



Complaints Monitoring (including LGO Annual monitoring report)

Report by the Director for Customer Service

1.0 Summary

1.1 This report reviews the Annual Review letters of the Local Government Ombudsman (LGO) relating to Adur District Council and Worthing Borough Council for the year ended 31 March 2017 and also provides further analysis on other complaints which the LGO has received as part of the new reporting year 2017/18 and those decisions that were outstanding from the previous year and previous reports to the Committee.

2.0 Background

2.1 The Commission for Local Administration in England was created by Part 3 of the Local Government Act 1974 to run the Local Government Ombudsman Service.

2.2 The Local Government Ombudsman investigates complaints by members of the public who, generally, have had complaints considered by the Local Authority, but still consider that they have been caused injustice by the administrative actions of Local Authorities and other bodies within the jurisdiction of the LGO.

2.3 The LGO provides a free, independent and impartial service. When they receive a complaint they are on the side of neither the complainant nor the respondent Authority. In each case, they investigate whether there has been any administrative fault that has caused a personal injustice to the complainant.

2.4 If the LGO find that something has gone wrong and that a person has suffered as a consequence, they aim to get it put right with a satisfactory remedy. The remedy will depend on the circumstances of the complaint and, in some cases, the Authority will be asked to pay compensation.

2.5 The LGO received 9 complaints and enquiries about Adur District Council for the year ended 31 March 2017 compared with 11 for the year ended 31 March 2016. A copy of the LGO's letter is appended to the report as Appendix 1.

- 2.6 Members have historically asked to have comparative information and Table 1 provides the total number of complaints received by the Local Government Ombudsman in relation to Adur District Council over the past 7 years.

Table 1

Enquiries and Complaints received	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Total	12	11	12	11	9	11	9

- 2.7 During this period the LGO made 11 decisions regarding complaints. 1 was incomplete or invalid, 2 complaints/enquiries were referred back to the Council for local resolution, 3 were closed after initial enquiries, 4 were not upheld and 1 was upheld. 2 of those complaints/enquiries were regarding Housing, 2 were regarding Planning & Development, 2 were regarding Highways & Transport, 2 were regarding Environment Services and 1 was relating to Corporate and other services. The upheld complaint related to a claim that the Council had failed to deal properly with Housing Benefit and Council Tax matters. The LGO decision was that most of the complaint was not upheld about the matters relating to the Benefit claims but the Council was at fault for not acting on some financial information that the complainant sent but that fault did not in itself disadvantage the complainant significantly. The Council was not asked to take any further action by the LGO.
- 2.8 The LGO received 5 complaints and enquiries about Worthing Borough Council for the year ended 31 March 2017 compared with 9 for the year ended 31 March 2016. A copy of the LGO's letter is appended to the report as Appendix 2. The LGO made 5 decisions regarding the complaints 1 was closed after initial enquiries and 4 were referred back for local resolution.
- 2.9 The comparative information relating to Worthing Borough Council is set out in Table 2 below.

Table 2

Enquiries and Complaints received	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Total	20	24	16	18	23	9	5

- 2.10 An analysis of these complaints, where information is available, was previously provided to the Committee during 2016/17. A detailed analysis of the most recent ongoing LGO complaints is now provided in the table below.

<u>Description of complaint</u>	<u>LGO decision</u>
<u>Adur District Council</u>	
Ref No: 565481 - Complaint that the Council increased, without notification, the taxi tariff in December 2016 which the complainant claims caused him a loss of income.	Decision pending.
Ref No: 006512 - Complaint that the Council did not tell the complainant of her father's death and his property was subsequently burgled and money allegedly stolen. The complainant also disputes that her father owed Council Tax.	Decision pending.
<u>Worthing Borough Council</u>	
Ref No 565165 - Complaint that the Council failed to tell the complainant that a Notice he had served on a tenant was invalid. Claims that he would have incurred lower legal costs if the Council had correctly advised him.	No LGO investigation to be undertaken because there is insufficient evidence of fault by the Council and insufficient evidence of injustice.
Ref No 279747 - Complaint about the handling of a planning application by the Planning Committee and the handling of a complaint under the Council's complaints procedure.	Decision pending.

