



**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**REPORT COVER SHEET**

<b>Title of Report:</b>	Local Government Ombudsman Annual Review Letter 2018
<b>Meeting of:</b>	Cabinet
<b>Date:</b>	17 <sup>th</sup> September 2018
<b>Is this an Executive Decision:</b>	YES
<b>Is this a Key Decision:</b>	NO
<b>Is the Report Confidential:</b>	NO
<b>If so, please state relevant paragraph from Schedule 12A LGA 1972:</b>	[ ]

**Essential Signatories:**

**ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE**

Monitoring Officer: **Angela Wakefield**

Date ..... Signature .....

Chief Finance Officer: **Sal Khan**

Date ..... Signature .....

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**Report to Cabinet**

**Date: 17<sup>th</sup> September 2018**

**REPORT TITLE: Local Government Ombudsman Annual Review Letter 2018**

**PORTFOLIO: Leader**

**HEAD OF SERVICE: Sal Khan**

**CONTACT OFFICER: Andrea Davies Ext. No. x1306**

**WARD(S) AFFECTED: All**

**1. Purpose of the Report**

- 1.1. To note the Local Government Ombudsman's Annual Review Letter showing complaints about East Staffordshire Borough Council dealt with for the year ended 31<sup>st</sup> March 2018 by the Local Government and Social Care Ombudsman (LGO).

**2. Background**

- 2.1. The Ombudsman submits an Annual report to the Council on all complaints he has received.

**3. Contribution to Corporate Priorities**

- 3.1. Fully accorded with the Corporate Priorities of the Council.

**4. Report**

**4.1. Annual Letter 2018**

Every year the Local Government Ombudsman produces an annual letter and a summary of the complaints he has received in respect of the Borough Council (detailed at Appendix 1 of the report). The data provided includes the number of complaints and enquiries recorded, about which topics and what decisions

the Ombudsman has made. Appendix 2 provides an extract from the LGO website, giving an interpretation of the local authority statistics.

### **Complaints and Enquiries received for the period ending 31 March 2018:**

<b>Benefits and Tax</b>	<b>Corporate and Other Services</b>	<b>Environment Services</b>	<b>Planning and Development</b>	<b>Total</b>
1	2	1	9	13

### **Decisions Made**

<b>Referred back for Local Resolution</b>	<b>Closed After Initial Enquiries</b>	<b>Detailed Investigations Not upheld</b>	<b>Total</b>
5	4	3	12

The above statistics comprise of the data held by the LGO and may not necessarily align with the data held by the Borough Council (for example, some complainants may be signposted back to the Borough Council by the LGO, but may choose not to do so, or some complaints may have been dealt with by the Borough Council in one financial year, but received by the LGO in the following financial year).

Out of the 5 complaints which were referred back for local resolution, 2 were not received by the Borough Council. This may be because the complainant may have decided not to refer their complaint back to the Council or if they have contacted the Council, they may not have referenced their previous contact with the LGO.

The following extract from the LGO website provides complaints statistics for all Local Authorities:

<https://www.lgo.org.uk/information-centre/news/2018/jul/a-tool-for-change-ombudsman-issues-annual-review-of-council-complaints>

