

The government has confirmed that it has no plans to introduce the 2016 Public Service Ombudsman Bill to Parliament.⁸²

⁷⁸ Public Administration Committee, *More Complaints Please! and Time for a People's Ombudsman Service: Government Responses to the Committee's Twelfth and Fourteenth Reports of Session 2013-14*, 12 September 2014, p.5

⁷⁹ See the Library briefing on the [Draft Public Service Ombudsman Bill](#).

⁸⁰ Robert Gordon, [Better to Serve the Public: Proposals to restructure, reform, renew and reinvigorate public services ombudsmen](#), October 2014, para 3

⁸¹ HCLG Committee: [Government draft Public Service Ombudsman Bill inquiry](#), HC 1052 9 March 2017

⁸² See PQ 11585 [[Parliamentary and Health Service Ombudsman: Powers](#)] 10 June 2021 and PQ 157509 [[Draft Public Service Ombudsman Bill](#)], 27 April 2022

See the Commons Library briefing on the [draft Public Service Ombudsman Bill](#) for detail on its policy background and provisions of the draft bill.

4.2 Joint Committee on Human Rights

In May 2022, the Joint Committee on Human Rights looked at whether there should be a new [Human Rights Ombudsperson](#).

The Committee looked at the current ombudsman landscape, focusing on those ombudsmen whose role most closely resembled that which a human rights ombudsman might hold: the Parliamentary and Health Service Ombudsman (the PHSO) and the LGSCO.

It concluded that a new Human Rights Ombudsperson was not required as these ombuds already considered human rights during their investigations, and creating a new role would likely create jurisdictional overlap. It did call on the government to consider legislative change to make this explicit by amending the relevant legislation to make reference to human rights.⁸³

It also recommended that the Government consider whether the LGSCO and PHSO should have own initiative powers and called on the government to bring forward the proposals in the draft Public Service Ombudsman bill published in 2016.⁸⁴

In its response, the government rejected the need for legislation to clarify existing powers to consider human rights issues and stated that it had no immediate plans to amend the LGSCO or PHSO's remit to initiate investigations. It also rejected calls to create a single Public Services Ombudsman for England stating that "the Government does not see fundamental ombuds reform as a priority at the current time."⁸⁵

4.3 Recent proposals for merger of ombudsmen

The PHSO, in conjunction with the LGSCO has continued to call for the establishment of a single Public Services Ombudsman (PSO) and commissioned independent research on whether the creation of a single PSO would be cost effective. It found that a modern PSO would cost the taxpayer less per year compared to the current system.⁸⁶

⁸³ Joint Committee on Human Rights, [Human Rights Ombudsperson](#), HC 222 2022-23, 28 March 2023, para 72

⁸⁴ As above, para 73

⁸⁵ Human Rights Ombudsperson: [Government Response to the Committee's Eleventh Report](#), HC 1489 2022-23, 8 June 2023, pages 3-4

⁸⁶ PHSO, [Independent research from the economic consultancy Social Finance](#), March 2023

The Law Society's 2023 Green Paper, *Proposals for a 21st Century Justice System*, includes proposals to strengthen the ombudsman landscape and employment tribunals.⁸⁷

The Ombudsman Association responding to the Law Society Green Paper, welcomed the “in-principal commitment from the Parliamentary & Health Service Ombudsman (PHSO) and the Local Government & Social Care Ombudsman (LGSCO) to bring their jurisdictions together under a single new (UK/England) Public Service Ombudsman.”⁸⁸

Academic analysis of the public service ombudsman landscape has consistently called for reform of the sector, principally by the establishment of a single PSO.⁸⁹

Dr Richard Kirkham from the University of Sheffield participated in the independent external evaluation of the LGSCO in 2013. Commenting on the draft PSO Bill in 2016, Richard Kirkham, and Brian Thompson, University of Liverpool, said that “there is much to commend in the Bill” but concluded that the draft Bill represents “a conservative model of the ombudsman enterprise when compared to...counterparts in the UK and elsewhere”.⁹⁰

In a 2021 report for the Nuffield Foundation, Richard Kirkham recommended reform of the public services ombudsman model in England to match developments elsewhere and for new legislation for a PSO for England.

The report recommends measures to align the public service ombudsmen more closely to the overall administrative and civil justice system as “Both ombuds and courts occupy important roles in the modern justice system.”⁹¹ It also makes a series of recommendations to strengthen the legal and regulatory framework within which ombudsmen operate.⁹²

⁸⁷ The Law Society, [Proposals for a 21st Century Justice System](#), 9 October 2023

⁸⁸ Ombudsman Association, [Charting a Course for Progress - a 21st Century Justice System](#), 16 January 2024

⁸⁹ UK Administrative Justice Institute, [A Manifesto for Ombudsman Reform](#), 29 April 2020.

⁹⁰ Richard Kirkham and Brian Thompson, [An initial commentary on the draft public service ombudsman bill](#), UK Administrative Justice Institute blog, 20 December 2016

⁹¹ Richard Kirkham, [The ombudsman, accountability and the courts](#), University of Sheffield, page 89, para 6.59

⁹² As above, Chapter 2

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