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Chelmsford City Council Governance Committee

31 October 2022

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Complaints to the Local Government and Social Care Ombudsman –  
Annual Review

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Report by:

Director of Connected Chelmsford

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Officer Contact:

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### Purpose

This report provides information on complaints dealt with by the Local Government and Social Care Ombudsman about the City Council in 2021-2022 and the Annual Letter from the Commission dated 20 July 2022.

### Recommendations

Subject to any comments members might have, the report be noted.

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## 1. Introduction

1.1 The Local Government and Social Care Ombudsman (LGO) investigates complaints about councils and certain other bodies. The LGO's aims are to promote good service delivery and customer care. It investigates complaints about most council matters including and in particular, as far as this Council is concerned, housing and planning functions.

1.2 The service it provides is independent, impartial and free. The LGO looks at the process of decision making, rather than the decision itself and cannot investigate complaints where there are other means of obtaining redress such as via planning appeals or through the courts. The process requires people to use a council's

complaints procedures first before complaining to the LGO if they are dissatisfied with the response.

1.3 The duty of the LGO is to establish whether there has been maladministration or fault and, if so, whether it led to injustice. Maladministration means that a matter was not dealt with properly, for example because procedures were not correctly followed. Injustice means that the maladministration led to the complainant being unfairly treated.

1.4 A significant proportion of complaints to the LGO are not formally investigated as they are referred to local authorities to deal with through their local complaint arrangements if those have not been followed. Similarly, many complaints are not formally determined by the LGO because the complaint is settled during the course of the investigation ('local settlements') by being referred back to the local authority. The LGO encourages such local settlements whenever possible.

1.5 Each year, the LGO writes to each authority to summarise the work of the Commission in relation to that authority and its performance generally in comparison with other authorities. The letter and the information on complaints against the Council is submitted to this Committee for its consideration and comments. The letter for 2021-2022 is at **Appendix 1** to this report.

## 2. Complaints Received in 2021-22

2.1 Year on year the number of enquiries and complaints fluctuates and, in 2021-22, 15 enquiries and complaints relating to this Council were received by the Commission, much higher than the six received in 2020-21 but on a par with the 13 in 2018-19. The number of complaints received does not necessarily tally with the number of complaints decided as the receipt and investigation of complaints can cover two annual periods.

2.2 In comparison with previous years, the number of complaints received last year reflected a general downward trend over the past few years. Whilst the Ombudsman continued to receive and investigate reports during the Covid-19 crisis, it is likely that the significant reduction in the number of complaints nationally in 2020-21 can be attributed in part to pandemic.

<u>2015/16</u>	<u>2016/17</u>	<u>2017/18</u>	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
16	11	18	13	13	6	14

2.3 During 2021-22, the Commission made decisions on five complaints about the Council.

- Two were about matters the Ombudsman could not investigate (one was the subject of court proceedings and another about a member of staff)
- Seven were adjudged not to be warranted and closed after initial enquiries

- Five were regarded as premature and advice was given to pursue the complaint first with the Council rather than go directly to the Ombudsman

2.4 The data provided by the Ombudsman is based in information held by that office and will not necessarily match that held by the Council. For example, the Ombudsman's numbers include enquiries from people signposted back to the Council after contacting the LGO, some of whom may never subsequently contact the Council.

2.5 A summary of those cases on which decisions were made and about which the Council is aware is set out in **Appendix 2**. It is pleasing that no complaints were upheld. Had any been upheld, they would have been the subject of detailed reports to the Governance Committee.

2.6 Seen in the context of complaints against other councils, Chelmsford is neither better nor worse than other authorities of a similar size and with similar responsibilities. Comparative information can be seen by following the link entitled Your Council's Performance on page 2 of the Annual Letter.

### 3. Conclusion

3.1 The Ombudsman's Annual Letter reveals a year-on increase in the number of complaints against the Council in 2021-22 but that none were upheld. The increase is probably a reflection of the return to normal numbers of complaints after the unusually low number made during the first year of the pandemic. The Ombudsman has expressed no concerns about the way in which the Council handles complaints or about its internal processes in general.

