



**Governance and Audit
Committee**

Tuesday 6th November 2018

Local Government Ombudsman (LGO) Annual Review Letter 2018

Report by:	Executive Director of Operations and Head of Paid Service, Mark Sturgess
Contact Officer:	Natalie Kostiuk Customer Experience Officer natalie.kostiuk@west-lindsey.gov.uk
Purpose / Summary:	Report on the LGO Annual Review Letter 2018. Covering complaints to the LGO for the 2017-2018 period. Examining upheld complaints and benchmarking/trends.

RECOMMENDATION(S):

That committee members welcome the report from the Local Government Ombudsman and acknowledge the work which has been undertaken to incorporate the learning from the report's findings into how West Lindsey District Council (WLDC) works as an organisation.

IMPLICATIONS

Legal:

None arising directly from this report.

Financial : FIN/126/19

None arising directly from this report.

Staffing : N/A

Equality and Diversity including Human Rights : N/A

Risk Assessment : N/A

Climate Related Risks and Opportunities : N/A

Title and Location of any Background Papers used in the preparation of this report:

<https://www.lgo.org.uk/information-centre/councils-performance/council/West%20Lindsey%20District%20Council>

Link to the Local Government Ombudsman Website Annual Review Letters for West Lindsey District Council.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

X

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

X

Executive Summary

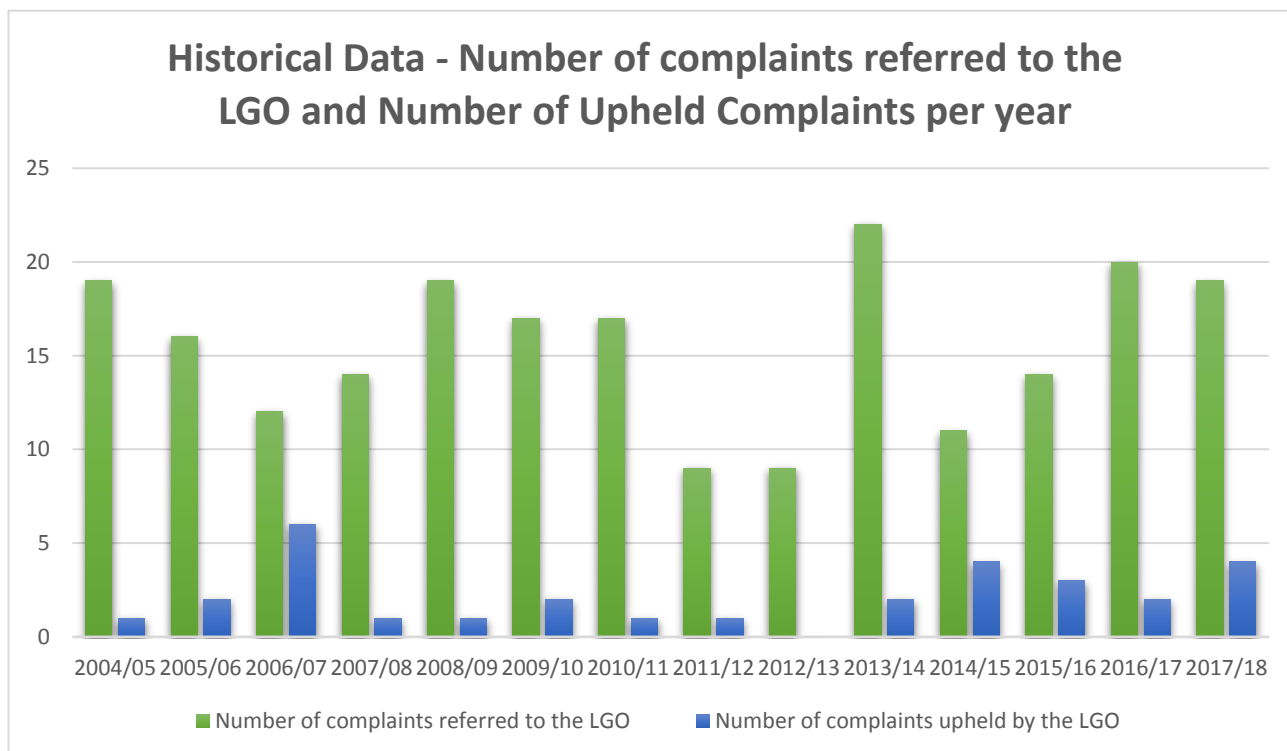
This report examines the Local Government Ombudsman Annual Review Letter 2018 covering complaints that our customers referred to them during the 2017-2018 period ending 31st March 2018. Historical data on complaints referred to the Local Government Ombudsman (LGO) is included along with detailed comparison to last year's figures and findings.