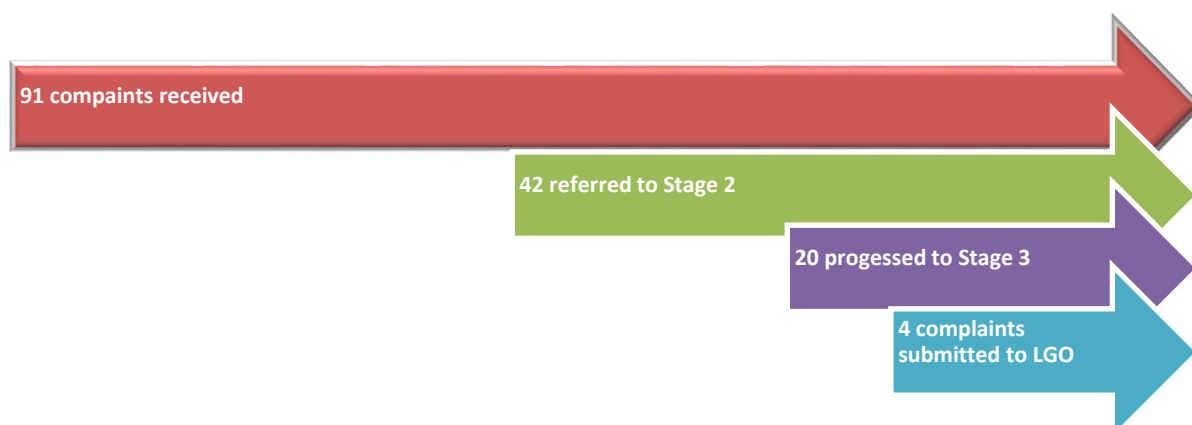
## **4.2. Formal Complaints submitted to the Council**

### **Complaints Received**

The table overleaf shows a breakdown of the number of formal complaints received during the financial year 2017/18 and how they progressed through the procedure.

	S1	S2	S3	LGO
Q1	11*	3	1	1
Q2	12†	4	1	1
Q3	54‡	31	17	2
Q4	12	4	1	0
<b>TOTAL</b>	<b>89</b>	<b>42</b>	<b>20</b>	<b>4</b>

A total of 91 formal complaints were received during the 2017/18 financial year. Of these 91 complaints, 40 complainants remained dissatisfied and progressed their complaint to Stage 2 (Head of Service) (2 progressed straight to stage 2 due to the nature of the complaint), of these 42 complaints 20 complainants progressed their complaint to stage 3 (Chief Executive) and 4 of these complaints were then submitted to the LGO.



### **Further Analysis**

As highlighted, there were a number of complaints received as part of an organised effort on the subject of the Hazelwalls planning application in quarter 3 of the financial year. In order to effectively analyse the Council's performance in relation to formal complaints, additional analysis has been undertaken, removing the 42 complaints received specifically on this subject.

The table overleaf shows a breakdown of the number of formal complaints received during 2017/18 (excluding those complaints received in quarter 3 on the subject of Hazelwalls planning application).

\* Plus 1 complaint directed to stage 2 (bypassed Stage 1)

† Plus 1 complaint directed to stage 2 (bypassed Stage 1)

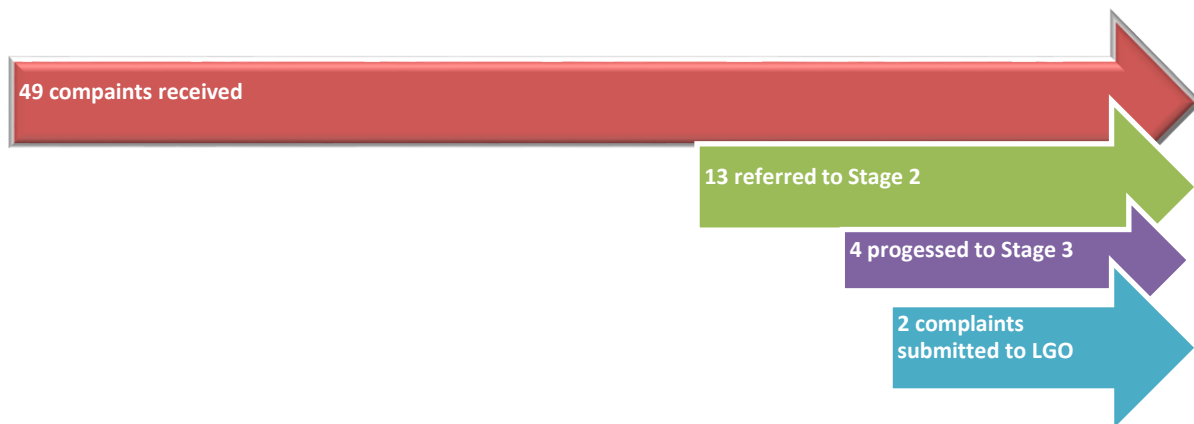
‡ During Quarter 3 there was a significant increase in the number of complaints received. Of the 54 complaints received in quarter 3, 42 complaints were received as part of an organised effort on the subject matter of Hazelwalls Planning Application and of these 42, 29 progressed to stage 2 and 16 progressed to stage 3. 2 complaints were progressed to the LGO. The LGO closed these complaints after initial enquiries and decided not to investigate. (The Council has also been notified by the LGO of a further complaint received in 2018/19 financial year on this subject which they have also closed and decided not to investigate)