#### List of appendices:

Appendix 1A - Letter from Local Government Ombudsman dated 20 July 2022

Appendix 1B – Complaint statistics

Appendix 2 - Cases decided in 2020-21 of which the Council is aware.

#### Background papers:

The appendices to this report

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### Corporate Implications

Legal/Constitutional:

None

Financial:

None as there were no complaints in respect of which the Council had to pay compensation or ex gratia payments

Potential impact on climate change and the environment:

None

Contribution toward achieving a net zero carbon position by 2030:

None

Personnel:

None

Risk Management:

A failure to be aware of or to address complaints could result in unsafe or inadequate services being delivered to the detriment of those receiving them. The Council's reputation could also be damaged

Equality and Diversity:

(For new or revised policies or procedures has an equalities impact assessment been carried out? If not, explain why)

Complaints are monitored by equalities representatives in each service to ensure that there is no disproportionate dissatisfaction by the different equality target groups. This data is considered as part of the assessment process to ensure that there is no discrimination in service delivery.

Health and Safety:

None

Digital:

None

Other:

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Consultees:

None

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Relevant Policies and Strategies:

None are relevant

# Local Government & Social Care OMBUDSMAN

20 July 2022

*By email*

Mr Eveleigh  
Chief Executive  
Chelmsford City Council

Dear Mr Eveleigh

## **Annual Review letter 2022**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

**Compliance with recommendations** - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Supporting complaint and service improvement**

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



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

**Complaints upheld**

The Ombudsman carried out no detailed investigations during this period

**Compliance with Ombudsman recommendations**

No recommendations were due for compliance in this period

**Satisfactory remedy provided by the organisation**

The Ombudsman did not uphold any detailed investigations during this period

Reference	Authority	Category	Received
21001470	Chelmsford City Council	Planning & Development	04/05/2021
21002642	Chelmsford City Council	Environmental Services & Public Protection & Regulation	25/05/2021
21003107	Chelmsford City Council	Environmental Services & Public Protection & Regulation	02/09/2021
21003907	Chelmsford City Council	Planning & Development	17/06/2021
21004600	Chelmsford City Council	Environmental Services & Public Protection & Regulation	30/06/2021
21006424	Chelmsford City Council	Corporate & Other Services	30/07/2021
21007365	Chelmsford City Council	Housing	17/08/2021
21009978	Chelmsford City Council	Environmental Services & Public Protection & Regulation	08/10/2021
21012676	Chelmsford City Council	Environmental Services & Public Protection & Regulation	25/11/2021
21013197	Chelmsford City Council	Corporate & Other Services	02/12/2021
21015800	Chelmsford City Council	Highways & Transport	27/01/2022
21016899	Chelmsford City Council	Planning & Development	16/02/2022
21017729	Chelmsford City Council	Planning & Development	04/03/2022
21018258	Chelmsford City Council	Planning & Development	13/03/2022
21018296	Chelmsford City Council	Planning & Development	16/03/2022

Reference	Author/By	Category	Decided	Decision	Decision Reason	Remedy	Review Instrument recommendations
2021470	Chesham City Council	Environmental Services & Public Protection & Regulation	05/05/2022	Checked after initial enquiries	See 5.8 special provisions		
2021470	Chesham City Council	Planning & Development	05/05/2022	Checked after initial enquiries	Not supported by alleged malpractice failure		
2021474	Chesham City Council	Environmental Services & Public Protection & Regulation	05/07/2022	Checked after initial enquiries	Not supported by alleged malpractice failure		
2021477	Chesham City Council	Environmental Services & Public Protection & Regulation	11/10/2022	Checked after initial enquiries	Not supported by alleged malpractice failure		
2021507	Chesham City Council	Planning & Development	17/09/2022	Referred back for local resolution	Precedence Decision - advice given		
2021509	Chesham City Council	Environmental Services & Public Protection & Regulation	17/09/2022	Checked after initial enquiries	Not supported by alleged malpractice failure		
2021474	Chesham City Council	Corporate & Other Services	02/07/2022	Referred back for local resolution	Precedence Decision - advice given		
2021395	Chesham City Council	Housing	17/09/2022	Referred back for local resolution	Precedence Decision - advice given		
2021519	Chesham City Council	Environmental Services & Public Protection & Regulation	06/10/2022	Referred back for local resolution	Precedence Decision - advice given		
2021317	Chesham City Council	Corporate & Other Services	09/12/2022	Checked after initial enquiries	See 5.8 provisions		
2021500	Chesham City Council	Highways & Transport	27/01/2022	Referred back for local resolution	Precedence Decision - advice given		
2021520	Chesham City Council	Planning & Development	06/03/2022	Checked after initial enquiries	Not supported by alleged malpractice failure		
2021776	Chesham City Council	Planning & Development	24/03/2022	Checked after initial enquiries	Not supported by alleged malpractice failure		
2021828	Chesham City Council	Planning & Development	20/03/2022	Checked after initial enquiries	Not supported by alleged malpractice failure		

