

## Complaints Update Report: Local Government & Social Care Ombudsman, Housing Ombudsman & Corporate Complaints 22/23

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

### 1 Summary

- 1.1 This report provides Cabinet with an update on Ombudsman complaints and Corporate Complaints for April 2022 to 31 March 2023.

### 2 Recommendation(s)

**That Cabinet:**

- 2.1 **Note the contents of the report**

### 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 The report provides the number of complaints and enquiries recorded and what decisions the Ombudsman has made for the period April 2022 to 31 March 2023.
- 4.2 Corporate complaints data has also been provided for the period April 2022 to 31 March 2023.

## 5 Main Considerations

- 5.1.1 From 01 April 2022 to 31 March 2023, 2 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
2	0	0	0	0

- 5.1.2 The above cases were closed after initial enquiries.

- 5.1.3 The cases are summarised in the table below:

Reference / Category	Decision	Summary / Decision Reason
22 006 389	07.09.22 – Closed after initial Enquiries	<ol style="list-style-type: none"><li>1. The complainant complains the Council has allowed a children's homes to open near to where he lives without planning permission. The Council accepts there is a change of planning class from residential home to residential institution. However, it insists there is no material change of use despite an increase in the number of cars.</li><li>2. The complainant says staff from the home park on the road causing congestion. And the children congregate outside unsupervised, intimidating local children with bad language and behaviour.</li><li>3. The complainant wants the Council to insist on planning applications for change of use.</li></ol> <p><b>Outcome:</b> The LGSCO will not investigate this complaint about the Council's decision that no breach of planning control is taking place at a children's home in the village where the complainant lives. There is not enough evidence of fault in the Council's actions.</p> <p>Link: <a href="#">22 006 389 - Local Government and Social Care Ombudsman</a></p>

Reference / Category	Decision	Summary / Decision Reason
22 013 588	27.01.23 – Closed after initial Enquiries	<p>1. The complainant complains the Council:</p> <ul style="list-style-type: none"> <li>○ Has allowed a pre-school exclusive use of a piece of land without the correct planning permission since 2002; and</li> <li>○ has lied and misled him.</li> </ul> <p><b>Outcome:</b> The LGSO will not investigate this complaint about the Council’s decision not to take enforcement action against a pre-school which is using an outdoor area. This is because the complaint does not meet the tests in our Assessment Code on how we decide which complaints to investigate. The complaint is late and we have seen no reason to exercise discretion on this point.</p> <p>Link: <a href="#">22 013 588 - Local Government and Social Care Ombudsman</a></p>

## 5.2 Detailed Investigations:

5.2.1 For the period April 2022 to 31 March 2023, 2 complaints were referred to the LGSCO, and no complaints were investigated.

## 5.3 Public Interest Reports:

5.3.1 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 10 years.

## 5.4 Housing Ombudsman (HO)

5.5 From 01 April 2022 to 31 March 2023, 1 case was referred to the Housing Ombudsman. This was partially upheld and is detailed in the table below:

Reference	Category	Decision / Date	Summary/ Decision Reason
2021 250 91	Partially Upheld	March 2023	<p>The Ombudsman investigated a complaint about:</p> <ul style="list-style-type: none"> <li>• The landlord’s handling of the delays to repair the resident’s front and back doors</li> <li>• The landlord’s handling of the resident’s reports of a faulty boiler and his concerns about carbon monoxide emissions</li> </ul>

			<ul style="list-style-type: none"> <li>• The landlord's handling of the associated complaint</li> </ul> <p>The Ombudsman determined that:</p> <p>The landlord has offered redress to the resident prior to investigation which, in the Ombudsman's opinion, resolves the complaint about its handling of the delays to repair the resident's front and back doors satisfactorily.</p> <p>There was no maladministration by the landlord in its handling of the resident's reports of a faulty boiler and his concerns about carbon monoxide emissions.</p> <p>There was service failure by the landlord in its handling of the associated complaint.</p> <p>Melton Borough Council was required to:</p> <p>Pay £100 compensation.</p> <p>Publish self-assessment of its complaints policy</p> <p>Review staff training needs</p>
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## 5.6 **Service Improvements:**

