



ADUR & WORTHING
COUNCILS

Joint Governance Committee
28 May 2020
Agenda Item 11

Ward(s) Affected: N/A

Local Government Ombudsman Monitoring Report

Report by the Director for Digital & Resources

Executive Summary

1. Purpose

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 2019.

2. Recommendations

2.1 That the Committee note the contents of the report.

3. Context

- 3.1 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.
- 3.2 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.

- 3.3 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.
- 3.4 If the LGO finds 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.

4. LGO Annual Review Letters 2018/19

- 4.1 The LGO received 11 complaints and enquiries about Adur District Council for the year ended 31 March 2019 compared with 15 for the year ended 31 March 2018. A copy of the LGO's letter is appended to the report as Appendix 1.
- 4.2 Members have historically asked to have comparative information and Table 1 provides the total number of complaints and enquiries received by the Local Government Ombudsman in relation to Adur District Council over the past 8 years. These are fairly consistent ranging from 9 - 15.

Table 1

Enquiries and Complaints received	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Total	11	12	11	9	11	9	15	11

- 4.3 During this period the LGO made 10 decisions on those complaints/enquiries about **Adur District Council**. Advice was given for 2 complaints/enquiries, 2 were referred back to the Council for local resolution, 5 were closed after initial enquiries and 1 was not upheld. 6 of the complaints/enquiries were regarding Housing issues, 3 were regarding Planning & Development issues, 1 related to Benefits and Tax issues and 1 related to Environmental Services.
- 4.4 The LGO received 16 complaints and enquiries about **Worthing Borough Council** for the year ended 31 March 2019 compared with 11 for the year ended 31 March 2018. A copy of the LGO's letter is appended to the report as Appendix 2. The LGO made 15 decisions regarding the complaints/enquiries received, 3 were referred back for local resolution, 6 were closed after initial enquiries, 2 were not upheld and 4 were upheld. 5 of the complaints/enquiries related to Benefits and Tax issues, 3 were regarding Environmental Services, 1 related to Highways and Transport, 4 were regarding Housing and 3 related to Planning and Development. The upheld complaints related to:-

- **Complaint Ref No:17016533** - Complaint about the way the Council dealt with a homelessness application. The LGO considered that the Council was at fault in not keeping the complainant properly informed about progress, failing to provide information about the housing register and not providing a formal response at Stage 2 of its complaints procedure. The LGO considered that the Council's actions of providing information and an apology were enough to remedy the complainants injustice.
- **Complaint Ref No: 17016801** - The Council wrongly told the complainant to stay in private rented accommodation which meant that the complainant incurred costs from a possession order. It also took too long to make a homelessness decision and delayed the complainants right to request a suitability review of the temporary accommodation. The remedy was for the Council to apologise for the time, trouble and distress which the complainant experienced, pay the complainant the possession order fees of £424.50 and backdate the housing register application. The Council complied with the LGO recommendations.
- **Complaint Ref No: 18009587** - This was a complaint about the way the Council dealt with a council tax account and the recovery action it took in respect of the claimed debt. The LGO found that there was fault by the Council in failing to check address information but, on balance and taking account of the complainants own actions, that the fault did not lead to injustice for the complainant which required remedy.
- **Complaint Ref No: 17014269** - This complaint was about how the Council had dealt with the complainants concerns about a gym in the building where he lives. The LGO found that there was evidence of some fault with how the Council dealt with the planning application for the gym. There was, however, no fault with how it dealt with the complaints about excessive noise and breaches of planning control.

- 4.5 The comparative information relating to Worthing Borough Council is set out in Table 2 below. Complaints and enquiries during these times have ranged from 5 - 24.

