



## Cabinet

Item  
**10(i)**

4 September 2019

<b>Report of</b>	<b>Monitoring Officer</b>	<b>Author</b>	<b>Andrew Weavers</b>
<b>Title</b>	<b>Local Government and Social Care Ombudsman – Annual Review Letter 2018/2019</b>		
<b>Wards affected</b>	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.

# Local Government & Social Care OMBUDSMAN

24 July 2019

*By email*

Adrian Pritchard  
Chief Executive  
Colchester Borough Council

Dear Mr Pritchard

## **Annual Review letter 2019**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

### **Complaint statistics**

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

I want to emphasise the statistics in this letter reflect the data we hold and may not necessarily align with the data your authority holds. For example, our numbers include

enquiries from people we signpost back to your authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

### **New interactive data map**

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

### **Complaint handling training**

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the

common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

**Local Authority Report:** Colchester Borough Council

**For the Period Ending:** 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	0	1	0	4	0	5	10	0	20

## Decisions made

Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Detailed Investigations			Total
				Not Upheld	Upheld	Uphold Rate (%)	
2	1	4	10	3	3	50	23

**Note:** The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

## Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0

**Note:** These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

## Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
2	1	1	0	<b>Number</b>
	100%		-	<b>Compliance rate**</b>
<p><b>Notes:</b>            * This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year.            ** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.</p>				