



Cabinet

14 September 2022

Report of: Leader of the Council

Annual Complaints Report: Local Government and Social Care Ombudsman Letter, Housing Ombudsman & Corporate Complaints 2021/22

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 ombudsman complaints and corporate complaints received by Melton Borough Council for the year ended 31st March 2022.

2 Recommendation

That Cabinet

- 2.1 **Note the Local Government and Social Care Ombudsman (LGSCO) Annual Review Letter 2021/22;**

2.2 Note the contents of the report in respect of LGSCO findings, Housing Ombudsman findings and complaints statistics for 2021/2022.

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 2021 to 31 March 2022.
- 4.4 Corporate complaints data has also been provided for the period 01 April 2021 to 31 March 2022.

5 Main Considerations

5.1 Local Government and Social Care Ombudsman (LGSCO)

- 5.1.1 In the financial year 2021/22, 9 complaints were received by the LGSCO in respect of Melton Borough Council.

Planning & Development	Housing	Highways and Transport	Corporate & Other Services	Environmental Services & Public Protection
5	1	1	1	1

- 5.1.2 The decisions in the 9 cases decided by the LGSCO were:

- i) 1 complaint was not upheld;
- ii) 2 complaint was upheld;
- iii) 4 complaint was closed after initial enquiries;
- iv) 0 where advice was given;
- v) 0 was deemed incomplete or invalid;
- vi) 2 were referred back for local resolution;

- 5.1.3 These cases are summarised in the table below:

Reference / Category	Decision	Summary / Decision Reason
19014915 Environmental Services & Public Protection	Upheld 30.07.21	<p>Summary: Mrs X complains about the way the Council dealt with flooding issues and the impact of the development of sports pitches on a watercourse. We found there was fault that warrants a remedy.</p> <p>Decision Reason: There was fault. I have completed my investigation and closed my file on the basis the agreed actions are taken by both Councils.</p> <p>Decision Link: 19 014 915 - Local Government and Social Care Ombudsman</p>
20006621 Planning & Development	Not Upheld 14.06.21	<p>Summary: Miss X complains the Council failed to consider her privacy when granting planning permission for a development to the rear of her property. 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.</p> <p>Decision: 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 have therefore completed my investigation.</p> <p>Decision link: 20 006 621 - Local Government and Social Care Ombudsman</p>
20013822 Planning & Development	Closed After initial Enquiries 04.05.21	<p>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.</p> <p>Decision: I do not intend to investigate this complaint because there is no evidence of fault by the Council.</p> <p>Decision Link: 20 013 822 - Local Government and Social Care Ombudsman</p>
21003618 Planning & Development	Closed After initial Enquiries 03.08.21	<p>Summary: Mr X complains about the Council's handling of planning and enforcement matters relating to a residential development in his local area. We will not investigate the complaint because we are unlikely to find evidence of fault by the Council or injustice caused to Mr X sufficient to warrant investigation.</p>

Reference / Category	Decision	Summary / Decision Reason
		<p>Decision: We will not investigate this complaint. This is because we are unlikely to find evidence of fault by the Council or injustice caused to Mr X sufficient to warrant investigation.</p> <p>Decision Link: 21 003 618 - Local Government and Social Care Ombudsman</p>
21004376 Planning & Development	Upheld 21.03.22	<p>Summary: Mr and Mrs M complain about the Council's decision to approve a planning application for a development next to their home and that it failed to take enforcement action promptly. We have found fault but this did not cause injustice to Mr and Mrs M. The Council has now changed the information it publishes about its planning decisions.</p> <p>Decision: There was fault by the Council but this did not cause significant injustice to Mr and Mrs M. I have completed my investigation.</p> <p>Decision Link: 21 004 376 - Local Government and Social Care Ombudsman</p>
21011846 Highways & Transport	Referred back for local resolution 09.11.21	Premature decision – Advice given
21015479 Planning & Development	Closed After initial Enquiries 27.01.22	<p>Summary: We will not investigate Mr B's complaint that the Council has delayed deciding his planning application. This is because it is reasonable for Mr B to put in an appeal to the planning inspector.</p> <p>Decision: We will not investigate Mr B's complaint because it is reasonable for him to appeal to the planning inspector.</p> <p>Decision Link: 21 015 479 - Local Government and Social Care Ombudsman</p>
21017525 Housing	Referred back for	Premature decision – Advice given