## Appendix 2

### Complaints decided by the Ombudsman in 2021-22 of which the Council is aware

#### Complaint reference

20014409

#### Category

Environmental Services & Public Protection & Regulation

#### Summary of decision

The Ombudsman could not investigate this complaint about how the Council dealt with matters relating to a fixed penalty notice that the complainant received for an alleged littering offence. This is because the matter had been considered in court and the law prevents the Ombudsman from investigating matters which have been subject to court proceedings.

#### Remedy

N/A

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#### Complaint reference

21001470

#### Category

Planning and Development

#### Summary of decision

Mr X complained about the Council's failure to take enforcement action regarding the use of a building near him. The Ombudsman decided not to investigate this complaint because there was no evidence of fault by the Council.

#### Remedy

N/A

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### Complaint reference

21002642

### Category

Environmental Services & Public Protection & Regulation

### Summary of decision

The Ombudsman decided not to investigate Mr X's complaint about the Council's decision to stop providing additional recycling sacks to local residents. This was because he had not been caused an injustice significant enough to warrant an investigation.

### Remedy

N/A

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### Complaint reference

21003107

### Category

Environmental Services & Public Protection & Regulation

### Summary of decision

The Ombudsman decided not to investigate this complaint about the Council's failure to act against noise nuisance from the bar near Mr A's flat. This was because there was no evidence of fault which would warrant an investigation.

### Remedy

N/A

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### Complaint reference

21003907

### Category

Planning and Development

### Summary of decision

This complaint concerned a planning enforcement matter which the Ombudsman would not consider until the complainant had completed the Council's complaints procedure.

### Remedy

N/A

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### Complaint reference

21004600

### Category

Environmental Services & Public Protection & Regulation

### Summary of decision

The Ombudsman decided not to investigate this complaint about the Council decision to end temporary changes to its taxi licensing policy as fault in the Council's actions was unlikely to be found.

### Remedy

N/A

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### Complaint reference

21016899

### Category

Planning and Development

### Summary of decision

The Ombudsman decided not to investigate this complaint about the Council's decision to grant planning permission for a development on land next to Ms X's home. This was because there was no evidence of fault in how the Council reached its decision.

### Remedy

N/A

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### Complaint reference

21017729

### Category

Planning and Development

### Summary of decision

The Ombudsman decided not to investigate this complaint by Mr X about the Council's handling of his neighbour's planning application. This was because there was not enough evidence of fault causing Mr X significant injustice.

### Remedy

N/A

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### Complaint reference

21018258

### Category

Planning and Development

### Summary of decision

The Ombudsman decided not to investigate Mr X's complaint about the Council's decision not to take enforcement action regarding his neighbour's new windows, or request the neighbour to submit a retrospective planning application for the works. There was not enough evidence of Council fault in its decision-making process to warrant an investigation.

### Remedy

N/A

Note: No details were provided on Complaints Reference 21006424, 21007365, 21007365, 21009978, 21013197, 21015800. It is assumed either that the complainants went directly to the Ombudsman and were advised to contact the Council to enable the complaints to be dealt with through its internal complaints procedure, were matters on which the Ombudsman has no jurisdiction or were matters not worthy of investigation.