

Ward: N/A

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 2016 and also provides further analysis on other complaints which the LGO has received as part of the new reporting year 2016/17 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 provide 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 11 complaints about Adur District Council for the year ended 31 March 2016 compared with 9 for the year ended 31 March 2015. 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 6 years.

Table 1

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

- 2.7 During this period the LGO made 9 decisions regarding complaints. 5 complaints/enquiries were referred back to the Council for Local resolution, 3 were closed after initial enquiries and 1 was not upheld. 4 of those complaints/enquiries were regarding Benefits and Tax, 4 were regarding Planning and Development and 1 was regarding Housing.

- 2.8 The LGO received 9 complaints about Worthing Borough Council for the year ended 31 March 2016 compared with 23 for the year ended 31 March 2015. A copy of the LGO's letter is appended to the report as Appendix 2. The LGO made 11 decisions regarding complaints, 2 of which were referred back for local resolution, 5 were closed after initial enquiries, 3 were not upheld and 1 was upheld. 3 complaints/enquiries were relating to Housing issues, 2 related to Benefits and Tax issues, 2 related to Environmental Services and Public Protection and Regulation, 1 related to Planning and Development issues and 1 related to Corporate and Other services. The upheld complaint related to a homelessness complaint and the delay in responding to the initial complaint. The Committee did ask for further information on this complaint which was reported to Committee on 7 June 2016 by the Director for Communities and Head of Housing.

- 2.9 The comparative information relating to Worthing Borough Council is set out in Table 2 below.

2.10 **Table 2**

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

- 2.11 An analysis of these complaints, where information is available, was previously provided to the Committee during 2015/16. A detailed analysis of the most recent ongoing LGO complaints is now provided in the table below:-

Description of complaint	LGO decision
Adur District Council	
Complaint that the Council failed to properly consider a planning application to replace a grassed football pitch with a new artificial grass pitch at a football club near his property. The complainant claimed that he had suffered unacceptable levels of noise nuisance.	Not upheld. No evidence of fault by the Council.
Complaint that the Council failed to deal properly with the complainants Housing Benefit and Council Tax matters.	Most of complaint not upheld. Council was at fault for not acting on some financial information that the complainant provided but that fault did not disadvantage the complainant.
Worthing Borough Council	
Complaint that the Council held complainant personally liable for business rates and for considering property as empty.	That the complaint about business rates would not be investigated as it was made late.
Complaint that the Council wrongly took the complainant to court over fraud charges related to benefit overpayments, wrongly stopped benefit payments, failed to respond to the request for an internal appeal and failed to repay a housing benefit payment.	That the Council did not delay in sending a response to an internal appeal about overpayment of benefits.

2.12 The Service areas which have been generating the recorded LGO complaints during the previous 24 months have been broken down as follows.

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

Financial Services	1 (not upheld)
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3.0 Analysis of Complaints and compliments for 2016/17

- 3.1 Increased scrutiny and analysis of complaints and compliments continues to ensure that the available complaints and compliments data is accurate. A new in-house digital complaints and compliments system has now been developed and built using MatsSoft Technology. Complaints and compliments are now recorded on the new system which provides improved recording. Further user testing and amendments to the system are required as well as a review of the complaints process and rolling out training to staff.
- 3.2 Directors and Heads of Service will use complaints as opportunities to make continuous improvements to services.

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 notes the contents of the report and agrees to receive a further analysis of the Local Government Ombudsman complaints in March 2017.

Local Government Act 1972 Background Papers:

Local Government Ombudsman Annual Reviews for Adur District Council and Worthing Borough Council ended 31 March 2016.

Contact Officer:

Mark Lowe

Policy Officer

Tel: 01903 221009

mark.lowe@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 Matter considered. Priority to review customer complaints handling and reporting.

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. The implementation of the new complaints recording system has been recorded as a Service Risk for the Customer Contact and Engagement Service which is managed in consultation with the Head of Service and Director.

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.

21 July 2016

By email

Alex Bailey
Chief Executive
Adur District Council

Dear Alex Bailey,

Annual Review Letter 2016

I write to you 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 2016.

The enclosed tables present the number of complaints and enquiries received and the decisions we made about your authority during the period. I hope that this information will prove helpful in assessing your authority's performance in handling complaints.

Last year we provided information on the number of complaints upheld and not upheld for the first time. In response to council feedback, this year we are providing additional information to focus the statistics more on the outcome from complaints rather than just the amounts received.

We provide a breakdown of the upheld investigations 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. In addition, we provide a compliance rate for implementing our recommendations to remedy a fault.

I want to emphasise that these statistics 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, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

Effective accountability for devolved authorities

Local government is going through perhaps some of the biggest changes since the LGO was set up more than 40 years ago. The creation of combined authorities and an increase in the number of elected mayors will hugely affect the way local services are held to account. We have already started working with the early combined authorities to help develop principles for effective and accessible complaints systems.

We have also reviewed how we structure our casework teams to provide insight across the emerging combined authority structures. Responding to council feedback, this included reconfirming the Assistant Ombudsman responsible for relationship management with each authority, which we recently communicated to Link Officers through distribution of our manual for working with the LGO.

Supporting local scrutiny

Our corporate strategy is based upon the twin pillars of remedying injustice and improving local public services. The numbers in our annual report demonstrate that we continue to improve the quality of our service in achieving swift redress.

To measure our progress against the objective to improve local services, in March we issued a survey to all councils. I was encouraged to find that 98% of respondents believed that our investigations have had an impact on improving local public services. I am confident that the continued publication of our decisions (alongside an improved facility to browse for them on our website), focus reports on key themes and the data in these annual review letters is helping the sector to learn from its mistakes and support better services for citizens.