Reference / Category	Decision	Summary / Decision Reason
	local resolution 25.02.22	
21017604 Corporate & Other services	Closed After initial Enquiries 22.03.22	<p>Summary: We will not investigate this complaint about the Council informing Mr X that it would take further action against him if he persists in harassing its officers. There is insufficient evidence of fault which would warrant an investigation.</p> <p>Decision: We will not investigate this complaint about the Council informing Mr X that it would take further action against him if he persists in harassing its officers. There is insufficient evidence of fault which would warrant an investigation.</p> <p>Decision Link: 21 017 604 - Local Government and Social Care Ombudsman</p>

5.2 Detailed Investigations:

5.2.1 For the period April 2021 to March 2022, nine complaints were referred to the LGSCO, three complaints were investigated and two complaints were upheld.

5.2.2 The table below details the number of detailed investigations undertaken by the LGSCO. Of the 3 complaints investigated 2 complaints were upheld and the uphold rate is recorded as 67%. This figure compares to 51% for similar organisations. A comparison table is shown below.

Decisions Made					Detailed Investigations			
Year End	Incomplete or invalid	Advice Given	Referred back for local resolution	Closed After initial Enquiries	Not upheld	Upheld	Uphold rate %	Total
2022	0	0	2	4	1	2	67	9
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 two complaints:

Reference	Category	Service Improvements
19014915 Upheld 30.07.21	Environmental Services & Public Protection	<ul style="list-style-type: none"> £250 compensation was paid in October 2021 for the time, trouble, frustration and stress caused. A report to reassess the situation was commissioned and received in June 2022 which has identified the cause of the flooding being further downstream. This has required further conversations with Network Rail and a meeting took place in August 2022. An initial cost of £60k is identified which is being reviewed in detail by the project managers. The Council will write to LCC Estates and LLFA regarding the matter and ombudsman's findings to seek agreement in share of costs of works at MSV. The Council have reviewed the consultation procedure for Discharge of conditions regarding flooding, when a Discharge of Condition application is made to the Local Planning Authority that has regard to drainage, an assessment is made on the reason the condition was added, if the application to which the condition was imposed is either a major planning application or the condition was imposed at the request of the LLFA, the LLFA

		will be consulted on the discharge of condition. Planning Officers are also familiar with the standing advice presented by the LLFA for minor applications. Revised contact details for both the Council and LLFA case officers have been circulated to enable all officers to communicate issues and work better together.
21004376 Upheld 21.03.22	Planning & Development	The Local Planning Authority publish the delegated report as well as the Decision Notice, this allows members of the public to not only see the decision that has been made but also the reasons for the decision and the assessments of the planning application

5.6 Public Interest Reports:

5.6.1 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 issued by the LGSCO against Melton Borough Council in the last 9 years.

5.7 Housing Ombudsman (HO)

In the financial year 2021/22, 2 cases were determined by the Housing Ombudsman. One complaint deemed out of jurisdiction with no maladministration found and the other one was partially upheld by the HO as detailed in the table below

Reference	Category	Decision / Date	Decision Reason
202016738	Housing	23 Apr 21 – Not Upheld	Out of Jurisdiction and no maladministration found in the handling of the complaint
201913187	Housing	15 Apr 21 - Partially upheld	In accordance with paragraph 55(b) of the Housing Ombudsman Scheme, in respect of: 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 the Ombudsman's opinion, resolved the complaint satisfactorily.

			<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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5.8 **Service Improvements:**

5.8.1 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
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</p>

		<p>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>
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5.9 Corporate Complaints:

- 5.9.1 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.
- 5.9.2 In addition, Scrutiny Committee have received Cabinet's performance reports for noting as part of their role to hold the Cabinet to account.
- 5.9.3 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).
- 5.9.4 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.
- 5.9.5 The table below shows a breakdown of the number of formal complaints determined during the financial year 2021/22 and how many were determined by the Ombudsman in that quarter.

Period	Complaints received	LGSCO	HO
Q1	32	2	2
Q2	32	2	-
Q3	19	1	-
Q4	32	4	-

Total	115	9	2
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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 2021/22.

8 Next Steps – Implementation and Communication

- 8.1 Publication of the Annual Ombudsman Letter on the LGSCO’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

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