

**Local Government Ombudsman –
Annual Review letter 2013/14 follow up and latest Ombudsman complaints
information**

Report by the Director for Customer Services

1.0 Summary

- 1.1 This report is the first of a quarterly summary of ongoing and completed Local Government Ombudsman (LGO) complaints referred to the LGO. It covers the period August 2014 to March 2015.
- 1.2 The report also supplements the Annual report to this Committee which considered the Annual review letters issued by the LGO to both Councils. The annual position was last considered by the Committee at its meeting on 25 November 2014.

2.0 Background

- 2.1 The Annual Review letters from the LGO are attached as Appendices A and B of this report for ease of reference.
- 2.2 It was noted by the Committee in November 2014 that for the 2013/14 period the LGO had provided only a high level summary of the volumes of complaints received rather than the more detailed information delivered in previous years.
- 2.3 The Councils have been advised subsequently that this is as a result of the introduction of a new business model by the LGO which means that the complaints data reported going forward will not be directly comparable with previous years. For 2013/14 the LGO had received 11 complaints about Adur District Council and 18 complaints about Worthing Borough Council compared with 12 and 16 respectively in 2012/13.

3.0 Follow Up Analysis

- 3.1. The LGO has also confirmed to Officers that she is no longer in a position to provide any further detailed analysis of complaints on an individual basis, a consequence of reprioritising resources.
- 3.2 In addition, the LGO has advised that she also categorises complaints slightly differently from how Local Authorities may record their own. E.g. disabled facilities grants complaints are included within either Adult Care Services or Education and Children's Services depending on the age of the person affected. The complaints are categorised as follows:-

3.3

LGO Complaints Categories	Category Definition
Adult Care Services complaints	Domiciliary care, residential care, assessment and care plan, charging, direct payments, safeguarding, transition from children's services, transport, disabled facilities grants, Blue badge and other complaints types.
Benefits and Tax complaints	Council Tax, Housing Benefit and Council Tax Benefit, Council Tax support, local welfare payments and other complaints types.
Corporate and other Service complaints	Land, leisure and culture, commercial and contracts, elections and electoral register, Councillor conduct and standards and other complaints types.
Education and Children's Services complaints	Special educational needs, school admissions, school exclusions, alternative provision, school transport, adoption, friends and family carers, looked after children, child protection, disabled children, fostering and other complaints types
Environmental Services and Public Protection and Regulation complaints	Refuse and recycling, anti social behaviour, pollution, drainage, licensing, noise, health and safety, trading standards, trees, cemeteries and crematoria and other complaints types.
Highways and Transport	Parking and other penalties, highway repair and maintenance, highway adoption, public transport, rights of way, traffic management, street furniture and lighting and other complaints types.
Housing	Homelessness, allocations, Council house repairs, Council house rent, managing Council tenancies, Council house improvement, disabled facilities grants, Council house sales and leaseholders, Private housing and other complaints types.
Planning and Development	Planning applications, enforcement, planning advice, Building Control and other complaints types.

3.4 For the Annual review period (April 2013 to March 2014), the former Executive Head of Corporate and Cultural Services held responsibility for monitoring complaints and for responses to the LGO. It has been found that a number of the complaint records which have been retained for the period were inaccurate.

4.0 **Analysis of LGO Complaints for 2013/14 and those received since August 2014**

4.1 Since arriving at the Councils, the Director for Customer Services has asked for increased scrutiny and analysis of complaints to ensure complaints data is accurate. From 1 August 2014 the LGO complaints have been registered on the Council's complaints monitoring system, Covalent, which is allowing Officers now to analyse trends and make service improvements where necessary. A summary of the LGO

complaints for 2013/14 and those received since August 2014 is set out below for the Committee's information.

- 4.2 For the 2013/14 review period this information is showing that for Adur District Council there were four referrals to the LGO one of which was upheld and one was partially upheld. For Worthing Borough Council there was one referral and none upheld:-

Description of Complaint	LGO Decision
Adur District Council	
Complaint about the way the Council had handled the complainants request for assistance as a homeless person.	Some fault found in the Council's failure to act on information that the complainant gave an officer in December 2012 but that did not cause injustice to the complainant.
Complaint about the way that the Council dealt with the complainant over his parent's application for a disabled facilities grant.	The District Council was at fault with the way it dealt with the application, however, the District Council was not at fault over the amount of grant funding.
Complaint that the Council has failed to enforce a planning condition at a football training facility.	No evidence of administrative fault.
Complaint that the Council failed to take action against a landlord	No evidence of fault in the way the Council considered the available evidence and decided not to prosecute the complainant's former landlady for harassment and illegal eviction. No fault in the way the Council investigated the complainant's concerns about housing conditions in the property, the use of an outbuilding for residential purposes and whether the property was an unlicensed HMO.
Worthing Borough Council	
Complaint that the Council mishandled Council Tax recovery.	No evidence of fault

- 4.3 For August 2014 – March 2015 there has been one referral to the LGO for Adur District Council and none upheld. For Worthing Borough Council there have been four referrals to the LGO, one upheld and one decision pending:-

Description of complaint	LGO Decision
Adur District Council	
Complaint about Council's Bailiffs for the recovery of Council Tax	No evidence of fault by the Council
Worthing Borough Council	
Complaint about Direct Debit for payment of Council Tax being taken from the wrong	There was fault by the Council because it made a mistake regarding the direct debit and the

bank account.	complainant lost out on interest. The LGO recommended that the Council pay £50 to the complainant to remedy the fault which was agreed.
Complaint about the failure to review the infrastructure delivery plan.	No evidence of fault by the Council
Complaint about the behaviour of a Councillor and the time taken to investigate her complaint	No evidence of fault with the way the Council dealt with the complaint.
Complaint that the Council failed to follow procedures when terminating the complainant's allotments tenancy in 2014 and also failed to properly consider his appeal and show him the evidence used to support the case against him.	LGO decision pending.

