

Committee: Governance, Audit and Performance Committee

Date:

Thursday, 22 October 2020

Title: Local Government Ombudsman Report 2019/20

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Summary

1. The annual review letter has been received from the Local Government Ombudsman summarising the complaints relating to the Council's services dealt with by the Ombudsman's office for the year ended 31 March 2020.
2. This report also details the complaints and compliments received by the council in the same period.

Recommendations

3. To note the contents of the Ombudsman's annual review letter and the position with regards to complaints and compliments for the year ended 31 March 2020.

Financial Implications

4. In last year's report relating to 2018/19, two cases were highlighted that would appear in the Ombudsman Annual Review 2019/20 letter where the Council had been found at fault and was required to apologise and pay compensation. Both cases related to the Planning Service and were the result of incorrect advice to the complainants. These are included in this year's letter and resulted in the council paying a total of £7034 in compensation.

Background Papers

5. The papers referred to by the author in the preparation of this report are mentioned in the body of the report and are already published.

Impact

- 6.

Communication/Consultation	Review reports are published on the Council's and the Ombudsman's websites
Community Safety	N/A

Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	Residents and users of the Council's services are able to complain to the Ombudsman about the handling of complaints where the complainant is dissatisfied with the service or response received, within time limits
Sustainability	N/A
Ward-specific impacts	All wards
Workforce/Workplace	N/A

Situation

7. The Council's annual review letter has been received from the Local Government Ombudsman and is attached at Appendix A. It lists four complaints received.
8. All four complaints were closed after initial enquiries. Two of the cases were closed because the complainants had the use and availability of appeal rights and therefore fell outside the jurisdiction of the Ombudsman. The investigator determined that in the other two cases the alleged maladministration/service failure was unwarranted.
9. This is a typical pattern of complaint investigation by the Ombudsman and there is nothing particularly unusual or that stands out. The previous review letter for 2018/19 reported on 9 complaints of which four were closed after initial enquiries; two of which were closed because the complaints were submitted late. Three complaints were determined as not upheld with no fault found against the Council. Two complaints were referred back to the Council as they were considered premature and went through the Council's internal complaints procedure.
10. In relation to the 19/20 report, there were two cases where the Council was found at fault and was required to apologise and pay compensation; these were received by the Ombudsman in 2018/19 but decided in 2019/20. Below is a summary, which is publically available on the Ombudsman's website:
 - a. The Council wrongly told Ms B her property was curtilage listed. Ms B complained that this meant she applied for planning permission and listed building consent for work to the property which were unnecessary. She said she had incurred costs in carrying out work the Council required because of the listed status. And that building works to the property were limited and altered to meet the requirements of the listed status. The Council was required to pay Ms B £6734 and write to

her, within one month of the final decision, confirming that planning enforcement action would not be taken against the fence and gates.

- b. The Council failed to provide the complainant with a timely and clear confirmation he had complied with a planning condition on his planning permission. This caused him unnecessary stress and anxiety and time and trouble in pursuing these matters for 10 months. The Council had agreed an increased financial remedy and paid Mr X a further £200, in addition to the £100 already paid, a total remedy of £300.

11. The Ombudsman was satisfied the Council had successfully implemented their recommendations and remedies in both cases.
12. The Ombudsman holds bi-annual link officer seminars and the Council's link officer attended the event which focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.
13. Attached at Appendix B is a summary of complaints received by the Council during the 2019/20 period to enable a contrast to be drawn between the number of overall complaints referred for internal investigation and the number then referred onwards for investigation by the Ombudsman.
14. These complaints are reviewed quarterly by the Council's Corporate Management Team in order to share any lessons learnt. In general these are small in number and make it difficult to identify trends.
15. It is acknowledged that the number recorded as 'complaints' does not represent the genuine level of complaints received by the Council. Issues of dissatisfaction raised directly with service are often apologised for and resolved without being formally recorded. Therefore it is reasonable to assume the recorded complaints reflect 'stage 2' complaints where the matter has been escalated to a senior service manager.
16. Similarly the level of recorded compliments will be an under representation of the numerous occasions residents and customers recognise the excellent work of our staff.
17. Compliments are also reviewed and shared at the regular staff briefings, where examples of staff 'going the extra mile' are showcased and staff more publicly recognised.

Risk Analysis

18.

Risk	Likelihood	Impact	Mitigating actions
1 – full investigation of complaints referred to the	2 – in cases where fault has been found it might	2 – where a change of process is required to meet	As recommended by the Ombudsman – sometimes a review of internal practices

Ombudsman is always undertaken	be necessary to provide a remedy to satisfy the complainant and in some cases changes to internal procedures followed by service areas	a recommendation from the Ombudsman it may have some impact on service provision	may be required if significant failings in service provision are identified
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.