

Cherwell District Council

Council

3 September 2018

Local Government Ombudsman Annual Report 2017/18

Report of Assistant Director – Law and Governance / Monitoring Officer

This report is public

Purpose of report

To provide council with the Local Government Ombudsman's annual report on Cherwell District Council for the financial year 2017/18.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the report

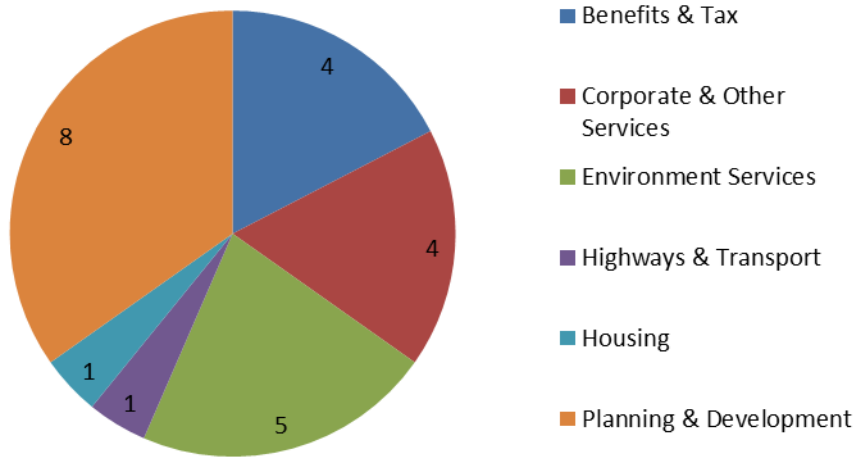
2.0 Introduction

- 2.1 The Local Government and Social Care Ombudsman (LGO) provides the final stage for complaints about councils and social care after the councils own complaints procedure has been exhausted. Annually the LGO issues an annual report covering complaints that have been received and their outcome. This report provides their findings for 2017/18.

3.0 Report Details

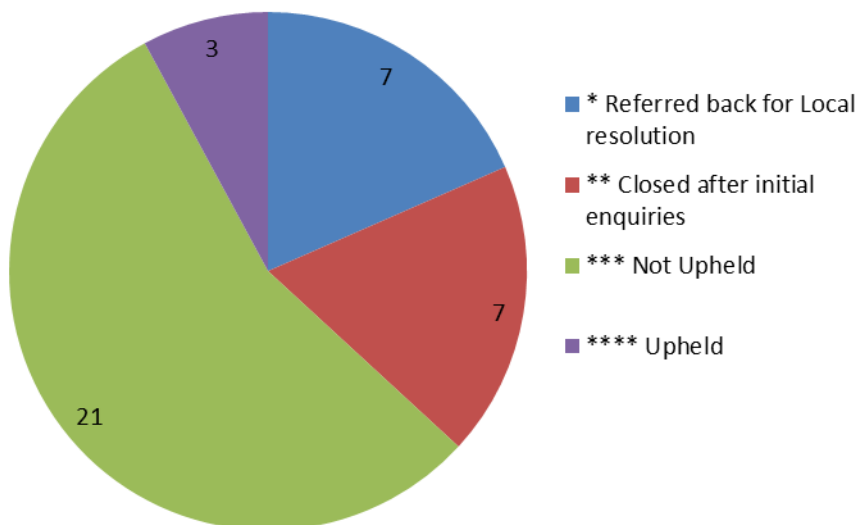
- 3.1 The LGO is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. They are a free service provided to people that have completed all stages of the Councils own complaints procedure and remain unhappy with the outcome. The LGO have guidelines regarding what they can investigate. Complainants must have complained to the council within 12 months of becoming aware of the matter and been directly affected by the matter resulting in 'personal injustice'. Not all complaints will be investigated, for example if the Ombudsman does not feel they will find fault regarding Council.

3.2 The LGO received a total of 23 complaints and enquiries against Cherwell District Council for the period 1 April 2017 – 31 March 2018, the numbers received by service area as categorised by the LGO are as follows:



3.3 The LGO returned decisions on 38 complaints in the period 1 April 2017 – 31 March 2018. It should be noted that decisions may relate to complaints made in the previous year and investigations may not have been completed on all complaints received during 2017/18 and therefore a decision may not have been reached and the number of complaints received and decisions made will always differ.

