



## Cabinet

Item  
**7(ii)**

6 September 2023

<b>Report of</b>	<b>Head of Governance and Monitoring Officer</b>	<b>Author</b>	<b>Andrew Weavers</b>
<b>Title</b>	<b>Local Government and Social Care Ombudsman – Annual Review Letter 2023</b>		
<b>Wards affected</b>	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 City Council's Annual Review Letter for 2023.

### 2. Recommended Decision

- 2.1 To note the contents of the Local Government & Social Care Ombudsman's Annual Review Letter for 2023.

### 3. Reasons for Recommended Decision

- 3.1 To inform the Cabinet of the contents of the Local Government & Social Care Ombudsman's Annual Review Letter relating to Colchester City Council for 2023.

### 3. Alternative Options

- 3.1 No alternative options are presented.

### 4. Supporting Information

- 4.1 The Local Government & Social Care Ombudsman can investigate complaints about most council services, even if the service is outsourced to another organisation to provide. The Ombudsman issues an Annual Review Letter to each local authority. The Annual Review Letter for Colchester for the period ending 31 March 2023 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 Governance and Audit Committee has an overview of Local Government & Social Care Ombudsman investigations, and the contents of the Annual Review will be reported to the Committee in due course. The Committee is also asked to note that Ombudsman cases are reported to Principal Liaison meetings attended by senior staff from Colchester City Council and Colchester Borough Homes and to the Housing Portfolio Holder briefings ahead of publication.

## 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 31/03/23	Period ending 31/03/22	Period ending 31/03/21	Period ending 31/03/20
Complaints Upheld	2	1	No detailed investigations carried out	1
Compliance with Ombudsman's recommendations	100%	100%	No recommendations due for compliance	100%
Satisfactory remedies provided by the authority	0	0	No detailed investigations upheld	0

5.2 The Ombudsman upheld two complaints relating to housing allocations managed by Colchester Borough Homes on behalf of the Council. Neither of the upheld complaints had a finding of maladministration.

5.2.1 In the first case the complainant complained about the time it took the Council to support his stepson into suitable housing, thereby endangering both himself and his wife. The investigation concluded by making a finding of fault by the Council. Although the Council took reasonable steps to alleviate any immediate danger presented, the Ombudsman found the Council failed to act on evidence provided to it that demonstrated receipt of Disability Living Allowance. The Ombudsman also found that the Council had failed to make a referral to social care services when it had enough information to do so. There should have been a referral for a sheltered accommodation assessment sooner and this caused an injustice to the complainant. The Council agreed to the recommendations proposed by the Ombudsman in order to prevent any future similar occurrences by: (i) explaining what it will do to ensure evidence it receives as part of any application is considered and used as appropriate and (ii) make a payment to the complainant of £300 in recognition of the stress and trouble incurred from the ongoing living situation the Council could have otherwise reduced. Both recommendations were completed to the satisfaction of the Ombudsman.

5.2.2 In the second case the complainant complained he and his family were living in unsuitable housing which had a detrimental effect on his family's health. The Council was found to have appropriately followed legislation, policy and procedure in allocating housing. However, the Council were found to be at fault for misclassifying autism, failing to understand the complainant's additional needs and failing to record and explain a decision to remove the garden as a reasonable preference.

The Council is working with its partner organisations to review the assessment framework and how it will explain decisions to applicants with neurodevelopmental conditions. In addition, the Ombudsman recommended that the Council: (i) apologised in writing to the complainant, (ii) review the complainant's family's need for a garden and explain its decision fully in writing, and (iii) make a payment of £500 for the distress caused to the complainant and the time and trouble he has taken to deal with this complaint. All recommendations were completed to the satisfaction of the Ombudsman.

5.2.3 Whilst there was no finding of maladministration in either case, Colchester Borough Homes have reviewed their processes in the light of both complaints and made necessary improvements.

The Annual Review Letter also acknowledges that the Ombudsman had provided complaint handling on line training for Colchester Borough Homes staff.

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
2022/23	2	0	0	0	4	4	0	10
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

5.5 The following table provides a comparison of enquires and decisions made by outcome.

Year	Incomplete / Invalid	Advice Given	Referred back for Local Resolution	Closed after Initial Enquiries	Detailed Investigations			Total
					Not Upheld	Upheld	Uphold Rate	
2022/23	0	0	6	2	0	2	100%	10
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

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	100% (2)	100%	0% (0)
Braintree	67% (2)	None	0% (0)
Brentwood	13% (3)	100%	0% (0)
Castle Point	None	None	None
Chelmsford	50% (1)	100%	0% (0)
Colchester	100% (2)	100%	0% (0)
Epping Forest	67% (6)	100%	0% (0)
Harlow	50% (2)	100%	0%(0)
Maldon	0% (0)	None	None
Rochford	None	None	None
Tendring	67% (2)	100%	0% (0)
Uttlesford	100% (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 and 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.