	<b>S1</b>	<b>S2</b>	<b>S3</b>	<b>LGO</b>
<b>Q1</b>	11 <sup>§</sup>	3	1	1
<b>Q2</b>	12 <sup>**</sup>	4	1	1
<b>Q3</b>	12	2	1	0
<b>Q4</b>	12	4	1	0
<b>TOTAL</b>	47	13	4	2

A total of 49 formal complaints were received during the 2017/18 financial year. Of these 49 complaints, 11 complainants remained dissatisfied and progressed their complaint to Stage 2 (Head of Service) (2 progressed straight to stage 2 due to the nature of the complaint), of the 13 complaints 4 complainants progressed their complaint to stage 3 (Chief Executive) and 2 of these complaints were then submitted to the LGO.

This indicates a decrease in the total number of formal complaints received, compared to the previous year's total of 57.

In 16/17 the total number of formal complaints received relating to planning matters was 12; and in 17/18 the total was 7.

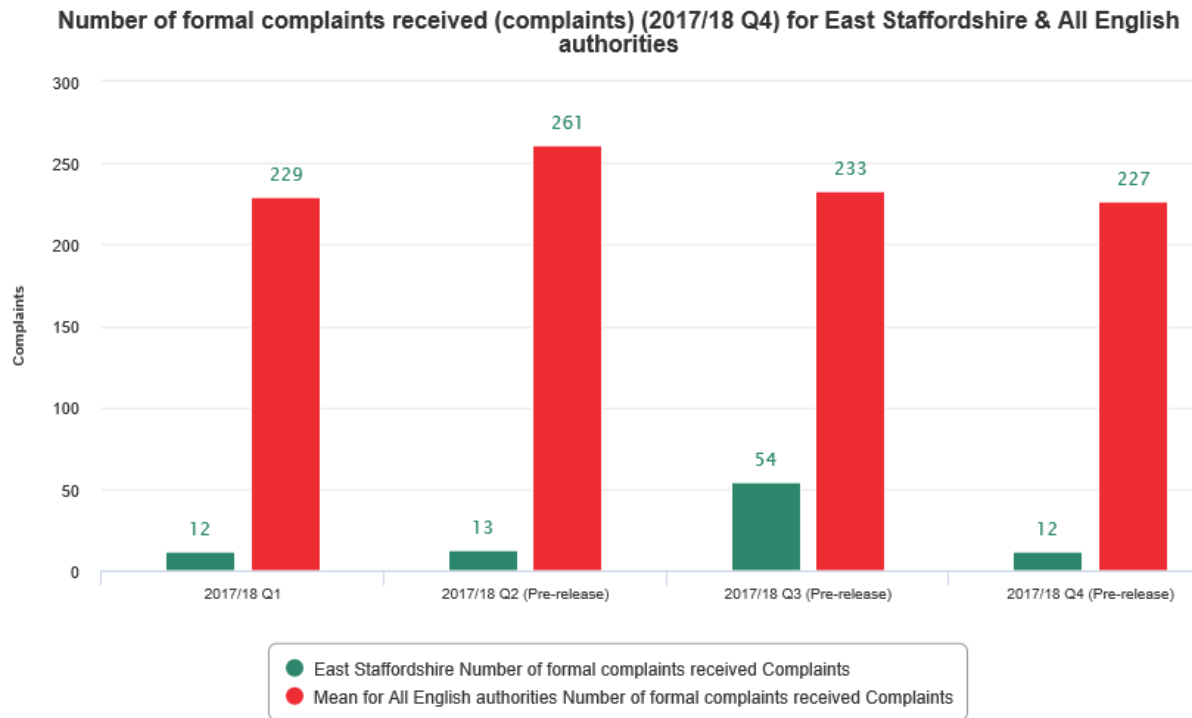


<sup>§</sup> Plus 1 complaint directed to stage 2 (bypassed Stage 1)