The report goes on to explain the complaints that were upheld by the LGO and includes details of the recommended actions and learning that has taken place.

Finally the report compares how West Lindsey District Council has performed overall nationally and with 20 other similar local authorities in terms of the amount of complaints referred, investigated and upheld by the LGO.

1 Introduction

- 1.1 If a customer is unhappy with the outcome of their complaint or the way it has been handled by WLDC they are entitled to refer their complaint to the LGO for an independent investigation.
- 1.2 The LGO will only investigate a complaint once it has been dealt with through the West Lindsey District Council Customer Experience Policy 2018/19 Complaints Process and if it meets their criteria for investigation.
- 1.3 Certain issues that have another formal route of appeal will not be investigated by the LGO.
- 1.4 There is no cost to the authority for work carried out by the LGO.
- 1.5 Each year the LGO publish an Annual Review letter for each authority detailing the amount of complaints referred to them, investigated by them and upheld by them. The full Annual Review Letter can be found in **appendix 1** of this report.
- 1.6 The information published by the LGO allows each authority to examine how they compare to other authorities.
- 1.7 LGO investigations and decisions on complaints allow us to learn and make improvements to the way we run our services and deal with customers on a daily basis.
- 1.8 *"In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well."* – **Quote taken from the annual review letter 2017/18.**
- 1.9 The graph below illustrates how many complaints have been referred to and upheld by the LGO each year since 2004.



***Number of upheld complaints for 2012/13 period unknown due to change in LGO procedures**

2 Annual Review Letter Figures

- 2.1 In total 19 complaints were referred to the LGO in 2017/18. The table below illustrates which services the complaints related to compared to the previous year 2016/17.
- 2.2 Once again the majority of complaints referred to the LGO were relating to Planning and Development. 5 of the 12 complaints regarding Planning and Development were closed after initial enquiries or referred back to us for resolution. 7 complaints were investigated, 2 were upheld and 5 were not upheld.

	Benefits and Tax	Corporate and Other Services	Environment Services	Highways and Transport	Housing	Planning and Development	Total
2016-2017	3	1	4	1	2	9	20
2017-2018	3	2	2	-	-	12	19

- 2.3 1 complaint was satisfactorily remedied by us before the LGO became involved.

- 2.4 18 decisions were made by the LGO.
- 2.5 4 complaints were referred back to WLDC for local resolution.
- 2.6 4 complaints were closed after initial enquiries.
- 2.7 10 detailed investigations were carried out.
- 2.8 6 complaints investigated were not upheld.
- 2.9 4 complaints investigated were upheld, the overall upheld rate for WLDC is 40%.
- 2.10 The table below shows how these figures compare to the previous year 2016/17:

	2016-2017	2017-2018
Complaints and enquiries received by the LGO	20	19
Number of detailed investigations carried out by the LGO	11	10
Number of complaints upheld by the LGO	2	4
Upheld complaint percentage %	18%	40%

- 2.11 Although the percentage of upheld complaints has more than doubled from 18% to 40% WLDC are still below the national average of 57%.

3 Upheld Complaints

- 3.1 In total the LGO carried out detailed investigations for 10 complaints. Only 4 of these were upheld. The table below shows information on the upheld complaints and the remedies that were recommended by the LGO.

Reference	Category	Decided	Decision	Remedy
16016562	Environmental Services & Public Protection & Regulation	100717	Upheld	Procedure Change, Financial Redress
16018093	Planning and Development	291117	Upheld	Apology
17003096	Environmental Services & Public Protection & Regulation	261017	Upheld	Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review
17006821	Planning and Development	220218	Upheld	Null

- 3.2 The details below include the history and findings of the 4 complaints which were upheld by the LGO. The recommended actions have been completed.

3.3 16016562 Environmental Services & Public Protection & Regulation Remedy – Procedure Change and Financial Redress

This case was regarding an abandoned caravan. Although the customer/owner of the caravan had contacted us to make us aware that the caravan was not abandoned we still took action and removed the caravan. The company employed for the removal damaged the caravan in transit. We hadn't saved the record of the customer contacting us regarding ownership in the correct place so removal action was taken as accurate records were not kept in the correct place.

