

Cabinet

4 September 2019

Item
10(i)

Report of	Monitoring Officer	Author	Andrew Weavers
Title	Local Government and Social Care Ombudsman – Annual Review Letter 2018/2019		282213
Wards affected	Not applicable		

1. Executive Summary

- 1.1 The Local Government and Social Care Ombudsman produces an Annual Review Letter on the number of complaints it has received regarding each local authority. This report provides details of Colchester Borough Council's Annual Review Letter for 2018/2019.

2. Recommended Decision

- 2.1 To note the contents of the Local Government and Social Care Ombudsman's Annual Review Letter for 2018/2019.

3. Reasons for Recommended Decision

- 3.1 To inform the Cabinet of the contents of the Local Government and Social Care Ombudsman's Annual Review Letter relating to Colchester Borough Council for 2018/2019.

3. Alternative Options

- 3.1 No alternative options are presented.

4. Supporting Information

- 4.1 The Local Government and Social Care Ombudsman issues an Annual Review Letter to each local authority. The Annual Review Letter for Colchester for the year ending 31 March 2019 is attached to this report at Appendix 1.
- 4.3 It is worth noting that anyone can choose to make a complaint to the Local Government and Social Care Ombudsman. Accordingly, the number of complaints is not an indicator of performance or level of customer service. In most instances there was no case to answer. The Local Government and Social Care Ombudsman will normally insist that the Council has the opportunity to resolve the complaint locally through its own complaints procedure before commencing its own investigation.
- 4.4 The Governance and Audit Committee has an overview of Local Government and Social Care Ombudsman investigations and the contents of the Annual Review will be reported to the Committee in due course.

5. Key Headlines

- 5.1 No public interest reports or service improvement recommendations were issued.

5.2 In 2018/2019 the Council received 210,185 direct customer contacts in the customer services area. However, this figure does not include ad hoc customer contacts across the organisation. The Local Government and Social Care Ombudsman in the same period received 20 complaints and enquires in relation to how the Council had dealt with its customers. This is a slight decrease from the previous year's figure of 21.

5.3 The following table provides a comparison of complaints and enquires received.

Year	Benefits and Tax	Corporate and other services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
2015/16	3	2	3	2	6	8	0	25
2016/17	2	0	2	0	5	7	0	16
2017/18	1	1	5	2	8	3	1	21
2018/19	0	1	4	0	5	10	0	20

5.4 The following table provides a comparison of decisions made.

Year	Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed after Initial Enquiries	Detailed Investigations			Total
					Not Upheld	Upheld	Uphold Rate	
2015/16	2	3	12	4	1	1	50%	23
2016/17	0	1	4	5	2	1	33%	13
2017/18	1	2	8	5	4	1	20%	21
2018/19	2	1	4	10	3	3	50%	23

As can be seen from the table above, 6 detailed investigations were undertaken. Of which:

- 3 not upheld,
- 3 upheld.

(The Local Government and Social Care Ombudsman decided that the Council had been at fault in how it acted, and the fault may or may not have caused injustice to the complainant, or where the Council accepted that it needed to remedy the complaint before the Local Government and Social Care Ombudsman made a finding on fault. If the Local Government and Social Care Ombudsman decided there was fault and it caused an injustice to the complainant, usually it will have recommended the Council take some action to address it).

The uphold rate of 50% is slightly higher than the average of 43% in similar Authorities. However, the uphold rate should also be seen in the context of the 23 cases received by the Local Government and Social Care Ombudsman.

5.5 Two of the upheld cases related to Planning and Development:

- (a) One was in relation to a complaint regarding the way the Council had determined a planning application in relation to development on an open space with reference to the (then) emerging local plan. The Local Government and Social Care Ombudsman upheld the complaint because there was some fault in the Council's degree of weighting given to the (then) emerging local plan in its decision. However, the Local Government and Social Care Ombudsman ended the investigation as the complainant had not suffered significant personal injustice.
- (b) The other related to how the Council dealt with a planning application to extend the complainants' neighbours property. The Local Government and Social Care Ombudsman found fault due to officers providing conflicting information to the

complainant regarding aspects of the application process. Additionally, the complainant had made a formal complaint through the Council's complaint process. The Local Government and Social Care Ombudsman found fault by the Council in the manner in which it had handled the complaint. The Council agreed to apologise to the complainant and pay a time and trouble payment of £100.

The third upheld case related to Housing and was in relation to an application for housing. The Local Government and Social Care Ombudsman found that Colchester Borough Homes had been at fault in the way they had handled the initial stages of the complainant's housing application. Colchester Borough Homes agreed to provide an apology to complainants.

In all three instances processes have been reviewed and amended as appropriate.

- 5.6 For the first time this year the Annual Review Letter contains a table which indicates the Council's performance in implementing agreed recommendations. The table indicates that the Council had a compliance rate of 100% with one recommendation implemented within the agreed timescale and the other outside. This will be closely monitored going forward to ensure that recommendations are implemented within the timescales.

6. Financial Considerations

- 6.1 No direct implications other than mentioned in this report.

7. Strategic Plan References

- 7.1 The lessons learnt from complaints to the Local Government and Social Care Ombudsman link in with our Strategic Plan aims to be efficient accessible, customer focused and always looking to improve. Having an effective complaints process helps us to achieve the Strategic Plan's themes of a Wellbeing, making Colchester an even better place to live and supporting those who need help most.

8. Equality, Diversity and Human Rights Implications

- 8.1 No direct implications.

9. Publicity Considerations

- 9.1 Details of the Annual Review Letter are published on the Local Government and Social Care Ombudsman's website and will also be published on the Council's website.

10. Consultation, Community Safety, Health and Safety and Risk Management Implications

- 10.1 No direct implications.