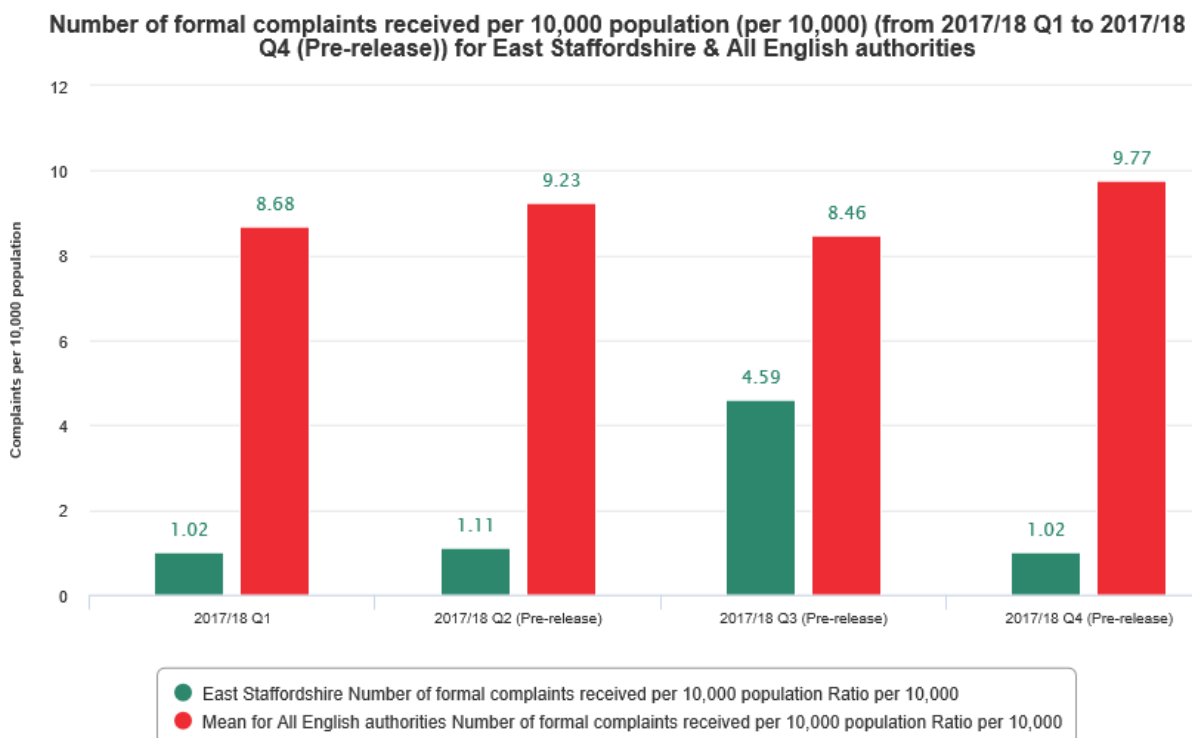
<sup>\*\*</sup> Plus 1 complaint directed to stage 2 (bypassed Stage 1)

