



Chelmsford City Council Governance Committee

16 October 2024

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

Report by:

Director of Connected Chelmsford

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 2023-2024 and the Annual Letter from the Commission dated 17th July 2024.

Recommendations

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

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 areas of activities including 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 2023-2024 is at **Appendices 1A and 1B** to this report.

2. Complaints Received in 2023-24

2.1 Year on year the number of enquiries and complaints fluctuates and, in 2023-24, 17 enquiries and complaints relating to this Council were received by the Commission, higher than the fourteen received in 2022-23 and in 2021-22. 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 an increase over the past few years, the lowest during 2020-21 which was affected by the Covid-19 pandemic. Number of complaints since then were returning to pre-pandemic levels.

<u>2017/18</u>	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>	<u>2022/23</u>	<u>2023/24</u>
18	13	13	6	14	14	17

2.3 During 2023-24, the Commission made decisions on seventeen complaints about the Council.

- Eleven complaints were closed after initial enquiries (nine were adjudged not to be warranted by alleged fault/injustice, in one had other appeal rights and, in one other complaint matters were raised which were not the function of the council);
- One complaint was not upheld;

- One complaint was considered incomplete/invalid due to insufficient information;
- Four complaints were deemed premature and were referred back to the council

2.4 The data provided by the Ombudsman is based on 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**.

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 no significant change in the number of complaints against the Council in 2023-24. The Ombudsman has expressed no concerns about the way in which the Council handles complaints or about its internal processes in general.

3.2 The Council is reviewing adoption of the Complaints Handling Code issued by the Ombudsman and referred to in the Annual letter. This may be considered in complaint casework dealt with by the Ombudsman from April 2026. In doing so the Council will also consider any further guidance and updates in this regard.

List of appendices:

Appendix 1A - Letter from Local Government Ombudsman dated 17 July 2024

Appendix 1B – Complaint statistics

Appendix 2 - Cases decided in 2023-24 of which the Council is aware.

Background papers:

The appendices to this report

Corporate Implications

Legal/Constitutional: It is good practice to report these matters to committee for consideration. The Terms of Reference for the Governance Committee include the maintaining oversight of complaints including those relating to the Local Government Ombudsman.

Financial: None

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:

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: N/A

Consultees:

None

Relevant Policies and Strategies:

None are relevant

17 July 2024

By email

Mr Eveleigh
Chief Executive
Chelmsford City Council

Dear Mr Eveleigh

Annual Review letter 2023-24

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 2024. The information offers valuable insight about your organisation's approach to complaints, and I know you will consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to ensure effective ownership and oversight of complaint outcomes, which offer valuable opportunities to learn and improve. In addition, this year, we have encouraged Monitoring Officers to register to receive the letter directly, supporting their role to report the decisions we uphold to their council.

For most of the reporting year, Paul Najsarek steered the organisation during his tenure as interim Ombudsman, and I was delighted to take up the role of Ombudsman in February 2024. I look forward to working with you and colleagues across the local government sector to ensure we continue to harness the value of individual complaints and drive and promote systemic change and improvement across the local government landscape.

While I know this ambition will align with your own, I am aware of the difficult financial circumstances and service demands that make continuous improvement a challenging focus for the sector. However, we will continue to hold organisations to account through our investigations and recommend proportionate actions to remedy injustice. Despite the challenges, I have great confidence that you recognise the valuable contribution and insight complaints, and their swift resolution, offer to improve services for the public.

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. This year, we also provide the number of upheld complaints per 100,000 population.

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 give credit to 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 24 July 2024. 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

In February, following a period of consultation, we launched the [Complaint Handling Code](#) for councils, setting out a clear process for responding to complaints effectively and fairly. It is aligned with the Code issued to housing authorities and landlords by the Housing Ombudsman Service and we encourage you to adopt the Code without undue delay. Twenty councils have volunteered to take part in an implementation pilot over the next two years that will develop further guidance and best practice.

The Code is issued to councils under our powers to provide guidance about good administrative practice. We expect councils to carefully consider the Code when developing policies and procedures and will begin considering it as part of our processes from April 2026 at the earliest.

The Code is considered good practice for all organisations we investigate (except where there are statutory complaint handling processes in place), and we may decide to issue it as guidance to other organisations in future.