2.11 The Service areas which have been generating the recorded LGO complaints during the periods of reporting to the Committee since 2014 have been broken down as follows:-

<u>Adur District Council</u>	
Planning	4 not upheld
Environmental Health	3 (1 not upheld, 1 partially upheld and 1 decision pending)
Housing	1 (Partially upheld)
Census (Revenues & Benefits)	4 (2 not upheld, 1 partially upheld and 1 decision pending)
<u>Worthing Borough Council</u>	
Parks and Foreshore	2 not upheld
Housing Services	2 not upheld and 1 decision pending
Planning	2 not upheld and 1 decision pending
Revenues and Benefits	3 (1 upheld and 2 not upheld)
Democratic Services	1 (not upheld)
Financial Services	1 (not upheld)

3.0 Analysis of Complaints and compliments for 2016/17

- 3.1 At the meeting of the Committee in March 2017, a request was made for this report to also include some additional information on compliments received by the Councils. A summary of the most recent compliments received in Q1 2017/18 is attached as an appendix 3 to this report.
- 3.2 Increased scrutiny and analysis of complaints and compliments continues to ensure that the available complaints and compliments data is accurate.

4.0 Legal

- 4.1 The role of the Local Government Ombudsman is governed by Part 3 of the Local Government Act 1974.
- 4.2 Section 111 of the Local Government Act 1972 allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

5.0 Financial implications

- 5.1 There are no direct financial implications arising from this report

6.0 Recommendation

- 6.1 That the Committee note the contents of the report and agree to receive a further analysis report of the Local Government Ombudsman complaints in March 2018.**

Local Government Act 1972

Background Papers:

Local Government Ombudsman Annual review letters for Adur District Council and Worthing Borough Council for the year ended 31 March 2017.

12 September 2017

Contact Officer:

Mark Lowe
Policy Officer
Portland House.
Worthing
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Schedule of Other Matters

1.0 Council Priority

1.1 Matter considered. Commitment to develop customer intelligence and insight function. Analysis of LGO complaints will help in this process.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified. Data received on LGO complaints will help to develop the customer insight functionality.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 Responding to Local Government Ombudsman investigations in a timely and open manner assists the Council to improve their service, service delivery and reputation. Outcomes from Local Government Ombudsman investigations can impact on the Councils' reputation.

8.0 Consultations

8.1 Matter considered and no issues identified.

9.0 Risk Assessment

9.1 Matter considered and no issues identified. The implementation of the new complaints recording system has been recorded as a Service Risk for the Customer Contact and Engagement Service and has been managed in consultation with the Head of Service.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified,

12.0 Partnership Working

12.1 Matter considered and no issues identified.

20 July 2017

By email

Alex Bailey
Chief Executive
Adur District Council

Dear Alex Bailey,

Annual Review letter 2017

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGO) about your authority for the year ended 31 March 2017. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. I was delighted to be appointed to the role of Ombudsman in January and look forward to working with you and colleagues across the local government sector in my new role.

You may notice the inclusion of the '*Social Care Ombudsman*' in our name and logo. You will be aware that since 2010 we have operated with jurisdiction over all registered adult social care providers, able to investigate complaints about care funded and arranged privately. The change is in response to frequent feedback from care providers who tell us that our current name is a real barrier to recognition within the social care sector. We hope this change will help to give this part of our jurisdiction the profile it deserves.

Complaint statistics

Last year, we provided for the first time statistics on how the complaints we upheld against your authority were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us.

We have chosen not to include a 'compliance rate' this year; this indicated a council's compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.

This is likely to be just one of several changes we will make to our annual letters and the way we present our data to you in the future. We surveyed councils earlier in the year to find out, amongst other things, how they use the data in annual letters and what data is the most useful; thank you to those officers who responded. The feedback will inform new work to

provide you, your officers and elected members, and members of the public, with more meaningful data that allows for more effective scrutiny and easier comparison with other councils. We will keep in touch with you as this work progresses.

I want to emphasise that the statistics in this letter comprise 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 the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

The statutory duty to report Ombudsman findings and recommendations

As you will no doubt be aware, there is duty under section 5(2) of the Local Government and Housing Act 1989 for your Monitoring Officer to prepare a formal report to the council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by my office. I have received several enquiries from authorities to ask how I expect this duty to be discharged. I thought it would therefore be useful for me to take this opportunity to comment on this responsibility.

I am conscious that authorities have adopted different approaches to respond proportionately to the issues raised in different Ombudsman investigations in a way that best reflects their own local circumstances. I am comfortable with, and supportive of, a flexible approach to how this duty is discharged. I do not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

As a general guide I would suggest:

- Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period. In a small authority this may be adequately addressed through an annual report on complaints to members, for example.
- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.
- In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

The duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all authorities in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, whenever my office issues a formal, public report to your authority you are obliged to lay that report before the council for consideration and respond within three months setting out the action that you have taken, or propose to take, in response to the report.

I know that most local authorities are familiar with these arrangements, but I happy to discuss this further with you or your Monitoring Officer if there is any doubt about how to discharge these duties in future.