### 4.3. Performance Statistics

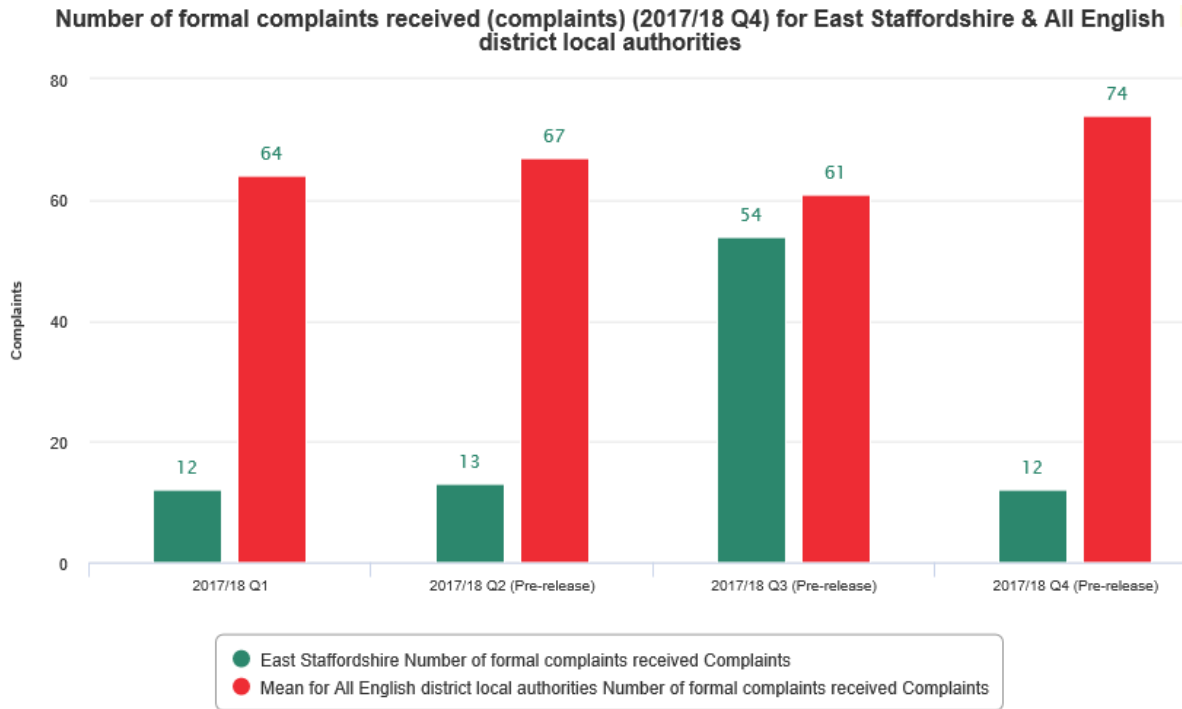
The graph below illustrates how East Staffordshire Borough Council compares to other English Authorities during the year as a whole.



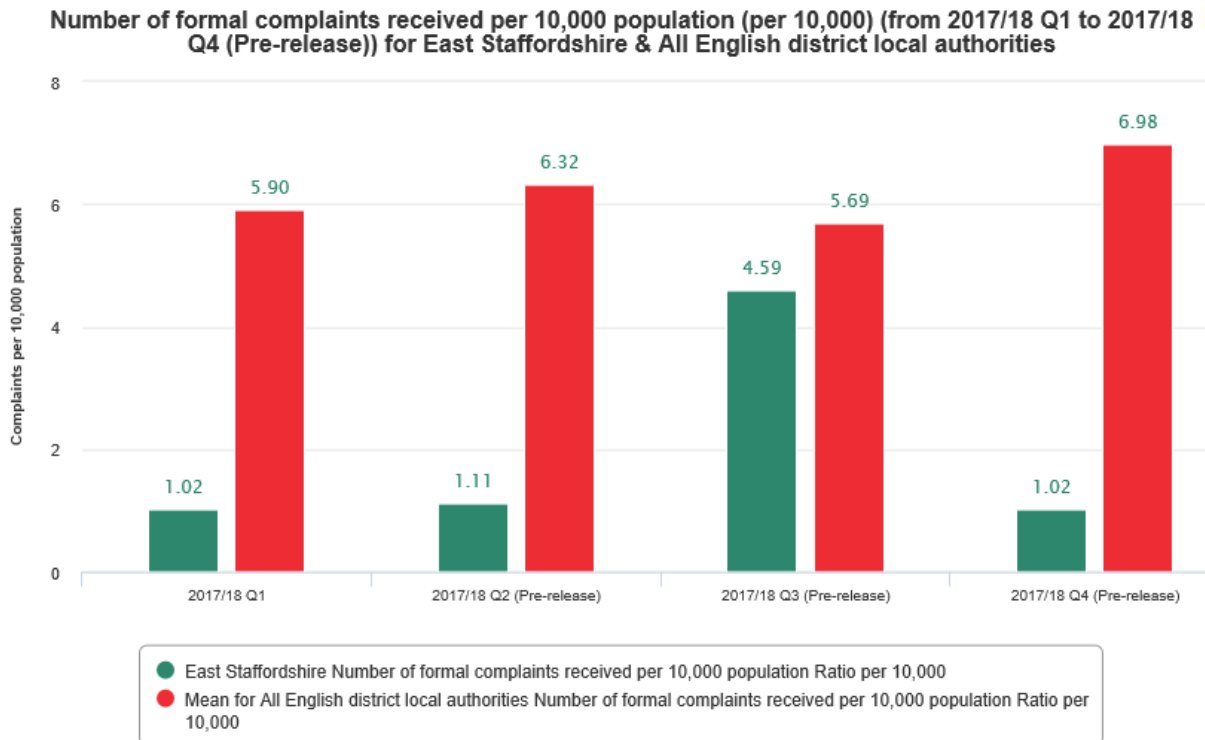
The graph below illustrates the number of formal complaints received per 10,000 population during the year as a whole for all English Authorities.