Our successful complaint handling training programme continues to develop with new modules in Adult Social Care and Children's Services complaint handling available soon. All our courses include practical interactive workshops that help participants develop their complaint handling skills. We delivered 126 online workshops during the year, reaching more than 1,700 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

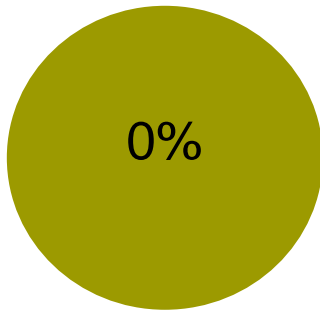
Returning to the theme of continuous improvement, we recognise the importance of reflecting on our own performance. With that in mind I encourage you to share your view of our organisation via this survey: <https://www.smartsurvey.co.uk/s/ombudsman/>. Your responses will help us to assess our impact and improve our offer to you. We want to gather a range of views and welcome multiple responses from organisations, so please do share the link with relevant colleagues.

Yours sincerely,



Amerdeep Somal
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



0% of complaints we investigated were upheld.

This compares to an average of **63%** in similar organisations.

0
upheld decisions

This is 0 upheld decisions per 100,000 residents.

The average for authorities of this type is 1.2 upheld decisions per 100,000 residents.

Statistics are based on a total of **1** investigation for the period between 1 April 2023 to 31 March 2024

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedies provided by the authority

The Ombudsman did not uphold any complaints in this period

Reference	Authority	Category	Received
23002320	Chelmsford City Council	Planning & Development	22/05/2023
23003567	Chelmsford City Council	Environmental Services & Public Protection & Regulation	27/07/2023
23003889	Chelmsford City Council	Planning & Development	29/06/2023
23004807	Chelmsford City Council	Housing	07/07/2023
23005113	Chelmsford City Council	Highways & Transport	27/07/2023
23008283	Chelmsford City Council	Planning & Development	01/09/2023
23011012	Chelmsford City Council	Housing	13/10/2023
23011960	Chelmsford City Council	Environmental Services & Public Protection & Regulation	03/11/2023
23012111	Chelmsford City Council	Highways & Transport	06/11/2023
23012117	Chelmsford City Council	Environmental Services & Public Protection & Regulation	06/11/2023
23012513	Chelmsford City Council	Planning & Development	10/11/2023
23013524	Chelmsford City Council	Environmental Services & Public Protection & Regulation	27/11/2023
23013843	Chelmsford City Council	Planning & Development	06/02/2024
23014169	Chelmsford City Council	Highways & Transport	06/12/2023
23014727	Chelmsford City Council	Highways & Transport	15/12/2023
23015221	Chelmsford City Council	Benefits & Tax	11/01/2024
23018543	Chelmsford City Council	Housing	28/02/2024

Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy	Service improvement recommendations
22009160	Chelmsford City Council	Housing	12/04/2023	Not Upheld	no fault		
23002320	Chelmsford City Council	Planning & Development	08/06/2023	Closed after initial enquiries	Not warranted by alleged fault		
23003567	Chelmsford City Council	Environmental Services & Public Protection & Regulation	30/08/2023	Closed after initial enquiries	Not warranted by alleged fault		
23003889	Chelmsford City Council	Planning & Development	11/07/2023	Closed after initial enquiries	26(6)(b) appeal to Minister		
23004807	Chelmsford City Council	Housing	07/07/2023	Referred back for local resolution	Premature Decision - advice given		
23005113	Chelmsford City Council	Highways & Transport	27/07/2023	Referred back for local resolution	Premature Decision - advice given		
23008283	Chelmsford City Council	Planning & Development	03/10/2023	Closed after initial enquiries	Not warranted by alleged fault		
23011012	Chelmsford City Council	Housing	19/10/2023	Closed after initial enquiries	Not warranted by alleged fault		
23011960	Chelmsford City Council	Environmental Services & Public Protection & Regulation	03/11/2023	Incomplete/Invalid	Insufficient information to proceed and PA advised		
23012111	Chelmsford City Council	Highways & Transport	13/12/2023	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
23012117	Chelmsford City Council	Environmental Services & Public Protection & Regulation	05/12/2023	Closed after initial enquiries	Not warranted by alleged injustice		
23012513	Chelmsford City Council	Planning & Development	12/12/2023	Closed after initial enquiries	Not warranted by alleged fault		
23013524	Chelmsford City Council	Environmental Services & Public Protection & Regulation	27/11/2023	Referred back for local resolution	Premature Decision - advice given		
23013843	Chelmsford City Council	Planning & Development	06/02/2024	Closed after initial enquiries	Not warranted by alleged fault		
23014169	Chelmsford City Council	Highways & Transport	06/12/2023	Referred back for local resolution	Premature Decision - advice given		
23014727	Chelmsford City Council	Highways & Transport	25/01/2024	Closed after initial enquiries	S26(1) Not an admin function of authority		
23015221	Chelmsford City Council	Benefits & Tax	12/02/2024	Closed after initial enquiries	Not warranted by alleged fault		

