

Committee: Governance, Audit and Performance Committee

Date:
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Title: Local Government Ombudsman Report 2020/21

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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 2021.
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 2021.

Financial Implications

4. The Council was found at fault in relation to a disabled facilities grant and adaptations case and a remedy of £7,000 was awarded to the complainant. This was reported at the Council meeting held on 20 July 2021.

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 & Social Care Ombudsman and is attached at Appendix A. It lists four complaints received.
8. The details of the complaints are as follows:
 - a. Mr X's complaint regarding the revocation of a joint hackney carriage/private hire vehicle licence was not investigated by the Ombudsman. This was because the complaint was late and it was reasonable for the complainant to use the appeal rights available.
 - b. Ms X's complaint was that the Council knew her retrospective planning application would be refused but did not advise her of this before she submitted it. The Ombudsman did not investigate the complaint because it was unlikely they could add to the investigation already carried out by the Council and an investigation was unlikely to lead to a different outcome.
 - c. Mr X's complaint is still the subject of investigation by the Ombudsman with a final decision notice not yet received. Mr X complained that the Council allowed a non-material amendment to a planning permission it granted years ago and did not notify Mr X of the application.
 - d. Ms X's complaint relating to a disabled facilities grant referred to under financial implications has already been the subject of a report to Council on 20 July.
9. All four of the complaints detailed above had exhausted the Council's complaints procedure before referral to the Ombudsman.
10. In the previous annual review letter for the period 2019/20 there were four complaints received all of which were closed after initial enquiries. Two of those 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.

11. Attached at Appendix B is a summary of complaints received by the Council during the 2020/21 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.
12. 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.
13. 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 services 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.
14. 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.

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
1 – full investigation of complaints referred to the Ombudsman is always undertaken	2 – in cases where fault has been found it might be necessary to provide a remedy to satisfy the complainant and in some cases changes to internal procedures followed by service areas	2 – where a change of process is required to meet a recommendation from the Ombudsman it may have some impact on service provision	As recommended by the Ombudsman – sometimes a review of internal practices may be required if significant failings in service provision are identified

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