The survey also demonstrated a significant proportion of councils are sharing the information we provide with elected members and scrutiny committees. I welcome this approach, and want to take this opportunity to encourage others to do so.

Complaint handling training

We recently refreshed our Effective Complaint Handling courses for local authorities and introduced a new course for independent care providers. We trained over 700 people last year and feedback shows a 96% increase in the number of participants who felt confident in dealing with complaints following the course. To find out more, visit www.lgo.org.uk/training.

Ombudsman reform

You will no doubt be aware that the government has announced the intention to produce draft legislation for the creation of a single ombudsman for public services in England. This is something we support, as it will provide the public with a clearer route to redress in an increasingly complex environment of public service delivery.

We will continue to support government in the realisation of the public service ombudsman, and are advising on the importance of maintaining our 40 years plus experience of working with local government and our understanding its unique accountability structures.

This will also be the last time I write with your annual review. My seven-year term of office as Local Government Ombudsman comes to an end in January 2017. The LGO has gone through extensive change since I took up post in 2010, becoming a much leaner and more focused organisation, and I am confident that it is well prepared for the challenges ahead.

Yours sincerely



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

Local Authority Report: Adur District Council
For the Period Ending: 31/03/2016

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

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	5	0	0	1	0	1	4	0	11

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	5	3	1	0	0%	9

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.

The compliance rate is the proportion of remedied complaints where our recommendations are believed to have been implemented.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement	Compliance Rate
0	0	100%

	Reference	Authority	Category	Decision Date	Decision	Remedy
1	14020128	Adur DC	Benefits & Tax	20/04/15	Referred back for local resolution	NULL
2	15000258	Adur DC	Benefits & Tax	05/05/15	Closed after initial enquiries	NULL
3	15006616	Adur DC	Planning & Development	25/08/15	Closed after initial enquiries	NULL
4	15012067	Adur DC	Benefits & Tax	03/12/15	Closed after initial enquiries	NULL
5	15016682	Adur DC	Planning & Development	22/01/16	Referred back for local resolution	NULL
6	15016981	Adur DC	Benefits & Tax	27/01/16	Referred back for local resolution	NULL
7	15017888	Adur DC	Housing	10/02/16	Referred back for local resolution	NULL
8	15008998	Adur DC	Planning & Development	16/02/16	Not Upheld	NULL
9	15020254	Adur DC	Planning & Development	21/03/16	Referred back for local resolution	NULL

	Reference	Authority	Category	Received
1	15000258	Adur DC	Benefits & Tax	08/04/15
2	15006616	Adur DC	Planning & Development	29/07/15
3	15008998	Adur DC	Planning & Development	28/08/15
4	15012067	Adur DC	Benefits & Tax	05/11/15
5	15007591	Adur DC	Benefits & Tax	12/11/15
6	15015805	Adur DC	Benefits & Tax	07/01/16
7	15016682	Adur DC	Planning & Development	22/01/16
8	15016981	Adur DC	Benefits & Tax	27/01/16
9	15017888	Adur DC	Housing	10/02/16
10	15019255	Adur DC	Environmental Services & Public Protection & Regulation	03/03/16
11	15020254	Adur DC	Planning & Development	21/03/16

21 July 2016

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Chief Executive
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Local Authority Report: Worthing Borough Council
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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	2	1	0	2	0	3	1	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
0	0	2	5	3	1	25%	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.

The compliance rate is the proportion of remedied complaints where our recommendations are believed to have been implemented.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement	Compliance Rate
1	0	100%

	Reference	Authority	Category	Decision Date
1	14014503	Worthing BC	Planning & Development	14/04/15
2	15000848	Worthing BC	Environmental Services & Public Protection & Regulation	15/05/15
3	14015584	Worthing BC	Planning & Development	25/06/15
4	15004751	Worthing BC	Benefits & Tax	05/08/15
5	14019210	Worthing BC	Housing	12/08/15
6	15000974	Worthing BC	Housing	21/09/15
7	15009489	Worthing BC	Planning & Development	15/10/15
8	15000659	Worthing BC	Benefits & Tax	21/10/15
9	15012738	Worthing BC	Corporate & Other Services	20/11/15
10	15009143	Worthing BC	Housing	28/01/16
11	15017316	Worthing BC	Environmental Services & Public Protection & Regulation	07/03/16

Decision	Remedy
Referred back for local resolution	NULL
Closed after initial enquiries	NULL
Not Upheld	NULL
Referred back for local resolution	NULL
Upheld	Apology,Other Remedy
Not Upheld	NULL
Closed after initial enquiries	NULL
Closed after initial enquiries	NULL
Closed after initial enquiries	NULL
Not Upheld	NULL
Closed after initial enquiries	NULL

	Reference	Authority	Category	Received
1	15000848	Worthing BC	Environmental Services & Public Protection & Regulation	20/04/15
2	14019210	Worthing BC	Housing	08/05/15
3	15000974	Worthing BC	Housing	13/05/15
4	15004751	Worthing BC	Benefits & Tax	17/07/15
5	15009143	Worthing BC	Housing	02/09/15
6	15009489	Worthing BC	Planning & Development	08/09/15
7	15000659	Worthing BC	Benefits & Tax	30/09/15
8	15012738	Worthing BC	Corporate & Other Services	05/11/15
9	15017316	Worthing BC	Environmental Services & Public Protection & Regulation	02/02/16