Complaints decided by the Ombudsman in 2023-24 of which the Council is aware

Complaint reference

22009160

Category

Housing

Summary of decision

The Ombudsman found no fault in how the Council decided Miss X's priority on the housing register. The Council properly considered her circumstances when she first applied to the housing register and requested a health and housing award. It also reviewed her banding when she asked it to, all while following its allocations policy.

Remedy

N/A

Complaint reference

23002320

Category

Planning and Development

Summary of decision

The Ombudsman decided not to investigate Mrs X's complaint about the Council's handling of a retrospective planning application which included the creation of an off-street parking space. There is not enough evidence of fault to justify investigating.

Remedy

N/A

Complaint reference

23003567

Category

Environmental Services & Public Protection & Regulation

Summary of decision

The Ombudsman decided not to investigate this complaint the Council's licensing inspection at Ms X's business premises. This is because we are unlikely to find evidence of fault by the Council sufficient to warrant an investigation.

Remedy

N/A

Complaint reference

23003889

Category

Planning and Development

Summary of decision

this complaint about how the Council dealt with the complainant's planning application. This is because he had the right to appeal to the Planning Inspector.

Remedy

N/A

Complaint reference

23008283

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 for an alleged unauthorised use of a building near his home. This is because there is not enough evidence of fault by the Council.

Remedy

N/A

Complaint reference

23011012

Category

Housing

Summary of decision

The Ombudsman decided not to investigate this complaint that the Council has unreasonably decided to end a homeless woman's interim accommodation booking. The woman has separate review and appeal rights she can use to challenge the Council's referral of her case to another council. Also there is no sign of fault in its decision to end its accommodation duty in those circumstances.

Remedy

N/A

Complaint reference

23012117

Category

Environmental Services & Public Protection & Regulation

Summary of decision

The Ombudsman decided not to investigate Mr X's complaint about the Council not entirely emptying one of his bins, not returning to complete the collection, and offering a resolution which would cause him to incur expenses. The matters complained of do not cause a sufficient significant personal injustice to Mr X to warrant us investigating.

Remedy

N/A

Complaint reference

23012513

Category

Planning and Development

Summary of decision

The Ombudsman decided not to investigate this complaint about the Council's decision not to accept a late request to review a Community Infrastructure Levy charge. We have seen no evidence of fault in the way the Council made its decision.

Remedy

N/A

Complaint reference

23014727

Category

Highway repair and Maintenance

Summary of decision

The Ombudsman decided not to investigate this complaint about highway maintenance because the Council complained about is not responsible for the issue being raised.

Remedy

N/A

Complaint reference

23013843

Category

Planning & Development

Summary of decision

The Ombudsman decided not to investigate this complaint about a grant of planning permission as there is no evidence of fault by the Council.

Remedy

N/A

Complaint reference

23014727

Category

Highway repair and maintenance

Summary of decision

The Ombudsman decided not to investigate this complaint about highway maintenance because the Council complained about is not responsible for the issue being raised.

Remedy

N/A

Complaint reference

23015221

Category

Benefits and Tax

Summary of decision

The Ombudsman decided not to investigate this complaint about an unsuccessful application for a Discretionary Housing Payment. This is because there is insufficient evidence of fault by the Council.

Remedy

N/A

Note: No details were provided on Complaints Reference 23004807, 23005113, 23011960, 23012111, 23013524, and 23014169. 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.