



Cabinet

08 September 2021

Report of: Leader of the Council

Annual Local Government and Social Care Ombudsman Letter, Housing Ombudsman Complaints & Corporate Complaints Stats 2020/21

Corporate Priority:	Service excellence in all we do and ensuring the right conditions to support delivery
Relevant Ward Member(s):	N/A
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No
Key Decision:	No
Subject to call-in:	No Not key decision

1 Summary

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) Ombudsman submits an annual report to the Council on all complaints they have received.
- 1.2 This report informs Cabinet of the contents of the Local Government and Social Care Ombudsman's annual report letter and provides a summary of the complaints received by Melton Borough Council for the year ended 31st March 2020 by the LGSCO.

2 Recommendation

That Cabinet

- 2.1 Note the Local Government Ombudsman Annual Review Letter 2020/21;
- 2.2 Note the contents of the report in respect of LGSCO findings, Housing Ombudsman findings and complaints statistics for 2020/2021.

3 Reason for Recommendations

- 3.1 It is a constitutional requirement for Cabinet to have strategic oversight of complaints data to support priority 1 – excellent services positively impacting on our communities and priority 5 – ensuring the right conditions to support delivery.
- 3.2 Receipt of regular complaints data also demonstrates good governance in line with the Governance Framework.

4 Background

- 4.1 Every year the LGSCO produces an annual letter and a summary of the complaints received in respect of the Borough Council (detailed at Appendix 1 of the report).
- 4.2 The Housing Ombudsman does not provide a similar letter but the information for these complaints has also been provided in this report.
- 4.3 The report provides the number of complaints and enquiries recorded and what decisions the Ombudsman has made for the period 01 April 2020 to 31 March 2021.
- 4.4 Corporate complaints data has also been provided for the period 01 April 2020 to 31 March 2021

5 Main Considerations

5.1 Local Government and Social Care Ombudsman (LGSCO)

- 5.1.1 In the financial year 2020/21, 6 complaints were received by the LGSCO in respect of Melton Borough Council.

Planning & Development	Housing	Highways and Transport
3	2	1

- 5.1.2 Out of the 6 referrals made to the LGSCO in this period, decisions were made on 5:

- i) 1 complaint was not upheld;
- ii) 1 complaint was upheld;
- iii) 2 complaint was closed after initial enquiries;
- iv) 1 where advice was given;
- v) 1 was deemed incomplete or invalid;
- vi) 0 were referred back for local resolution;

- 5.1.3 These cases can be seen in the spreadsheet attached to the LGSCO's letter at Appendix B and summarised in more detail in the table below:

Reference / Category	Received	Decision	Decision Reason
20001803 Planning & Development	17 Jul 20	Upheld	Decided: 01.09.20 Summary: The Ombudsman will not investigate Mr X's complaint about the Council's actions on a planning application to develop a neighbouring property. Officers were entitled to recommend the application be permitted by the Council's Planning Committee. The application was refused permission by the Committee, and at appeal by the Planning Inspectorate. There is no further planning outcome the Ombudsman can achieve. The Council has apologised for faults in its service to Mr X, and advised of internal actions it will take to improve its service. Mr X has received the remedy the Ombudsman may have sought here and there is no further remedy warranting an Ombudsman investigation. 20 001 803 - Local Government and Social Care Ombudsman
20002464 Housing	28 Jul 20	Incomplete / invalid	Decided: 28 Jul 2020 No decision available
20004853 Housing	14 Sep 20	Advice given	Decided: 14.09.20 No decision available
20008361 Highways & Transport	23 Nov 20	Closed after initial enquiries	Decided: 26.11.20 Summary: The Ombudsman will not investigate Miss X's complaint about a parking fine. This is because Miss X could have appealed against it to the Traffic Penalty Tribunal and it is reasonable to expect her to have done so. 20 008 361 - Local Government and Social Care Ombudsman
20 006 621 Planning & Development	19 Oct 20	Not upheld	Summary: Miss X complains the Council failed to consider her privacy when granting planning permission for a development to the rear of her property. Subject to further comments by Miss X and the Council, I intend to find there is no evidence of fault in how the Council considered a planning application for a development to the rear of Miss X's property. I am therefore minded to complete my investigation.

Reference / Category	Received	Decision	Decision Reason
			20 006 621 - Local Government and Social Care Ombudsman
20 0013 822 Planning & Development	17 Mar 21	Closed after initial enquiries	Summary: Mr X complains about the Council's grant of planning permission for a development at the back of his house and its subsequent enforcement. The Ombudsman will not investigate this complaint because there is no evidence of fault by the Council. 20 013 822 - Local Government and Social Care Ombudsman

5.2 Detailed Investigations:

5.2.1 For the period April 2020 to March 2021 six complaints were referred to the LGSCO, two complaints were investigated and one complaint was upheld. By way of comparison to previous years, the number of upheld complaints in 2020/2021 is one less than last year.

