

Report to Cabinet

Subject: Review of complaints received by the Council and Annual Review Letter – Local Government Ombudsman 2013/14

Date: 7 August 2014

Author: Council Solicitor and Monitoring Officer & Corporate Director
(Chief Financial Officer)

Wards Affected

Not applicable.

Purpose

To inform Members of the receipt of the Annual Review letter from the Office of the Local Government Ombudsman and the complaints dealt with by the Council through the internal Complaints Procedure during the year 2013-14.

Key Decision

This is not a Key Decision

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. The departmental analysis of complaints by Service Manager appears below. Members are to note that some of the columns will not add up because some complaints have not been dealt with entirely within the year and therefore fall outside the monitoring period.
- 1.2 Between 1 April 2013 and 31 March 2014, the Council received 289 complaints which are broken down into individual service areas as follows:

Service	Number of complaints received	Upheld/partially upheld at Stage 1	Not Upheld at Stage 1
Customer Services and IT	47	35	12
Elections and Member Services	0	0	0
Housing and Localities	8	1	7

Service	Number of complaints received	Upheld/partially upheld at Stage 1	Not Upheld at Stage 1
Legal Services	2	2	0
Leisure and Culture	60	40	12
Parks and Street Care	10	9	0
Planning & Economic	14	6	1
Public Protection	13	3	6
Revenue Services	87	35	43
Sustainability and Assets	1	1	0
Waste Services	47	44	3
Totals	289	176	84

- 1.3 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. 21 complaints were considered under Stage 2 between 1 April 2013 and 31 March 2014 as follows:

Service	Number of complaints considered at Stage 2	Upheld/partially upheld at Stage 2	Not Upheld at Stage 2
Customer Services and IT	0	0	0
Elections and Member Services	0	0	0
Housing and Localities	0	0	0
Legal Services	0	0	0
Leisure and Culture	6	3	2
Parks and Street Care	1	1	0
Planning & Economic	4	0	4
Public Protection	0	0	0
Revenue Services	10	5	4
Sustainability and Assets	0	0	0
Waste Services	0	0	0
Totals	21	9	10

- 1.4 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 Ombudsman. Between 1 April 2013 and 31 March 2014, 13 complaints were received via the Ombudsman, which is an increase on the 4 complaints received the previous year. A summary of the decisions of the LGO appears in the table below.

Service	Decision of LGO
Parks & Street Care	Not to initiate an investigation
Revenues Services	Not investigated
Parks & Street Care	Not investigated
Planning & Economic Development	Upheld: Maladministration and injustice

Revenues Services	Not in jurisdiction and discretion not exercised
Revenues Services	Not investigated
Revenues Services	Not investigated
Revenues Services	Not in jurisdiction and discretion not exercised
Housing	Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report
Revenues Services	Not investigated
Revenues Services	Not to investigate complaint because not in jurisdiction and discretion not exercised
Revenues Services	Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report
Revenues Services	Not to initiate an investigation

- 1.5 Members may notice that the descriptions of the decisions are not consistent. This is because the LGO made a change in how decisions are described. The table below describes the decision reasons used for 2013/14 (including some February changes) and the decision reasons used from 1 April 2014.

Decision Reasons from 1 April 2013	What changed in February 2014	Decision Reasons from 1 April 2014
<i>Not in jurisdiction (OJ) and no discretion</i>	<i>No Change</i>	<i>Closed after initial enquiries – out of jurisdiction</i>
<i>Not in jurisdiction (OJ) and discretion not exercised</i>		<i>Closed after initial enquiries – no further action</i>
<i>Not investigated</i>		<i>Not upheld: No further action</i>
<i>To discontinue investigation</i>		
<i>Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report S30(1B)</i>	<i>Investigation complete: Maladministration and Injustice</i>	<i>Upheld: Maladministration and Injustice</i>
	<i>Investigation complete: Maladministration, No Injustice</i>	<i>Upheld: Maladministration, No Injustice</i>
	<i>Investigation complete: No Maladministration</i>	<i>Not upheld: No Maladministration</i>
<i>Investigation complete and appropriate to issue a report S30(1)</i>	<i>Investigation complete and report issued: Maladministration and Injustice</i>	<i>Report issued: Upheld; maladministration and injustice</i>
	<i>Investigation complete</i>	<i>Report issued: Upheld;</i>

	<i>and report issued: Maladministration, No Injustice</i>	<i>maladministration, no injustice</i>
	<i>Investigation complete and report issued: No Maladministration</i>	<i>Report issued: Not upheld; no maladministration</i>

- 1.6 As a result of this change in decision reasons, complaints which would previously have been categorised as “local settlement” or “investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report” will now be categorised as “maladministration”. As a result, this triggers the obligation on the Monitoring Officer to prepare a report under Section 5 of the Local Government and Housing Act 1989 (in the case of non-executive functions) or Section 5A (in the case of executive functions). The legislation requires the Chief Executive as Head of Paid Service and the Corporate Director as s.151 Officer to be consulted as far as reasonably practicable in the preparation of a maladministration report.
- 1.7 Members will note that the Ombudsman’s decision on one of the complaints received this year was maladministration and injustice. A summary of the complaint is attached at Appendix 1. This relates to planning enforcement matter which is a non-executive function. In order to comply with the provisions of section 5, a copy of this report will be circulated to all members of the Council.
- 1.8 The Annual Review letter for the year ended 31 March 2014 is attached at Appendix 2. The statistics include all the complaints and enquiries received in 2013/14. Members are to note that the number of complaints and enquiries received do not match the number of decisions made as number of cases will have been received and decided in different business years. They also do not match the Council’s figures above for the same reason.
- 1.9 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 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.
- 1.10 In addition, the Ombudsman has published its review of local government complaints for 2013/14. For the first time the report provides complaint statistics for each English local authority, all in one place. A copy of the review is available on the Ombudsman website.

Proposal

- 2 It is proposed that Cabinet note the report.

Alternative Options

- 3 There are no Alternative Options.

Financial Implications

- 4 None arising from this report.

Appendices

- 5 Appendix 1 – Summary of complaint
Appendix 2 – Local Government Ombudsman Annual Review Letter.

Background Papers

- 6 None identified.

Recommendation

THAT Cabinet notes:

- a) the contents of the report;
- b) the Local Government Ombudsman's findings of maladministration and the steps already taken by Officers by way of offering a remedy; and
- c) that a copy of this Cabinet report has been circulated to all members of the Council.

Reasons for Recommendations

- 7.1 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 2013-14.
- 7.2 To comply with the provisions of the Local Government and Housing Act 1989.