The LGO concluded that injustice had been caused and recommended a £100 payment for the trouble pursuing the complaint. They also recommended a further £100 payment for the avoidable distress caused to the customer. The LGO also recommended that we reimburse the customer for the cost of a new wheel lock (approx. £30). We agreed to pay the customer £1,230 as a remedy after wrongly removing and damaging his caravan. We also made procedural changes so we will be able to trace previous complaints effectively and avoid a recurrence of the situation. The LGO considered this a suitable remedy for the injustice caused to the customer.

3.4 16018093 Planning and Development Remedy – Apology

This was a case regarding a hedge and its removal as part of a planning application, relating to planning conditions set at the decision stage. The LGO found no fault in the Council's decision not to take enforcement action in respect of the removal of a hedge which screens a poultry farm near the customer's home. However, the LGO considers we were at fault in approving a landscaping plan which did not protect the existing hedges. Although we cannot reinstate the hedges, we agreed to apologise to the customer.

3.5 17003096 Environmental Services & Public Protection & Regulation Remedy - Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review

This case was regarding reports of ASB made to us, alleged breach of confidentiality when the report was being made in our reception area and issues and delays in dealing with the ASB issues following the report.

The LGO concluded that there is not enough evidence for them to decide if we had caused a breach of confidentiality. However there was some fault in our handling of reports of antisocial behaviour and damage to a wall and fence. At the LGO's recommendation, we agreed to apologise, pay the complainants £150 and review what happened.

3.6 17006821 Planning and Development Remedy – Null

This was a case regarding a water feature contained in a gated residential estate. Issues around the conditions that were set at the time of the planning decision being made. Planning conditions were not robust or specific enough to enable us to take enforcement action regarding the current state of the water feature, which the customer claimed was not up to standard or as illustrated/described in the sales brochure for the property. Issues also identified in the way in which the complaint was dealt with by us.

The LGO concluded that we had already accepted fault in failing to apply a suitable condition on landscaping for a development in 2008. We also accepted that we had not responded to the customers concerns and communications in a timely way during our handling of his complaint on these matters. We had already previously apologised for both these faults, which the LGO considered a suitable remedy. The LGO advised that the customer has an alternative legal remedy available to him against the management company for the site, for the impact on his amenity and property value of the lack of landscape maintenance.

4 Learning from LGO complaints

- 4.1 Learning has taken place via the LGO complaint investigation findings and decisions, various amendments have been instigated following these outcomes.
- 4.2 Changes in procedures have taken place to improve the way our services run and to ensure our customers have the best experience possible. Some examples are included below:
- 4.3 New customer standards are currently being implemented that set out what our customers can expect from us in terms of responding to and answering queries.
- 4.4 A receipt book has been implemented on the main reception desk for when a customer hands documents in. This ensures their journey can be tracked and we can ensure nothing goes missing as it has done in the past.
- 4.5 Alterations have been made to the way our reception area is designed and the waiting area chairs have been moved further away from the reception desk to ensure full confidentiality at all times. Changes to the reception layout are ongoing.
- 4.6 Group email addresses have been set up and are being used across services to ensure that customer correspondence is directed to the most appropriate place and can be acknowledged and actioned in a timely manner.
- 4.7 Improvements have been made to the way in which some services store and hold customer records to ensure all information is kept in one place and every customer contact is recorded. This helps to minimise the chance of a customer record being missed (in an enforcement situation for example).

5 Comparison with other Local Authorities Nationally

- 5.1 The LGO deals with 366 Local Authorities in total.
- 5.2 WLDC is number 210/366 overall in terms of the number of complaints referred to the LGO per each authority (the highest being 455 complaints escalated for Birmingham City Council).
- 5.3 WLDC is number 165/366 in terms of the number of complaints which were upheld by the LGO per each authority (the highest being 44 upheld complaints for Cornwall Council).
- 5.4 WLDC is number 248/366 overall in terms of the percentage % of upheld complaints (the highest being 100%) A total of 35 Local Authorities nationally had 100% of their complaints upheld by the LGO.

6 How we compare with other similar Local Authorities

- 6.1 A list of 20 local authorities that are similar to WLDC in terms of size, population and services etc has been compiled so that some meaningful benchmarking and comparison can take place.
- 6.2 The tables in **appendix 2** of this report show how we compare to the other 20 similar Local Authorities.
- 6.3 In terms of how many complaints have been referred by our customers to the LGO we are number 6 out of 21.
- 6.4 In terms of our upheld complaint percentage we are number 10 out of 21.