Table 2

Enquiries and Complaints received	2011 /12	2012 /13	2013/ 14	2014/ 15	2015/ 16	2016/ 17	2017/18	2018/19
Total	24	16	18	23	9	5	11	16

- 4.6 Comparative information on upheld complaints across the other District Councils in West Sussex is set out in the table below:-

<u>Local Authority</u>	<u>Number of upheld complaints as a % of investigations</u>
Adur District Council	0 out of 1 investigation (0%)
Arun District Council	6 out of 9 investigations (67%)
Chichester District Council	3 out of 6 investigations (50%)
Crawley Borough Council	2 out of 4 investigations (50%)
Horsham District Council	0 out of 1 investigation (0%)
Mid Sussex District Council	1 out of 3 investigations (33%)
Worthing Borough Council	4 out of 6 investigations (67%)

- 4.7 In 2018/19 the LGO upheld an average of 43% of complaints which it investigated in similar Authorities across England.
- 4.8 For this year, the LGO has also introduced a new performance measure which provides new statistics about Local Authority compliance with LGO recommendations. This change has been made to enable the LGO to monitor the implementation of its recommendations to remedy any fault found. In 2018/19 there were no complaints for Adur where a response or failure to respond to the recommended remedy was recorded. However, for Worthing there were 5 complaints where a response or failure to respond to the recommended remedy was recorded and the Council complied with 3 of the recommendations on time but 2 of the recommendations the Council complied with late.

5. Issues for consideration

- 5.1 In line with its role as a steward of the Constitutional framework and Standards, ethics and probity monitoring, the Committee is requested to note and review the analysis of complaints received by the Local Government Ombudsman during 2018/19 as set out in this report and detailed in the Annual Review letters.

6. Engagement and Communication

- 6.1 The decisions of the Local Government Ombudsman are communicated to relevant Services as well as any requests for the Councils to undertake any follow up actions.

7. Financial Implications

- 7.1 There are no direct financial implications arising from this report but the upheld complaints may have involved some financial implications, with the payment of some compensation.

8. Legal Implications

- 8.1 The role of the Local Government Ombudsman is governed by Part 3 of the Local Government Act 1974.
- 8.2 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.

Background Papers

Adur District Council Annual Review letter from Local Government and Social Care Ombudsman - July 2019

Worthing Borough Council Annual Review letter from Local Government and Social Care Ombudsman - July 2019

Officer Contact Details:-

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Scrutiny & Risk Officer

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Sustainability & Risk Assessment

1. Economic

Matter considered and no issues identified.

2. Social

2.1 Social Value

Matter considered and no issues identified.

2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

Matter considered and no issues identified.

3. Environmental

Matter considered and no issues identified.

4. Governance

Matter considered. Commitment to develop customer intelligence and insight function. Analysis of LGO complaints will help in this process. Responding to Local Government Ombudsman investigations in a timely and open manner assists the Councils to improve their service, service delivery and reputation. Outcomes from Local Government Ombudsman investigations can impact on the Councils' reputation.

24 July 2019

By email

Alex Bailey
Chief Executive
Adur District Council

Dear Mr Bailey

Annual Review letter 2019

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

I want to emphasise the statistics in this letter reflect 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 your authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

New interactive data map

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit www.lgo.org.uk/training.

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the

common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

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

Local Authority Report: Adur District Council
For the Period Ending: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

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	1	0	0	1	0	6	3	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	2	2	5	1	0	0	10

Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0

Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
0	0	0	0	Number
	0%		-	Compliance rate**
<p>Notes: * This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year. ** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.</p>				

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The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

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We now more closely monitor authorities' compliance with the recommendations we make to remedy the fault we find, and it is pleasing that we recorded our satisfaction with five complaints against your Council. I welcome the fact that the Council accepted our recommendations and agreed to provide the proposed remedies. However, despite this agreement, two of the agreed remedies were not completed within the requested timescale. While I appreciate the pressures local authorities are under, delays in implementing remedies will naturally add to complainants' injustice and prevents my office from conducting its work in an efficient manner. I would ask the Council to reflect on the way it implements our remedies, with a view to reducing any avoidable delay in the process.

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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	5	0	0	3	1	4	3	0	16

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	3	6	2	4	67	15

Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0

Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
5	3	2	0	Number
	100%		-	Compliance rate**
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