

## **Report to Cabinet**

**Subject:** Review of complaints received by the Council and Annual Review Letter - Local Government and Social Care Ombudsman 2019/20

**Date:** 10 September 2020

**Author:** Director of Organisational Development and Democratic Services

### **Wards Affected**

Not applicable

### **Purpose**

To inform Members of the receipt of the Annual review letter from the Office of the Local Government and Social Care Ombudsman and the complaints dealt with by the Council through the internal complaints procedure during the year 2019/20.

### **Key Decision**

This is not a key decision.

### **Recommendation**

#### **THAT Cabinet:**

- 1) Notes the details of the Annual Review letter from the Local Government and Social Care Ombudsman and the information in relation to the number of complaints dealt with by the Council through the internal complaints procedure in 2019/20.

## **1 Background**

- 1.1 Members will be aware of the Council's arrangements for dealing with formal complaints, full details of which are available on the website and provided in the Council's Complaints, Compliments and Comments Policy ("the Policy").

1.2 The departmental analysis of complaints by Service area appears below.

1.3 Between the 1 April 2019 and 31 March 2020, the Council received 379 (an increase of 123 from 2018/19) complaints as follows:

<b>Service</b>	<b>Complaints received</b>	<b>Upheld/partially upheld</b>	<b>Not upheld</b>
Community Relations	2	1	1
Customer Services & Communications	10	7	3
Economic Growth & Regeneration	0	0	0
Democratic Services	2	1	1
Legal Services	0	0	0
Leisure	26	11	15
Organisational Development	1	1	0
Parks & Street Care	63	4	59
Planning	34	1	33
Property Services	5	1	4
Public Protection	25	0	25
Revenues & Welfare Support (Housing)	6	1	5
Revenues & Welfare Support (Revenues & Benefits)	46	18	28
Waste	159	43	116
<b>Total</b>	<b>379</b>	<b>89</b>	<b>290</b>

1.4 Where a complaint is not upheld in full or in part, the complainant may ask for it to be considered further under Stage 2 of the complaints procedure. Between the 1 April 2019 and 31 March 2020 26 complaints were considered under Stage 2 (a decrease of one from 2018/19) as follows:

<b>Service</b>	<b>Stage 2 complaints</b>	<b>Upheld/partially upheld</b>	<b>Not Upheld</b>
Community Relations	0	0	0
Customer Services & Communications	2	1	1
Economic Growth & Regeneration	0	0	0
Democratic Services	0	0	0
Legal Services	0	0	0

Leisure	5	1	4
Organisational Development	0	0	0
Parks and Street Care	3	1	2
Planning	3	1	2
Property Services	1	0	1
Public Protection	2	0	2
Revenues & Welfare Support (Housing)	1	0	1
Revenues & Welfare Support (Revenues & Benefits)	4	2	2
Waste	5	4	1
<b>Total</b>	<b>26</b>	<b>10</b>	<b>16</b>

- 1.5 If the complainant is not happy with the response at Stage 2, he or she is entitled to refer the complaint to the Local Government and Social Care Ombudsman. Between 1 April 2019 and 31 March 2020, 8 complaints were received by the Council via the Ombudsman, which is a decrease from the 9 complaints received the previous year. A summary of the decisions of the LGO appears in the table below.

<b>Service</b>	<b>Decision of LGO</b>
Planning	Not upheld: no maladministration
Planning	Not upheld: no maladministration
Public Protection	Closed after initial enquiries
Planning	Closed after initial enquiries
Leisure	Closed after initial enquiries
Leisure	Closed after initial enquiries
Waste	Upheld: maladministration and injustice
Public Protection	Not upheld: no maladministration

- 1.6 The Annual Review letter for the year ending 31 March 2020 is attached at Appendix 1. The statistics are presented differently from previous years and the high level percentage figures produced, relate to only five detailed investigations which were conducted between 31 March 2019 and 1 April 2020. Four of the investigations are listed in the table above with the outcome indicated as upheld or not upheld. The fifth investigation referred to was a complaint which was actually received by the Ombudsman in 2018/19 and was referenced in last year's figures presented to Cabinet; that complaint was not upheld. Members are to note that the number of complaints investigated by the Ombudsman, do not match the Council's figures of received complaints, from the Ombudsman as a number of cases will have been decided in different

business years and in some cases investigations by the Ombudsman were not undertaken. In some instances the Council may never ultimately be contacted by some complainants who have approached the Ombudsman as the Ombudsman may refer them back to the Council and they never subsequently get in touch.

- 1.7 Members are already aware of the circumstances of the complaint which resulted in the Ombudsman making a finding of maladministration and injustice. Details of this complaint and the Ombudsman's findings were reported to Cabinet in January 2020 by the Monitoring Officer, with a copy of the report circulated to all councillors, as required by s.5A of the Local Government and Housing Act 1989. The Ombudsman made a number of recommendations to the Council following the investigation of this complaint and as can be seen from the Annual Review letter, the Council complied with all recommendations, as such, 100% compliance is shown.
- 1.8 Since April 2013, the Ombudsman has been publishing all decisions on complaints they receive. Decision statements are published on the Ombudsman website at [www.lgo.org.uk](http://www.lgo.org.uk) no earlier than three months after the date of the final decision. The information published does not name the complainant or any individual involved with the complaint. The Ombudsman also retains discretion not to publish a decision, for example where it would not be in the interests of the person complaining to publish or where there's a reason in law not to.
- 1.9 The data contained in the Annual Review letter has been uploaded onto the Ombudsman's interactive map, also available on the LGO website, which shows the annual review data for all Councils.

## **2 Proposal**

- 2.1 It is proposed that Cabinet note the contents of the report in respect of complaints data and the Local Government and Social Care Ombudsman's annual letter.

## **3 Alternative Options**

- 3.1 This information could no longer be reported to members, however, it is considered important that members are informed of the number and nature of complaints on an annual basis, including detail of the Annual Review letter, to enable proper assessment of performance.

## **4 Financial Implications**

- 4.1 None arising from this report.

## **5 Legal Implications**

- 5.1 The Local Government and Social Care Ombudsman is the independent body responsible for investigating complaints made against public bodies where it is alleged there has been maladministration causing injustice. The powers of the Local Government and Social Care Ombudsman come from the Local Government Act 1974. The Ombudsman will generally only investigate a complaint against a public body where the complaint has firstly been taken through that body's internal complaints procedure. It is therefore essential that the Council maintains a robust complaints process. The Ombudsman does have the power to make recommendations to a public authority following a complaint however the recommendations are not mandatory, findings and recommendations are however published by the Ombudsman.

## **6 Equalities Implications**

- 6.1 The Council's Complaints process is designed to enable accessibility for all as complaints are invited by a variety of methods, including; by telephone, in writing, by email, via a councillor, in person and online.

## **7 Carbon Reduction/Sustainability Implications**

- 7.1 None arising from this report.

## **8 Appendices**

- 8.1 Appendix 1 – Local Government and Social Care Ombudsman Annual Review Letter.

## **9 Background Papers**

- 9.1 None

## **10 Reasons for Recommendations**

- 10.1 To alert the Executive to the contents of the Local Government Ombudsman Annual Review Letter and raise awareness of the complaints received by the Council during 2019/20.

### **Statutory Officer approval**

**Approved by: Chief Financial Officer**  
**Date: 25 August 2020**

**Drafted by: Monitoring Officer**  
**Date: 13 August 2020**