5.2.2 The table below details the number of detailed investigations undertaken by the LGSCO. If the 2 complaints investigated 1 complaint was upheld and the uphold rate is recorded as 50%. This figure compares to 53% for similar authorities. A comparison table is shown below.

Decisions Made					Detailed Investigations			Total
Year End	Incomplete or invalid	Advice Given	Referred back for local resolution	Closed After initial Enquiries	Not upheld	Upheld	Uphold rate %	
2021	1	1	0	2	1	1	50	6
2020	0	1	0	5	2	2	50	10
2019	1	0	2	3	0	1	100	7
2018	0	1	6	1	0	0	0	8
2017	1	0	3	2	1	0	0	7
2016	0	0	1	0	0	0	0	1
2015	0	0	2	1	2	2	50	7
2014	1	0	0	2	1	0	0	4

5.3 Whilst there will be various reasons for the year-on-year variation in the number of upheld complaints, this data can be useful as a general guide to see how the Council is performing when it comes to complaints.

5.4 The following link provides information on how other Local Authorities have performed this year <https://www.lgo.org.uk/your-councils-performance>

5.5 **Service Improvements:**

5.5.1 Melton Borough Council agreed to make the following improvements to its services following the Ombudsman’s decision to uphold one complaint:

Reference	Category	Service Improvements
20001803	Planning & Development	Staff have been reminded of the need for high standards of attentiveness and courtesy at all times, including under stressful situations. The Planning Service Review has been developed and implemented with one of the key outcomes being greater efficiency and capacity to enable improved customer focus. Latterly, specific communications training has been provided to all officers with an emphasis on empathy, self-awareness and attentiveness.

5.6 **Recommendations:**

5.6.1 In **100%** of cases the LGSCO were satisfied that Melton Borough Council had successfully implemented its recommendations. This compares to an average of 16% in similar authorities - [Melton Borough Council - Local Government and Social Care Ombudsman](#)

5.7 Public Interest Reports:

5.7.1 Public interest reports are published where there has been significant injustice, systemic issues, major learning points and non-compliance with recommendations. Issuing public reports is one way that we help to ensure councils, and other organisations providing public services, remain accountable to people who use those services. No public interest reports have been reported against Melton Borough Council in the last 8 years.

5.8 **Housing Ombudsman (HO)**

In the financial year 2020/21, 3 cases were referred to the Housing Ombudsman. One complaint deemed out of jurisdiction with no maladministration found and the other two were upheld by the HO as detailed in the table below

Reference	Category	Decision / Date	Decision Reason
202016738	Housing	23 Apr 20	Out of Jurisdiction and no maladministration found
201811607	Housing - The resident complains about how the landlord handled his	30 Sept 20 - Upheld	Determination (decision)

	<p>reports of repairs needed at the property including the time taken to complete repairs.</p>		<p>In accordance with paragraph 54 of the Housing Ombudsman Scheme, there was service failure by the landlord in respect of the complaint about how the landlord handled reports of repairs at the property.</p> <p>Reasons</p> <p>The landlord has acted appropriately in addressing most of the repairs raised in response to the complaint and its complaint responses were reasonable in proposing appointments for repairs. However, there were also some significant delays in the completion of repairs by the landlord which the resident raised in his complaint, but which the landlord did not identify and put right in accordance with the Ombudsman's Dispute Resolution Principles</p> <ol style="list-style-type: none"> 1. The landlord to apologise to and pay the resident compensation of £250 for the distress and inconvenience caused by its failures in handling the reports of repairs at the property (within four weeks of the date of this Order). 2. The landlord to remind its complaints handling staff of the importance of considering the events leading up to the complaint where this is the subject of the 10 complaint, rather than only the outstanding issues (within six weeks of the date of this Order).
201913187		14 April 21 - Partially upheld	<p>Determination:</p> <p>In accordance with paragraph 55(b) of the Housing Ombudsman Scheme, in respect of:</p> <p>The landlord's response to the resident's dissatisfaction with its allegation of an unauthorised electrical installation - The landlord offered redress to the resident prior to the Ombudsman's investigation which, in</p>

		<p>the Ombudsman’s opinion, resolved the complaint satisfactorily.</p> <p>In accordance with paragraph 54 of the Housing Ombudsman Scheme, there was:</p> <ul style="list-style-type: none"> a) No maladministration in respect of the landlord’s response to the resident’s dissatisfaction with its proposal to install mobility scooter pods. b) No maladministration in respect of the landlord’s response to the resident’s dissatisfaction with its proposal to cut down an ornamental cherry tree. c) No maladministration in respect of the landlord’s response to the resident’s dissatisfaction with the performance of two members of the Tenant Committee (TC). d) No maladministration in respect of the landlord’s response to the resident’s dissatisfaction with an alleged verbal attack by a member of the Tenant Committee (TC) on a fellow resident. e) No maladministration in respect of the landlord’s response to the resident’s dissatisfaction with the evacuation policy. f) Maladministration in respect of the landlord’s handling of the resident’s complaints.
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5.9 **Service Improvements:**

