

Business Support Overview and Scrutiny Committee

BRIEFING NOTE – No 4/17

Date: September 2017

Briefing paper to: All Members of the Business Support Overview & Scrutiny Committee

Purpose: At the meeting of the Business Support O&S Committee on 6 July 2017 Members requested a briefing note on details of five upheld Local Government Ombudsman (LGO) complaints.

Heading: Local Government Ombudsman - Complaints

1. Background

- 1.1 At the July meeting of the Business Support Overview and Scrutiny Committee, Members considered a report which summarised the performance of the Council's key measures of success and projects for end of year (Quarter 4 2016/17) as set out in the Council Plan 2016/17 and which fell within the responsibility of the Committee.
- 1.2 During the discussion on this report Members asked for details of the five upheld Local Government Ombudsman (LGO) complaints referred to in paragraph 4.3 of the report. These are set out in Appendix 1 together with an outline of the volume of cases referred to the LGO during the quarter 4 period 2016/17.

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**Detailed report for Local Government Ombudsman (LGO)
decisions made during Q.4 2016-17**

7 August 2017

COMPLAINTS PERFORMANCE 2016-17

LGO Quarter 4 performance

Report from: Stephanie Goad, Assistant Director Transformation and
Chris White, Head of Libraries, Business Support and Community Hubs
Author: Michele Pink, Customer Relations Team Leader

Summary

Recommendations

That the report be noted.

Details

The report outlines the volumes of cases that have been referred to the Local Government Ombudsman during the Q.4 period 2016-17, and the resulting decision.

1 LGO referrals and decisions in Q4

1.1 15 cases were referred to the Council by the LGO in Q4. This represents a small increase over the same period in 2015-16 & 2014-15. The monthly figures were:

- January 6
- February 6
- March 3

1.2 The volume of referrals during Q.4 compared to the same period over the previous two years are as follows:

- 2014-15 12
- 2015-16 14
- 2016-17 15

1.3 A total of 15 decisions were made by the LGO in Q4. Five of the 15 decisions were to uphold the complaint (33.3%). There were three final decisions which were upheld, maladministration and injustice, and two further final decisions were upheld, maladministration and no injustice. This is documented in the table on the page 2.

Q4 UPHELD LGO DECISIONS		Service Area	Compensation
Upheld Q4 2016-17: maladministration and injustice			
<p>The council was at fault in failing to implement the agreed remedy on an earlier complaint which was about the failure to make provision of the speech and language therapy detailed in Ms X's son's statement of special educational need. The LGO recommended that the council make a payment to recognise this.</p>	1	Psychology & Inclusion	<p>£400 to recognise the lost opportunity.</p> <p>£100 to recognise the avoidable time and trouble.</p>
<p>Mr C complained the council did not provide all the information he needed to make an informed decision around how to finance his mother's residential care. The LGO upheld Mr C's complaint and recommended financial redress.</p>	1	Older People	<p>Pay the difference in fees (£446.57 per week) for the period 30 November 2016 to 8 January 2016.</p>
<p>The council was found to be at fault by failing to tell Mr Y's family for a period of six months that the end of his NHS continuing healthcare meant that charges would be due for his care. The LGO recommended that the council waive the charges of more than £24,000 made for the period before it told the family that the care would be chargeable.</p>	1	Customer Contact: Financial Assessment	£24,000
Upheld Q4 2016-17: maladministration, no injustice			
<p>Mr A complained about the council's lack of will to resolve in a timely manner the issue of landscaping, conditioned by a planning permission, on a housing development site adjacent to his property and its failure to respond to some of his communication and to keep him informed. The LGO found that while the council was at fault in failing to respond to some of Mr A's contact, the planting has now been carried out and there are no grounds that warrant any further investigation of the complaint by the Ombudsman.</p>		Planning	N/A
<p>The council was at fault by failing to notify Mr Z of his neighbour's planning application. The council's planning process assessed the issues Mr Z would have raised about the impact of the development on local parking provision and traffic. The LGO found that the council's apology given to Mr Z during their complaint process was the appropriate remedy.</p>		Planning	N/A

- 1.4 There were also five complaints which were not upheld, no maladministration
- 1.5 The five remaining decisions were not investigated and were closed as follows:
- Closed after initial enquiries – no further action x3
 - Closed after initial enquiries – out of jurisdiction x1
 - Closed as Incomplete/Invalid
- 1.6 The following table outlines the comparison by quarter in respect of the percentage of upheld decisions.

	LGO decisions	Upheld	% Upheld
Q1	15	3	20%
Q2	10	2	20%
Q3	8	4	50%
Q4	15	5	33%

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