

## Governance and Audit Committee

Item  
7

18 October 2022

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Local Government and Social Care Ombudsman – Annual Review Letter 2022		
Wards affected	Not applicable		

### 1. Executive Summary

- 1.1 The Local Government & 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 2022.

### 2. Recommended Decision

- 2.1 To note the contents of the Local Government & Social Care Ombudsman's Annual Review Letter for 2022.

### 3. Reasons for Recommended Decision

- 3.1 To inform the Committee of the contents of the Local Government & Social Care Ombudsman's Annual Review Letter relating to Colchester Borough Council for 2022.

### 3. Alternative Options

- 3.1 No alternative options are presented.

### 4. Supporting Information

- 4.1 The Local Government & Social Care Ombudsman issues an Annual Review Letter to each local authority. The Annual Review Letter for Colchester for the period ending 31 March 2022 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 & 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 & 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 contents of this report were reported to Cabinet at its meeting on 7 September 2022 where the report was agreed.

## 5. Key Headlines

- 5.1 The Local Government & Social Care Ombudsman Annual Review Letter focuses on the outcomes of complaints and what can be learned from them. The statistics are on 3 key areas:

**(i) Complaints upheld** - The Ombudsman upholds complaints when it finds some form of fault in an authority's actions, including where the authority accepted fault before it investigated.

**(ii) Compliance with recommendations** - The Ombudsman recommends ways for authorities to put things right when faults have caused injustice and monitor their compliance with its recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**(iii) Satisfactory remedies provided by the authority** – In these cases, the authority upheld the complaint and the Ombudsman agreed with how the authority offered to put things right. The Ombudsman encourages the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

The Ombudsman compares the three key annual statistics for each authority with similar types of authorities to work out an average level of performance.

	Period ending 31/03/22	Period ending 31/03/21	Period ending 31/03/20
Complaints Upheld	1	No detailed investigations carried out	1
Compliance with Ombudsman's recommendations	100%	No recommendations due for compliance	100%
Satisfactory remedies provided by the authority	0	No detailed investigations upheld	0

- 5.2 The Ombudsman upheld one complaint with a finding of maladministration causing injustice. The complainant had complained that the Council did not award his business a grant under the Small Business Grant scheme (payable during the pandemic). The Ombudsman found that the Council had not properly assessed the complainant's liability to pay business rates at his premises which led to injustice. The Council accepted that there had been an error, apologised, paid £200 in recognition of the complainant's distress and time and trouble and paid £10k to the complainant which sum reflected the grant that the complainant should have received under the Small Business Grant scheme. The Ombudsman was satisfied with the Council's response.
- 5.3 Officers in the team concerned believed that the decision made at the time was done so in good faith bearing in mind the complex and ambiguous guidance provided by BEIS. The business involved was not on the ratings list at the relevant time and the Council had no obligation to amend this in order to award a small business grant. The team were under immense pressure during this time and successfully delivered £70M amount of grants.
- 5.4 The following table provides a comparison of complaints and enquires received.  
(NB. categories are those used by the Ombudsman)

Year	Benefits and Tax	Corporate and other services	Environmental Services & Public Protection & Regulation	Highways and Transport	Housing	Planning and Development	Other	Total
2021/22	2	1	4	1	7	4	2	21
2020/21	2	1	4	4	1	3	0	15
2019/20	3	1	5	3	6	2	0	20
2018/19	0	1	4	0	5	10	0	20
2017/18	1	1	5	2	8	3	1	21
2016/17	2	0	2	0	5	7	0	16
2015/16	3	2	3	2	6	8	0	25

5.5 The following table provides a comparison of decisions made.

Year	Incomplete / Invalid	Advice Given	Referred back for Local Resolution	Closed after Initial Enquiries	Detailed Investigations			Total
					Not Upheld	Upheld	Uphold Rate	
2021/22	1	3	5	10	2	1	33%	22
2020/21	1	0	5	7	0	0	N/A	13
2019/20	2	0	9	6	3	1	25%	21
2018/19	2	1	4	10	3	3	50%	23
2017/18	1	2	8	5	4	1	20%	21
2016/17	0	1	4	5	2	1	33%	13
2015/16	2	3	12	4	1	1	50%	23

5.6 The following table shows Colchester's performance compared with other Borough, City and District Councils in Essex.

Name	Complaints Upheld % (numbers)	Compliance with recommendations	Satisfactory remedies provided by Council (numbers)
Basildon	67% (2)	100%	0% (0)
Braintree	50% (1)	None	100% (1)
Brentwood	75% (3)	100%	33% (1)
Castle Point	None	None	None
Chelmsford	None	None	None
Colchester	33% (1)	100%	0% (0)
Epping Forest	50% (2)	100%	0% (0)
Harlow	71% (5)	100%	0% (0)
Maldon	100% (1)	None	0% (0)
Rochford	33% (1)	None	100% (1)
Tendring	40% (2)	100%	0% (0)
Uttlesford	50% (2)	100%	0% (0)

## 6. Strategic Plan References

6.1 The lessons learnt from complaints to the Local Government & 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.

## **7. Publicity Considerations**

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

## **8. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health and Safety, Risk Management and Environmental and Sustainability Implications**

- 8.1 No direct implications.

Appendix 1 – Annual Review Letter 2022