



Cabinet

16 September 2020

Report of: Councillor Alison Freer-Jones -
Portfolio Holder for Corporate
Governance, Access and
Engagement

Annual Local Government and Social Care Ombudsman Letter & Complaints Stats 2019/20

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

2.1. That Cabinet note the Local Government Ombudsman Annual Review Letter 2019/20.

3 Reason for Recommendations

- 3.1 It is a constitutional requirement for Cabinet to have strategic oversight of complaints data and receiving complaints data evidences 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). The data provided includes the number of complaints and enquiries recorded and which topics and what decisions the Ombudsman has made for the period 01 April 2019 to 31 March 2020.

5 Main Considerations

- 5.1 In the financial year 2019/20, 10 complaints were received by the LGSCO in respect of Melton Borough Council.

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

- 5.2 Out of the 10 referrals made to the LGSCO in this period, decisions were made on 5:

- i) 2 complaints were not upheld;
- ii) 2 complaints were upheld;
- iii) 5 were closed after initial enquiries.
- iv) 1 where advice was given
- v) 0 were deemed incomplete or invalid
- vi) 0 were referred back for local resolution

- 5.3 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
18014681	Planning & Development	17/05/2019	Upheld	Ms X complained about the Council's failure to properly publicise a planning application for development on land next to her home. She says that her amenity was harmed because of this. There was fault in the way the Council made its decision, but it made no difference to the outcome of its planning decision. https://www.lgo.org.uk/decisions/planning/planning-applications/18-014-681#point6

18015466	Environmental Services & Public Protection & Regulation	13/08/2019	Upheld	<p>Mrs X complained the Council did not properly deal with noise and anti-social behaviour from her next-door neighbours. She also complained it delayed responding to her complaint for six months. The Council was at fault for not involving its Environmental Health team for four months after Mr and Mrs X reported noise. It also delayed its response to their complaints, and there was some lack of communication by Council officers. The Council's faults caused Mr and Mrs X stress, frustration and time and trouble. It has agreed to pay them £300 and evaluate service changes made following these events. The remedy target date was 13 September 2019 and compensation was paid on 23 September 2019. A letter of satisfaction as received on 14 October 2020.</p>
18018430	Corporate & Other Services	03/04/2019	Closed after initial enquiries	<p>The Ombudsman cannot investigate Mr X's complaint</p> <p>about the Council's decision on his complaint about a fellow parish councillor. Mr X complains in his capacity as a parish councillor and</p> <p>the complaint is therefore outside the Ombudsman's legal remit.</p> <p>https://www.lgo.org.uk/decisions/environment-and-regulation/antisocial-behaviour/18-018-952</p>
18018952	Environmental Services & Public Protection & Regulation	30/04/2019	Closed after initial enquiries	<p>The Ombudsman cannot investigate Mr B's complaint about the way the Council has dealt with a noise nuisance. This is because the Ombudsman cannot investigate matters that have been the subject of court proceedings, or where the Council is not responsible for the issues being raised.</p> <p>https://www.lgo.org.uk/decisions/environment-and-regulation/antisocial-behaviour/18-018-952</p>
18019077	Housing	10/06/2019	Not Upheld	<p>Mr X complains the Council failed to help him with his homelessness. The Council is not at fault.</p> <p>https://www.lgo.org.uk/decisions/housing/homelessness/18-019-077</p>

19001628	Corporate & Other Services	10/06/2019	Closed after initial enquiries	The Ombudsman will not investigate Mr X's complaint about whether a councillor had breached the elected member code of conduct. This is because there is not enough evidence the Council's investigation was affected by fault. We cannot therefore question the merits of the Council's decision https://www.lgo.org.uk/decisions/other-categories/other/19-001-628
19004417	Housing	13/11/2019	Closed after initial enquiries	We cannot investigate this complaint about Ms Q's need for a larger property to accommodate her family. This is because we have no jurisdiction to consider the housing management issues complained of. https://www.lgo.org.uk/decisions/adult-care-services/disabled-facilities-grants/19-004-417
19011941	Planning & Development	31/03/2020	Not Upheld	There was no fault by the Council in a complaint which alleged fault with the Council's decision to grant planning permission for a development as well as its handling of planning enforcement matters. https://www.lgo.org.uk/decisions/planning/planning-applications/19-011-941
19014296	Planning & Development	14/02/2020	Closed after initial enquiries	The Ombudsman will not investigate this complaint about how the Council dealt with a planning application for a development near the complainant's home. This is because it is unlikely he will find fault by the Council. https://www.lgo.org.uk/decisions/planning/planning-applications/19-014-296
19016993	Housing	13/01/2020	Advice given	Advised to contact the Housing Ombudsman

5.4 Service Improvements:

5.4.1 Melton Borough Council agreed to make the following improvements to its services following the Ombudsman's investigation of complaint 18014681 (detailed above) where it was concluded the complaint should be upheld:

- a) Focus on internal policies and procedures to ensure they are fit for purpose and contain additional checks and balances.