5.9.1 Melton Borough Council agreed to make the following improvements to its services following the Ombudsman’s investigation of these complaints:

Reference	Category	Recommendations / Service Improvements
201811607	Housing	<p>Recommendations</p> <p>1. The landlord to take steps to ensure that it is keeping adequate records of repairs reported and communications with residents in relation to repairs.</p>

		<p>2. The landlord to take steps to ensure that any outstanding repairs to the property, including the air vent and bathroom, are inspected and repaired within a reasonable time.</p> <p>Service Comment:</p> <p>The repairs were booked and completed, enhancements to the Northgate housing management system shall ensure that these issues are dealt with more proactively in the future.</p>
201913187	Housing	<p>Recommendations:</p> <p>Where possible, the landlord should include the resident in upcoming opportunities/meetings to consult on, and contribute to, plans for the ornamental cherry tree (if the resident wishes). This will enable the resident to play a part in the overall decision-making process, and offer the opportunity to express any ongoing concerns he may have.</p> <p>The landlord should ensure that it follows its complaints policy, and offers complainants a two stage complaint process as standard. It should adhere to the timeframes set out in its process and seek to manage complaints adequately so as to prevent unnecessary delays and strains on both the complainant and its own service. The landlord may benefit from reviewing the Ombudsman Service's Complaint Handling Code, recently published on the Housing Ombudsman Service website.</p> <p>Service Comment:</p> <p>Enhanced ownership and responsibility for complaints has been communicated across the directorate. We now receive regular updates and warning of complaints nearing response date to ensure that we meet our timescales and obligations. This determination was in relation to complaints made as far back as 2018 prior to the enhanced focus on complaints management.</p>

5.10 Corporate Complaints:

5.10.1 To ensure strategic oversight by Cabinet, corporate complaints are reported quarterly to Cabinet as part of the Council's standard reporting arrangements. In addition to this annual report to Cabinet, specific, individual cases where there has been a significant finding of maladministration (usually by way of a formal Report) will be reported to Cabinet members on an individual basis.

5.10.2 In addition, Scrutiny Committee have received Cabinet's performance reports for noting as part of their role to hold the Cabinet to account.

- 5.10.3 The Corporate Complaints policy has been in place for nearly two years' now. The process comprises a two-stage internal process consisting of Stage One (Service Manager) and review by Directors if there is still dissatisfaction (Stage Two).
- 5.10.4 The Senior Leadership Team receive quarterly reports which shows how many corporate complaints have been received. To ensure good governance, these are compared with performance data so that the organisation can analyse performance in services.
- 5.10.5 The table below shows a breakdown of the number of formal complaints referred during the financial year 2020/21 and how many were referred to the Ombudsman in that quarter.

Period	Complaints received	LGCSO	HO
Q1	25	-	2
Q2	44	2	-
Q3	22	2	-
Q4	17	4	1
Total	108	6	3

- 5.11 A total of 108 corporate complaints were received during the 2020/21 financial year. Of these 108 complaints, 9 progressed their complaint to the Ombudsman as detailed in 5.1.3 and 5.8 above.

6 Options Considered

- 6.1 There are no alternate options as it is a constitutional requirement for Cabinet to have strategic oversight of complaints data.

7 Consultation

- 7.1 Statutory Officers and the Senior Leadership team have been provided with the Annual Ombudsman letter detailing the Councils performance for the year 2020/21.

8 Next Steps – Implementation and Communication

- 8.1 Publication of the Annual Ombudsman Letter on the LGCSO's website.

9 Financial Implications

- 9.1 There are no financial implications arising from the report, however it should be noted that complaints and the associated remedies can lead to direct financial implications as a result of compensation or the cost of rectifying poor service provision.

Financial Implications reviewed by: Director for Corporate Services

10 Legal and Governance Implications

- 10.1 The Local Government Ombudsman's powers are defined by the Local Government Act 1974 as amended by the Local Government and Public Involvement in Health Act 2007

Legal Implications reviewed by: Monitoring Officer

11 Equality and Safeguarding Implications

- 11.1 There are no direct equality and safeguarding issues arising from this report.

12 Community Safety Implications

- 12.1 There are no community safety issues arising from this report.

13 Environmental and Climate Change Implications

- 13.1 There are no environmental and climate change implications.

14 Risk & Mitigation

- 14.1 There are no risks associated with this report.

15 Background Papers

- 15.1 None

16 Appendices

- 16.1 Appendix 1 – Local Government and Social Care Ombudsman Annual Letter

- 16.2 Appendix 2 - Local Government and Social Care Ombudsman Report Spreadsheet

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