Appendix 1 - LGO ANNUAL REVIEW LETTER

Local Government & Social Care OMBUDSMAN

18 July 2018

By email

Mark Sturgess
Head of Paid Service
West Lindsey District Council

Dear Mark Sturgess,

Annual Review letter 2018

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

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 the 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 an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

Future development of annual review letters

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new corporate strategy for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will therefore be seeking views from councils on the future format of our annual letters early next year.

Supporting local scrutiny

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at www.lgo.org.uk/scrutiny I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

Learning from complaints to improve services

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the reports and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

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 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



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

Local Authority Report: West Lindsey District Council
 For the Period Ending: 31/03/2018

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

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	3	2	0	2	0	0	12	0	19

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	4	4	6	4	40%	18

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
3	1

Appendix 2 – COMPLAINTS RECEIVED BY THE LGO COMPARED TO 20 SIMILAR LOCAL AUTHORITIES

Local Government & Social Care OMBUDSMAN	Complaints and Enquiries Received (by Category) 2017-18									
Authority Name	Adult Social Care	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environmental Services, Public Protection and Regulation	Highways and Transport	Housing	Planning and Development	Other	Total
East Lindsey District Council	1	6	3	0	2	2	2	13	0	29
North Devon District Council	0	2	0	0	5	0	3	13	0	23
Selby District Council	0	2	1	0	6	1	5	8	0	23
Breckland District Council	0	4	4	0	1	0	6	7	0	22
South Somerset District Council	0	0	1	1	3	1	0	15	1	22
West Lindsey District Council	0	3	2	0	2	0	0	12	0	19
King's Lynn & West Norfolk Council	0	2	1	0	3	0	0	11	0	17
South Hams District Council	0	1	1	0	1	3	0	9	1	16
Allerdale Borough Council	0	1	3	0	4	0	1	6	0	15
West Dorset District Council	0	3	1	0	1	1	1	8	0	15
Cotswold District Council	0	0	1	0	0	1	2	9	0	13
Hambleton District Council	0	2	1	0	0	0	2	8	0	13
Mid Suffolk District Council	0	2	2	1	1	0	0	6	0	12
Mid Devon District Council	0	2	1	0	1	1	1	3	0	9
South Holland District Council	0	1	2	0	2	0	2	2	0	9
Babergh District Council	0	2	0	0	0	1	1	5	0	9
Derbyshire Dales District Council	0	2	1	0	0	3	1	2	0	9
Daventry District Council	0	0	0	0	5	0	3	1	0	9
North Kesteven District Council	0	1	1	0	1	0	2	3	0	8
Torridge District Council	0	2	2	0	1	0	1	1	0	7
Copeland Borough Council	0	0	1	0	4	0	0	1	0	6

Complaints and Enquiries Decided (by Outcome) 2017-18

Authority Name	Invalid or Incomplete	Advice Given	Referred Back for Local Resolution	Closed after Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total	Complaints Remedied by LGO	Complaints Remedied by Authority
Mid Devon District Council	0	0	3	3	0	2	100	8	2	0
Mid Suffolk District Council	0	0	4	3	1	2	67	10	1	1
North Devon District Council	0	0	5	14	1	1	50	21	1	0
Allerdale Borough Council	1	0	6	4	1	1	50	13	1	0
Torridge District Council	1	0	3	2	3	3	50	12	2	0
South Hams District Council	2	0	3	9	3	3	50	20	2	1
Daventry District Council	0	0	3	2	1	1	50	7	1	0
Copeland Borough Council	1	0	2	3	1	1	50	8	1	0
West Dorset District Council	2	0	4	7	3	2	40	18	1	0
West Lindsey District Council	0	0	4	4	6	4	40	18	3	1
Breckland District Council	1	0	11	3	2	1	33	18	1	0
South Holland District Council	0	1	1	1	2	1	33	6	1	0
Hambleton District Council	0	0	5	5	2	1	33	13	0	0
Babergh District Council	0	1	2	3	2	1	33	9	0	1
North Kesteven District Council	0	1	3	2	2	1	33	9	0	0
East Lindsey District Council	1	0	6	11	6	2	25	26	2	0
King's Lynn & West Norfolk Council	0	0	5	6	2	0	0	13	0	0
Cotswold District Council	1	0	6	1	4	0	0	12	0	0
Derbyshire Dales District Council	0	0	4	2	2	0	0	8	0	0
Selby District Council	0	2	9	5	5	0	0	21	0	0
South Somerset District Council	1	0	4	7	5	0	0	17	0	0