5.0 Summary Analysis

- 5.1 The analysis shows that 75% of the complaints decisions by the LGO for this period have not been upheld with an additional decision still pending.
- 5.2 It is noted also that all complaints are monitored and they inform ongoing service improvements by Directorates in line with best practice standards.

6.0 Proposals

- 6.1 That the Committee notes the contents of the report and receives a further report on LGO complaints to the meeting in June 2015.

7.0 Legal

- 7.1 The role of the Local Government Ombudsman is governed by Part 3 of the Local Government Act 1974.
- 7.2 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.

8.0 Financial implications

- 8.1 There are no direct financial implications arising from this report.

9.0 Recommendation

- 9.1 That the Committee notes the contents of the report and agrees to receive a further report on the LGO complaints at its meeting in June 2015.

Local Government Act 1972

Background Papers:

Local Government Ombudsman Annual Reviews, Worthing Borough Council for the years ended 31 March 2010, 31 March 2011, 31 March 2012, 31 March 2013 and 31 March 2014.

Local Government Ombudsman Annual Reviews, Adur District Council for the years ended 31 March 2010, 31 March 2011, 31 March 2012, 31 March 2013 and 31 March 2014.

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Schedule of Other Matters

1.0 Council Priority

1.1 Matter considered and no issues identified.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

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 in a timely and open manner to investigations by the Local Government Ombudsman assists the Council to improve their service, service delivery and reputation.

8.0 Consultations

8.1 Matter considered and no issues identified.

9.0 Risk Assessment

9.1 Matter considered and no issues identified.

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.

7 July 2014

By email

Mr Alex Bailey
Chief Executive
Adur District Council

Dear Mr Alex Bailey

Annual Review Letter 2014

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2014. This is the first full year of recording complaints under our new business model so the figures will not be directly comparable to previous years. This year's statistics can be found in the table attached.

A summary of complaint statistics for every local authority in England will also be included in a new yearly report on local government complaint handling. This will be published alongside our annual review letters on 15 July. This approach is in response to feedback from councils who told us that they want to be able to compare their performance on complaints against their peers.

For the first time this year we are also sending a copy of each annual review letter to the leader of the council as well as to the chief executive. We hope this will help to support greater democratic scrutiny of local complaint handling and ensure effective local accountability of public services. In the future we will also send a copy of any published Ombudsman report to the leader of the council as well as the chief executive.

Developments at the Local Government Ombudsman

At the end of March Anne Seex retired as my fellow Local Government Ombudsman. Following an independent review of the governance of the LGO last year the Government has committed to formalising a single ombudsman structure at LGO, and to strengthen our governance, when parliamentary time allows. I welcome these changes and have begun the process of strengthening our governance by inviting the independent Chairs of our Audit and Remuneration Committees to join our board, the Commission for Administration in England. We have also recruited a further independent advisory member.

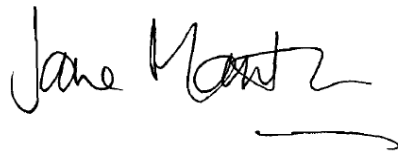
Future for local accountability

There has been much discussion in Parliament and elsewhere about the effectiveness of complaints handling in the public sector and the role of ombudsmen. I have supported the creation of a single ombudsman for all public services in England. I consider this is the best way to deliver a system of redress that is accessible for users; provides an effective and comprehensive service; and ensures that services are accountable locally.

To contribute to that debate we held a roundtable discussion with senior leaders from across the local government landscape including the Local Government Association, Care Quality Commission and SOLACE. The purpose of this forum was to discuss the challenges and opportunities that exist to strengthen local accountability of public services, particularly in an environment where those services are delivered by many different providers.

Over the summer we will be developing our corporate strategy for the next three years and considering how we can best play our part in enhancing the local accountability of public services. We will be listening to the views of a wide range of stakeholders from across local government and social care and would be pleased to hear your comments.

Yours sincerely

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a long horizontal flourish at the end.

Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Local authority report – Adur District Council

For the period ending – 31/03/2014

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

Complaints and enquiries received

Local authority	Adult care services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection and regulation	Highways and transport	Housing	Planning and development	Total
Adur DC	1	0	0	0	1	1	6	2	11

Decisions made

Local authority	<u>Detailed investigations carried out</u>		Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
	Upheld	Not upheld					
Adur DC	6	0	0	4	0	5	15

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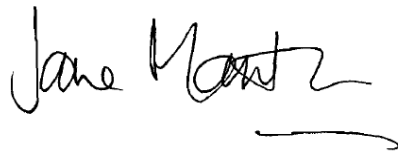
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Yours sincerely

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Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Local authority report – Worthing Borough Council

For the period ending – 31/03/2014

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Complaints and enquiries received

Local authority	Adult care services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection and regulation	Highways and transport	Housing	Planning and development	Total
Worthing BC	1	4	2	1	2	3	1	4	18

Decisions made

Local authority	<u>Detailed investigations carried out</u>		Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
	Upheld	Not upheld					
Worthing BC	0	1	0	9	0	8	18