Decisions by the LGO are divided into different categories dependent on their findings, the 38 received about Cherwell District Council were categorised as follows:



* Complaints that had not completed the CDC Complaints Procedure
 ** Complaint assessed by LGO Assessment team and not passed for further investigation
 *** Complaints assessed and forwarded to investigator for investigation and no fault found
 **** Complaints assessed and forwarded to investigator for investigation and fault found

Of the Thirty Eight decisions, three of the complaints investigated were upheld, details of the complaints are as follow:

1. Complaint. 1

Complaint about the Council's handling of her council tax account. The Council wrongly closed the account, issued a refund then issued a demand for sums outstanding without proper explanation. She says the Council's errors have caused her stress.

LGO Decision

There was fault by the Council in wrongly entering information against Ms B's council tax account, in failing to investigate when Ms B provided conflicting information, in issuing a refund and then a demand and not explaining what had happened and in proceeding with recovery action quickly after sending the response to the complaint. The Council will pay Ms B £100 and write off the debt of £111.02.

Lesson Learnt

The Revenues and Recovery team accepted that the account could have been handled differently. Steps have been taken to improve procedures including:

- The introduction of the new software system for CDC Revenues and Benefits
- The introduction of a new Performance Officer post. The post holder will be involved in accuracy checking of accounts, feedback to individual officers and identifying any training and development needs.
- A review of the overarching procedures.

2. Complaint 2

Complains that she and her husband have been the victims of a long running campaign of racially aggravated abuse by her neighbour since 2013 which has escalated over the last two years. She involved both Cherwell District Council and the Banbury Police but their involvement has not resulted in any improvement in the situation. Nor has she received a formal response to her complaint in April.

LGO Decision

The Council responded appropriately to Ms X's report of anti-social behaviour in April 2016. It advised Ms X to report the matter to the police. It correctly responded to her reports of anti-social behaviour from June 2016 onward. It has now worked with the police to issue a Community Protection Warning Notice. The Council did not deal properly with Ms X's complaint about its response to her report. It should apologise to Ms X for this. It is reviewing its complaint handling arrangements which should prevent this fault happening again.

Lesson Learnt

We have changed the way we are managing corporate complaints to ensure this doesn't happen again. The corporate complaints inbox has 2 officers allocated each working day to ensure all emails are read and allocated to the relevant officer to manage the complaint through the corporate process. The team have had refresher training on the process and communication to all council colleagues will follow to ensure if a complaint comes into the council via an alternative method that all officers know what to do and who to contact if they have any questions.

3. Complaint 3

A local Councillor (i) trespassed on to his property, (ii) failed to disclose a personal interest in his planning application and therefore (iii) intervened inappropriately during the processing of his planning application which delayed the application and led to him having to make changes to the plans.

LGO Decision

a Local Councillor did not act inappropriately during the processing of Mr B's planning application. The Local Councillor entered Mr B's property without his permission. An apology is a satisfactory remedy for the injustice caused.

Lesson Learnt

Permission must be sought prior to entering private properties, all councillors are requested to note the finding of this case in carrying out their ward work.

4.0 Conclusion and Reasons for Recommendations

- 4.1 This is an Annual report and provides members with information with regard to the number of complaints received by the ombudsman against the Council, the decisions regarding complaints and the lessons learnt.

5.0 Consultation

Joint Revenues and Benefits Manager, comments included within the report.

Team Leader, Strategic Intelligence and Insight Team, comments included within the report.

Assistant Director – Law and Governance, comments included within the report.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

None

7.0 Implications

Financial and Resource Implications

- 7.1 All payments made to complainants have been met from within existing service budgets. There are no other direct financial implications arising from this report.

Comments checked by: Adele Taylor, Interim Executive Director, Finance and Governance, 0300 003 0103, Adele.taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 Legal advice is contained within the report.

Comments checked by: James Doble, Assistant Director Law and Governance, 003 003 0207, James.doble@cherwellandsouthnorthants.gov.uk

Risk Implications

- 7.3 Through the implementation of lessons learnt from LGO decisions, measures can be put in place to help prevent similar issues occurring in the future and therefore mitigating risk to the council.

Comments checked by: Hedd Vaughan-Evans, Assistant Director: Performance and Transformation, 0300 003 0111, hedd.vaughanEvans@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

Sound budgets and customer focused council

Lead Councillor

Councillor Tony Ilott, Lead Member for Financial Management and Governance

Document Information

Appendix No	Title
None	None
Background Papers	
None	
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