- 5.6.1 Melton Borough Council has ensured compliance with the requirements of the Ombudsman. The timescale within which the complaint was acknowledged and treated by the council as a complaint (rather than a service request) fell outside of the Council's policy and Ombudsman requirements, leading to the complaint handling failure.
- 5.6.2 The recommendations below had already been actioned by the time the complaint outcome was received. The complaints policy has been reviewed, approved and published, along with a self-assessment in line with the Housing Ombudsman complaints handling code. Awareness raising of the new policy and requirements was covered in staff briefings as detailed below.
- 5.6.3 Key learning from this complaint is ensuring staff recognise what is a complaint and treating it as such in line with the council's complaints policy.

Reference	Category	Recommendations / Service Improvements
2021 250 91	Partially upheld	<p><b>Publish self-assessment of its complaints policy</b></p> <p>The Ombudsman has noted that the Council's <a href="#">Corporate Complaints Policy</a> was reviewed and refreshed in February 2023. The policy has been reviewed against the Housing Ombudsman complaints handling code to ensure it complies with the updated requirements of the Housing Ombudsman – confirmation has been received that it does. The self-</p>

		<p>assessment was also published to the councils website <a href="https://www.melton.gov.uk/complaints-handling-code-self-assessment">Complaints handling code self assessment (melton.gov.uk)</a>.</p> <p><b>Review staff training needs</b></p> <p>Key learning from this complaint is ensuring that staff recognise what is a complaint and treating it as such in line with the councils complaints policy.</p> <p>All staff who deal with complaints received a detailed briefing on the revised complaints policy and housing ombudsman complaints handling code on 21<sup>st</sup> February 2023. The revised policy includes greater clarity on what is a complaint and what is a service request. The updated policy has also been discussed in housing team meetings and at the most recent housing away day on 15<sup>th</sup> March, with all housing staff.</p>
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## 5.7 Corporate Complaints:

- 5.7.1 To ensure strategic oversight by Cabinet, corporate complaints are reported bi-annually to Cabinet as part of the Council's standard performance reporting arrangements. In addition to this annual ombudsman 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 as required and timely basis.
- 5.7.2 In addition, Scrutiny Committee receive Cabinet's performance reports for noting as part of their role to hold the Cabinet to account.
- 5.7.3 The Council's [Corporate Complaints Policy](#) was reviewed and refreshed in February 2023. 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). The policy has recently been reviewed to ensure it complies with the requirements of the Housing Ombudsman
- 5.7.4 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 and identify any trends or areas where improvement is required.
- 5.7.5 The table below shows a breakdown of the number of formal complaints determined during the financial year 2022/23 and how many were determined by the Ombudsman in that quarter.

Period	Complaints received	LGSCO	HO
Q1	37		
Q2	43	1	
Q3	28		
Q4	62	1	1
<b>Total</b>	<b>170</b>	<b>2</b>	<b>1</b>

## **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 a copy of the report detailing the Councils performance for the year 2022/23

## **8 Next Steps – Implementation and Communication**

- 8.1 To continue to ensure sufficient corporate oversight of complaints to enable service improvements to be made where appropriate.

## **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. The housing Ombudsman case set out at Para 5.5 resulted in £100 compensation being paid.
- 9.2 A log of compensation paid is maintained to provide an audit trail of the total cost in this area.

**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: Senior Solicitor**

## **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 Other Implications (where significant)**

- 14.1 There are no other implications arising from the report.

## 15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Full investigations undertaken by the Ombudsman resulting in a finding of fault	Low	Marginal	6

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low		1		
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	As recommended by the Ombudsman, a review of internal practices may be required if failings are identified

## 16 Background Papers

16.1 Bi-annual Ombudsman Update – Cabinet 16 June 2022

## 17 Appendices

None

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