The graph below illustrates how East Staffordshire Borough Council compares to other English District Local Authorities during the year as a whole.



The graph below illustrates the number of formal complaints received per 10,000 population during the year as a whole for all English District Local Authorities.



Appendix 3 gives a breakdown of formal complaints received per Local Authority. In Quarter 1 ESBC ranked 13 out of 106 Authorities; in Quarter 2 ESBC ranked 12 out of 103 Authorities; in Quarter 3 ESBC ranked 38 out of 91 Authorities and in Quarter 4 ESBC ranked 5 out of 80 Authorities. From overall data submitted ESBC ranked 26 out of 106 Authorities.

#### 4.4. **Policy on Dealing with Unreasonable Complainants and Unacceptable Behaviour**

During the financial year one individual was restricted from communicating with the Council for a period of 6 months and one individual had their restriction on contact with the Council extended for a further period of 6 months. Following contact with the LGO, this complainant was advised to direct all future contact with the Council to one specific email address only.

### 5. **Financial Considerations**

*This section has been approved by the following member of the Financial Management Unit: Lisa Turner*

5.1. There are no financial issues arising from this Report.

### 6. **Risk Assessment and Management**

6.1. The main risks to this Report and the Council achieving its objectives are as follows:

6.2. **Positive** (Opportunities/Benefits):

6.2.1. The Ombudsman's report is positive; insofar that whilst the Council utilises the complaints process as a vital component for organisational learning – if the complaints received in Q3 on the same subject matter were excluded, the numbers of complaints received were very small when compared to the national mean; the vast majority of formal complaints were resolved at Stage 1; less than 50% of complaints received at Stage 2 moved up to Stage 3 and none of the complaints that eventually went to the LGO were upheld.

6.3. **Negative** (Threats):

6.3.1. None.

### 7. **Legal Considerations**

*This section has been approved by the following member of the Legal Team: Angela Wakefield*

7.1. There are no significant legal issues arising from this Report.

### 8. **Equalities and Health**



**8.1. Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

**9. Human Rights**

9.1. There are no Human Rights issues arising from this Report.

**10. Sustainability** (including climate change and change adaptation measures)

10.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

**11. Recommendation(s)**

11.1. That the Local Government Ombudsman Annual Review Letter 2018 be received and noted.

**12. Background Papers**

None.

**13. Appendices**

13.1. Appendix 1: Annual Review Letter 2018

13.2. Appendix 2: Note on interpretation of Local Authority Statistics (extract from [www.lgo.org.uk](http://www.lgo.org.uk) )

13.3. Appendix 3: Formal Complaints per Authority Breakdown