

Cabinet

Date 26 September 2019

Report of:	Portfolio Holder Corporate Governance, Access and Engagement
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ANNUAL LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN LETTER

1.0 Corporate Priority:	Decision Type:
1.1 OG1 Delivering quality services to business and residents, understanding what matters to our customers.	Non Key Decision

2.0 Summary:
2.1 The Local Government and Social Care Ombudsman (LGSCO) Ombudsman submits an Annual report to the Council on all complaints they have received.
2.2 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 2019 by the LGSCO.

3.0 Recommendations
3.1 That the Local Government Ombudsman Annual Review Letter 2019 be received and noted.

4.0 Reason for Recommendation:
4.1 It is a constitutional requirement for Cabinet to have strategic oversight of complaints data.

5.0 Alternate Options Considered
5.1 There are no alternate options as it is a constitutional requirement for Cabinet to have strategic oversight of complaints data.

6.0 Report Detail
6.1 <u>Ombudsman Complaints</u> 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). The data provided includes the number of complaints and enquiries recorded and which topics and what decisions the Ombudsman has made.

6.2 In the financial year 2018/19, 11 complaints and enquiries were received by the LGSCO in respect of Melton Borough Council.

Corporate & Other Services	Environmental Services	Housing	Planning & Development
2	3	1	5

Out of the 11 decisions made by the LGSCO in this period, decisions were made on 7:

- 1 complaint was upheld;
- 1 was considered to be incomplete / invalid;
- 2 were referred back for local resolution; and
- 3 were closed after initial enquiries.

These figures can be seen in the table attached to the LGSCO's letter at Appendix 1 and table below:

Reference	Category	Decided	Decision	Decision Reason
18004317	Planning & Development	20 Jun 18	Premature - advice given	Referred back for local resolution
18006710	Planning & Development	30 Jul 18	Insufficient information to proceed and Planning Authority advised	Incomplete/Invalid
16012460	Housing	06 Sep 18	Maladministration & Injustice	Upheld - The Council agreed to remedy this injustice by apologising to Mr X and making a payment of £150 to him. The Council is to also ensure it keeps appropriate records and draw up a policy for investigating tenants complaints of harassment by landlords.
18007279	Corporate & Other Services	11 Sep 18	Insufficient Evidence	Closed after initial enquiries - Mr X complained about the Council's failure to take action against a local councillor whom he says had failed to comply with the Members' Code of Conduct. The Ombudsman should not investigate this complaint. This is because there is insufficient evidence of fault by the Council which would warrant an investigation.

Reference	Category	Decided	Decision	Decision Reason
18011595	Planning & Development	27 Oct 18	Premature Decision - advice given	Referred back for local resolution
18007809	Planning & Development	30 Oct 18	Not warranted by alleged maladministration / service failure	Closed after initial enquiries - Mrs X complains that the Council allowed a neighbour to fell a protected tree. The Ombudsman will not investigate this complaint because there is no evidence of fault by the Council.
17019744	Environmental Services & Public Protection & Regulation	21 Feb 2019	LGSCO unable to investigate Sch 5.5A/5.5B complaints where a Council is acting as a registered social housing provider	Closed after initial enquiries - The Ombudsman cannot investigate this complaint. This is because the complaint concerns the actions of a social housing landlord and the Ombudsman has no jurisdiction to investigate these bodies.

Service Improvements:

Melton Borough Council agreed to make the following improvements to its services following the Ombudsman's investigation of complaint 16012460 (detailed above) where it was concluded the complaint should be upheld:

1. Ensures it keeps records of meetings with tenants regarding complaints of harassment by their landlord and records of the Council's discussions, advice obtained and assessment of evidence.
2. Draws up a policy for investigating tenant's complaints of harassment by landlords to guide officers in dealing with the complaints and show tenants how their complaints will be investigated and the evidential requirements.
3. Reviews whether it is correctly applying the test set out in the Protection of Eviction Act 1977 (as revised by the Housing Act 1988) for future complaints. The Council should carry out the remedy within two months of the Ombudsman decision.

In **100%** of cases the LGSCO were satisfied that Melton Borough Council had successfully implemented these recommendations. This compares to an average of **99%** in similar authorities.

Comparison to previous years and other local authorities

By way of comparison to previous years, the number of upheld complaints in 2018/19 is more than last year. 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. The number of upheld complaints in previous years was as follows:

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
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

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

No public interest reports have been reported against Melton Borough Council in the last 5 years. These 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.