Manual for Councils

We greatly value our relationships with council Complaints Officers, our single contact points at each authority. To support them in their roles, we have published a Manual for Councils, setting out in detail what we do and how we investigate the complaints we receive. When we surveyed Complaints Officers, we were pleased to hear that 73% reported they have found the manual useful.

The manual is a practical resource and reference point for all council staff, not just those working directly with us, and I encourage you to share it widely within your organisation. The manual can be found on our website www.lgo.org.uk/link-officers

Complaint handling training

Our training programme is one of the ways we use the outcomes of complaints to promote wider service improvements and learning. We delivered an ambitious programme of 75 courses during the year, training over 800 council staff and more 400 care provider staff. Post-course surveys showed a 92% increase in delegates' confidence in dealing with complaints. To find out more visit www.lgo.org.uk/training

Yours sincerely

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

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

Local Authority Report: Adur District Council
For the Period Ending: 31/03/2017

For further information on how to interpret our statistics, please visit our website:
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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	2	2	2	2	0	9

Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
1	0	2	3	4	1	20%	11

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
0	0

20 July 2017

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Yours sincerely



Michael King
Local Government and Social Care Ombudsman for England
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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	1	0	0	0	1	3	0	0	5

Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
0	0	4	1	0	0	0%	5

Notes

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Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
0	0

<u>Ref No</u>	<u>Service</u>	<u>Compliment</u>
598439	Place & Investment	Compliment regarding Colonnade House project.
598467	Waste & Cleansing	Called Customer Contact Centre to say that they were really impressed by the way we handled their 'missed bin' report and how quickly it was re- collected.
598833	Waste & Cleansing	Email to AWCS thanking them for the efficient service received when reporting damaged bins that were replaced the same day.
598885	Waste & Cleansing	A resident in Worthing called in to pay for his garden bin. He also fed back how good the service is.
598947	Waste & Cleansing	Thanking the AWCS team on behalf of parents for the good service provided and quick delivery of garden bin.
598991	Waste & Cleansing	Compliment about the speed of delivering the green bin service.
603859	Waste & Cleansing	Customer called Contact Centre to thank the bulky waste team for the service they provided, says he would highly recommend bulky waste service.
603885	Waste & Cleansing	Email from Cllr to AWCS thanking the team for the quick collection of bulky fly tipped waste
603911	Waste & Cleansing	Call to Customer Contact centre to say a big thank you to whoever came out to pick it up missed bin.
603951	Waste & Cleansing	Call to Customer Contact Centre to say a big thank you to the AWCS team for coming back and emptying her recycling.
603973	Waste & Cleansing	Email to AWCS saying Thank you for waste services provided says "I think all the bin men are excellent in what they do, so perhaps if you could pass this message onto whoever is in charge of Waste Disposal."
612959	Waste & Cleansing	Complimenting the cleanliness of the beach & Promenade. Raised concern about staff litter pickers struggling with heat, feels the heavy duty work trousers were not appropriate for the weather.
598491	Wellbeing	Thank you card from a local business addressed to Licensing officer for helping them to get their first alcohol licence
610671	Wellbeing	Email to Public Health regulations thanking them for dealing with noise complaint.
613393	Wellbeing	To Head of Wellbeing. Thank you so much for such an informative and interesting presentation and for the link.
598533	Customer Service & Engagement	Christmas card & box of M&S biscuits given to Shoreham Customer Service Team to thank them for their help and support
598803	Customer Service & Engagement	Thank you card sent to PH reception thanking them for being kind and helpful to her and all customers.
598883	Customer Service & Engagement	Phone call to contact centre, complimenting PH reception staff for being polite & helpful.
598911	Customer Service & Engagement	Visited PH reception to thank staff for helping him bid for homes when he visited the office.
603927	Customer Service & Engagement	Online form completed, thanking Customer Services Team at shoreham centre for their assistance with HB claim
598709	Chief Executive	Letter from British Legion Branch secretary thanking the council for help over remembrance day.
598967	Digital & Resources	Email thanking staff member for professionalism & kind attention shown when handling his enquiries.
610695	Planning & Development	Email to Planning services officer, thanking him for his honesty.
610713	Planning & Development	Email to Planning Services Manager thanking him for his helpful approach.
610739	Planning & Development	Email to planning thanking them for their prompt response for information.
610763	Revenues & Benefits (Worthing)	Letter to Head of R&B thanking him for extending discretionary housing payment.

614071	Housing	Operative was 'very pleasant and did his very best to sort out the problem. He is a credit to Adur Homes'
618055	Housing	Compliment on the cleaning proposed at Grange Court, Butts Road, Southwick
618563	Housing	Electrician did a good job fixing lights and even came in later to enquire if everything was still working.
620913	Housing	Compliment received about cleaner who has gone out of his way to keep communal area tidy; residents very happy about his professional and friendly conduct.