

20 October 2020

Report of	Monitoring Officer	Author	Andrew Weavers 282213
Title	Local Government & Social Care Ombudsman – Annual Review Letter 2019/2020		
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 2019/2020.

## 2. Recommended Decision

- 2.1 To note the contents of the Local Government & Social Care Ombudsman's Annual Review Letter for 2019/2020.

## 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 Borough Council for 2019/2020.

## 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 year ending 31 March 2020 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 Cabinet considered and approved this report at its meeting on 2 September 2020.

## 5. Key Headlines

- 5.1 No public interest reports were issued. One service improvement recommendation was agreed and completed.

- 5.2 The Local Government & Social Care Ombudsman has changed its emphasis this year in its Annual Review Letter to focus 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. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

**(ii) Compliance with recommendations** - The Ombudsman recommends ways for authorities to put things right when faults have caused injustice. Its recommendations try to put people back in the position they were before the fault and the Ombudsman monitors authorities to ensure they comply with its recommendations. Failure to comply with its recommendations is rare. An authority with a compliance rate below 100% is recommended by the Ombudsman to scrutinise those complaints where it failed to comply and identify any learning. (Colchester's compliance rate was 100%).

**(iii) Satisfactory remedies provided by the authority** - The Ombudsman wants to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to resolving complaints. It recognises cases where an authority has taken steps to put things right before the complaint was received by the Ombudsman. The authority upheld the complaint and the Ombudsman agreed with how it offered 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.

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

Year	Benefits and Tax	Corporate and other services	Environmental Services & Public Protection & Regulation	Highways and Transport	Housing	Planning and Development	Other	Total
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

- 5.4 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	
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

As can be seen from the table above, 4 detailed investigations were undertaken. Of which:

- 3 not upheld,
- 1 upheld.

*(The Local Government & 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 & Social Care Ombudsman made a finding on fault. If the Local Government & 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 25% is lower than the average of 45% in similar Authorities.

- 5.5 The upheld case was under the Environmental Services & Public Protection & Regulation heading and was in relation to a complaint that the Council had failed to properly investigate a complaint of a statutory nuisance caused by burning waste on a neighbouring property. The complainant also complained that the Council had poorly managed the complaint process. The Ombudsman found that there was no fault in how the Council investigated the matter. However, there was some fault in how it had communicated with the complainant. The Ombudsman found that the Council had given the complainant wrong advice and had not communicated the outcome of a site visit. The Council agreed to apologise to the complainant and remind staff of the law relating to waste management and the need to keep complainants informed during statutory nuisance investigations. The Council subsequently undertook these actions to the Ombudsman's satisfaction.
- 5.6 In 2019/2020 the Council received 210,377 direct customer contacts in the customer services area (calls and in person visits to the Hub). This is a slight increase from the previous year's figure of 210,185. The Local Government & Social Care Ombudsman in the same period received 20 complaints and enquires in relation to how the Council had dealt with its customers. The number of complaints remained the same as the previous year.
- 5.7 The following table shows Colchester's performance compared with other Borough and District Councils in Essex.

Name	Complaints Upheld % (numbers)	Compliance with recommendations	Satisfactory remedies provided by Council
Basildon	50% (2)	100%	0%
Braintree	40% (2)	100%	50%
Brentwood	25% (1)	100%	0%
Castle Point	25% (1)	100%	0%
Chelmsford	0% (0)	n/a	n/a
Colchester	25% (1)	100%	0%
Epping Forest	67% (10)	100%	20%
Harlow	0% (0)	n/a	n/a
Maldon	100% (1)	100%	0%
Rochford	100% (1)	100%	0%
Tendring	83% (5)	100%	0%
Uttlesford	100% (2)	100%	0%

- 5.8 The Contact & Support team in Customer are delighted to have been awarded the Customer Service Excellence standard for the second year in a row, following a rigorous assessment day in January 2020. Customer Service Excellence is a government-backed

industry standard that tests in depth those areas that research has shown are a priority to customers, with a particular focus on delivery, timeliness, information, professionalism and staff attitude.

- 5.9 Each quarter residents are invited to complete a survey to determine levels of satisfaction after accessing services via our contact and support centre. A standard set of 5 questions are posed to gauge levels of customer satisfaction. For 2019/20 the following outcomes were achieved:

Question	% of positive responses
Do you feel we answered your call in a reasonable time?	91%
Did you get everything you needed from the call?	89%
Did you feel the person you spoke to was professional and polite?	95%
Were you satisfied with the service you received today?	92%
Do you feel that you were treated fairly today?	94%
(N.B. These results cover the surveys held for all services for the dates of: June 2019, September 2019, December 2019 and March 2020)	

## **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.