Reporting upheld complaints

Our performance in relation to LGSCO complaints is one of the Council's key performance indicators.

Performance against this target is reported quarterly to Cabinet as part of our 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 on an individual basis.

6.3 **Formal Corporate Complaints submitted to the Council**

On 14 November 2018 the People Committee approved a new Corporate Complaints Policy. This introduced a two stage internal process consisting of Stage One (Service Managers) and review by Directors if there is dissatisfaction (Stage Two).

The table below shows a breakdown of the number of formal complaints received during the financial year 2018/19.

Month	Stage 1 – T3 Manager	Stage 2 - Director	Total	LGO Decisions
Apr-18	8		8	
May-18	9		9	
Jun-18	12	2	14	1
Jul-18	8	3	11	1
Aug-18	10		10	
Sep-18	7	2	9	2
Oct-18	5	1	6	2
Nov-18	11	2	13	
Dec-18	10		10	
Jan-19	7	2	9	
Feb-19	8	1	9	1
Mar-19	5	1	6	
Total	100	14	114	7

6.4 A total of 100 stage 1 formal complaints have been received during the 2018/19 financial year. Of these 100 complaints, 14 complainants remained dissatisfied and progressed their complaint to Stage 2 (Director). 7 of these stage 2 complaints (50%) were progressed to the LGCSO as detailed in 6.2 above.

6.5 Performance Statistics

On 14 November 2018 the People Committee approved the Corporate Complaints Policy. This introduced a two stage internal process consisting of Stage One (Service Managers) and review by Directors if there is dissatisfaction (Stage Two).

6.6 Following a restructure of the Law and Governance directorate, a dedicated Information Governance Officer role was created. The post-holder ensures that complaints are dealt with in accordance with the Policy. This had led to a consistent compliance rate as per the table below:

Month	Complaints Received	Late Responses	% Compliance
Jan-19	13	0	100%
Feb-19	14	0	100%
Mar-19	12	0	100%
Apr-19	20	0	100%
May-19	19	0	100%
Jun-19	16	0	100%
Jul-19	15	0	100%
Aug-19	14	0	100%

6.7 Policy on Dealing with Unreasonable Complainants and Unacceptable Behaviour

On 14 November 2018 the People Committee also approved the Unreasonably Persistent or Vexatious Customer Policy for dealing with unreasonable and/or vexatious complainants.

6.8 Since the implementation of this policy, no warning letters have been issued and no complainants have been identified as vexatious.

6.9 Analysis:

Reports are currently being prepared to highlight whether there are any trends in the complaints received and will be cascaded to service managers. From these reports, service areas will be able to identify any lessons learnt and identify what (if any) service improvements are required and will have oversight from the Senior Leadership Team.

6.10 Compliments:

The Council started recording compliments in January 2019 and has received 3 to date as detailed below. It is noted that compliments may be recorded within services but not sent to the Complaints team for recording. Officers will be encouraged to report these to the Complaints team to ensure accurate data.

Month	Compliments Received	Directorate	Compliments
Mar-19	1	Growth & Regeneration	Helpful & polite staff on bin collections
May-19	1	Growth & Regeneration	Friendly waste operative waves to my son
Aug-19	1	People & Communities	Compliments to customers services about complaints handling

7.0 **Consultation and Feedback (including Scrutiny Committee)**

7.1 Statutory Officers have been provided with the Annual Ombudsman letter. The Councils performance for the year 2018/19.

8.0 **Next Steps**

- 8.1 • To publish the Annual Ombudsman Letter.

9.0 **Financial Implications**

9.1 There are no financial implications arising from the report.

10.0 **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.

11.0 Equality and Safeguarding Implications:

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

12.0 Community Safety Implications:

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

13.0 Other Implications

13.1 No other implications have been identified.

14.0 Risk & Mitigation:

14.1 There are no risks identified with noting the report.

Background Papers:

None

Appendices

Local Government and Social Care Ombudsman Annual Letter

Report Timeline:	Date signed off:
Equalities Check & Challenge	N/A
SLT Sign off	N/A
Previously Considered by Cabinet	N/A
Director Approval	11.09.19
Legal Approval	16.09.19
Finance Approval	N/A
Chief Finance Officer Sign Off	N/A
Monitoring Officer Sign Off	16.09.19

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