5.4.2 Melton Borough Council agreed to make the following improvements to its services following the Ombudsman's investigation of complaint 18015466 (detailed above) where it was concluded the complaint should be upheld:

- a) A focus on tenancy management following a Corporate Restructure with increased Housing Officer capacity and management supervision of cases.
- b) The Council has signed up to Noise App which can be used by affected residents and helps the Council identify and deal with problem efficiently and effectively.
- c) The formation of the corporate enforcement team under Regulatory Services provides a knowledgeable team that can problem solve and deal with complaints of this nature more effectively across the Council

5.5 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.

5.6 By way of comparison to previous years, the number of upheld complaints in 2019/2020 is one more than last year but the uphold rate was 50% less this compares to 45% for similar Authorities. A comparison table is shown below.

5.7 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.

5.8 The number of upheld complaints in previous years is shown in the following table:

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
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

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

- 5.10 No public interest reports have been reported against Melton Borough Council in the last 5 years.
- 5.11 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.
- 5.12 Our performance in relation to LGSCO complaints is one of the Council's key performance indicators.
- 5.13 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.
- 5.14 The Corporate Complaints has been in place for over a year now. The process comprises a two stage internal process consisting of Informal Resolution (where relevant) followed by Stage One (Service Manager) and review by Directors if there is dissatisfaction (Stage Two).
- 5.15 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.
- 5.16 To ensure strategic oversight by Cabinet and to ensure continuous service improvement, corporate complaints will be included within quarterly performance reports to Cabinet and they will receive this additional data from Quarter 2 (July-Sept).
- 5.17 In addition, Scrutiny Committee will be receiving Cabinets performance reports for noting as part of their role to hold the Cabinet to account. Scrutiny will also receive a report on Complaints periodically.

- 5.18 The table below shows a breakdown of the number of formal complaints received during the financial year 2019/20.

Month	Stage 1 – T3 Manager	Number Upheld	Stage 2 - Director	Number Upheld	LGO Decisions
Apr-19	10	-	1	-	2
May-19	5	-	2	-	1
Jun-19	4	-	0	-	2
Jul-19	4	-	2	-	0
Aug-19	6	-	1	-	1
Sep-19	5	1	4	0	0
Oct-19	3	0	3	0	0
Nov-19	4	0	4	1	1
Dec-19	11	0	0	0	0
Jan-20	9	2	0	0	1
Feb-20	7	0	2	1	1
Mar-20	5	0	3	0	1
Total	73	3	22	2	10

- 5.19 A total of 73 stage 1 formal complaints have been received during the 2019/20 financial year. Of these 73 complaints, 22 complainants remained dissatisfied and progressed their complaint to Stage 2 (Director). 10 of these stage 2 complaints (14%) were progressed to the LGCSO as detailed in 6.2 above.

- 5.20 The complaints statistics for 2018/19 vs 2019/20 are:

Service	2018/19	2019/20	Movement
Revenues & Benefits	0	1	↑
Housing Assets	16	25	↑
Housing & Neighbourhoods	25	21	↓
People	1	1	↔
Customer Services	2	4	↓
Waste & Environment	5	5	↓
Regeneration	0	0	↔
Development Control (Planning)	15	27	↑

Building Control	0	3	↑
Corporate Assets & Property	0	1	↑
Local Plans	0	0	↔
HR & Communications	0	0	↔
Corporate Services	0	0	↔
Corporate Improvement	0	0	↔
Legal	0	0	↔
Democratic Services	1	1	↔
Elections	1	4	↑
Environmental Health	5	3	↓
Licensing	1	1	↔
Post & Reprographics	0	0	↔
TOTALS	72	97	↑

5.21 Root Causes:

5.21.1 The corporate Complaints policy identifies 6 categories, namely:

- i) Poor quality services;
- ii) Unreasonable behaviour by an Officer(s);
- iii) Unreasonable delay;
- iv) An informal response failed to resolve an issue;
- v) Correct processes not followed
- vi) Compliments

5.21.2 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.

5.22 Compliments:

5.22.1 The Council started recording compliments in January 2019 and has received 14 between April 19 and March 20 to date as detailed below:

Service	No. of Compliments
Regeneration & Growth	2
People & Communities	5
Housing & Communities	5
Governance & Regulatory	2

5.23 Policy on Dealing with Unreasonable Complainants and Unacceptable Behaviour:

- 5.23.1 Since the implementation of this policy, one complainant has been identified as unreasonable / vexatious. A letter was issued restricting contact with numerous officers by identifying a single point of contact within the Council. The restrictions are reviewed on a regular basis.

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 have been provided with the Annual Ombudsman letter. The Councils performance for the year 2019/20.

8 Next Steps – Implementation and Communication

- 8.1 To publish the Annual Ombudsman Letter.

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: Director for Governance and Regulatory Services

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

Report Author:	Kieran Stockley , Legal and Governance Manager
Report Author Contact Details:	01664 504336 KStockley@melton.gov.uk
Chief Officer Responsible:	Adele Wylie , Director for Governance and Regulatory Services
Chief Officer Contact Details:	01664 504205 awylie@melton.gov.uk