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# Chelmsford City Council Governance Committee

**18 October 2023**

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

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### **Report by:**

Director of Connected Chelmsford

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### **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 2022-2023 and the Annual Letter from the Commission dated 19<sup>th</sup> July 2023.

### **Recommendations**

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

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## **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 matters including and in particular, as far as this Council is concerned, 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 2022-2023 is at **Appendix 1** to this report.

## 2. Complaints Received in 2022-23

2.1 Year on year the number of enquiries and complaints fluctuates and, in 2022-23, 14 enquiries and complaints relating to this Council were received by the Commission, lower than the fifteen received in 2021-22 but higher with the six received in 2020-21. 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 a general downward trend over the past few years with the lowest during 2020/21. It was noted that the number of complaints were affected by the Covid-19 pandemic during 2020/21. Number of complaints since then were returning to pre-pandemic levels.

<u>2016/17</u>	<u>2017/18</u>	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>	<u>2022/23</u>
11	18	13	13	6	14	14

2.3 During 2022-23, the Commission made decisions on twelve complaints about the Council.

- One complaint was upheld a summary of this case is provided below.
- Seven complaints were found to be either no evidence or insufficient evidence of fault.

- One complaint was found to be not significant to warrant an investigation.
- Two complaints were found to have other separate reviews or appeal rights.
- One complaint was found to have insufficient information to proceed.

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**. One complaint was upheld although the recommendations of the Ombudsman were fully implemented, and no further action is necessary. A summary of this complaint is set out in paragraph 2.6 below.

2.6 The LGO summary for this upheld complaint is as follows: Miss X complained about how the Council dealt with her homelessness application. There was no fault in how the Council offered, and ended its duty to arrange, interim accommodation, gave Miss X advice about its housing allocation scheme or communicated with her. There was fault in how the Council first decided Miss X was not homeless. The resulting delay caused Miss X avoidable distress and uncertainty for which the Council agreed to apologise and pay a financial remedy. The Council also agreed to remind its staff to properly consider affordability in homelessness cases.

2.7 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 change in the number of complaints against the Council in 2022-23 and that one was upheld. The Ombudsman has expressed no concerns about the way in which the Council handles complaints or about its internal processes in general.

#### List of appendices:

Appendix 1A - Letter from Local Government Ombudsman dated 19 July 2023

Appendix 1B – Complaint statistics

Appendix 2 - Cases decided in 2022-23 of which the Council is aware.

#### Background papers:

The appendices to this report

## Corporate Implications

Legal/Constitutional:

None

Financial:

None as there were no complaints in respect of which the Council had to pay compensation or ex gratia payments

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:

(For new or revised policies or procedures has an equalities impact assessment been carried out? If not, explain why)

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:

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Consultees:

None

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Relevant Policies and Strategies:  
None are relevant

19 July 2023

*By email*

Mr Eveleigh  
Chief Executive  
Chelmsford City Council

Dear Mr Eveleigh

### **Annual Review letter 2022-23**

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 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to 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 encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

### **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.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with that of similar organisations, rather than previous years, to better understand your organisation's performance.

**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 were satisfied with how it offered to put things right. We encourage the early resolution of complaints and credit 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 26 July 2023. 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**

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

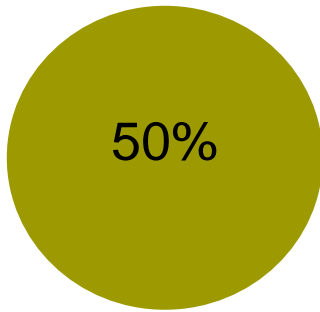
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training) or get in touch at [training@lgo.org.uk](mailto:training@lgo.org.uk).

Yours sincerely,



Paul Najsarek  
Interim Local Government and Social Care Ombudsman  
Interim Chair, Commission for Local Administration in England

### Complaints upheld



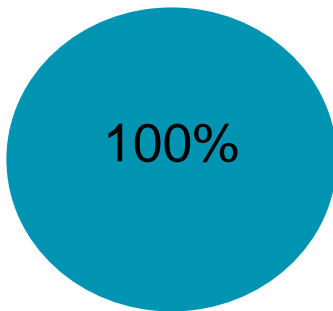
**50%** of complaints we investigated were upheld.

This compares to an average of **59%** in similar organisations.

**1**  
upheld decision

Statistics are based on a total of **2** investigations for the period between 1 April 2022 to 31 March 2023

### Compliance with Ombudsman recommendations



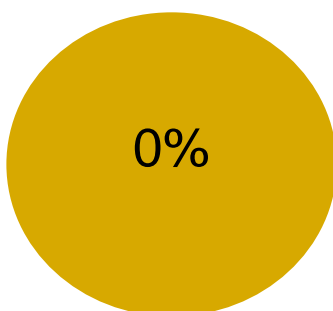
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **1** compliance outcome for the period between 1 April 2022 to 31 March 2023

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedy provided by the organisation



In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **15%** in similar organisations.

**0**  
satisfactory remedy decisions

Statistics are based on a total of **1** upheld decision for the period between 1 April 2022 to 31 March 2023



<b>Authority</b>	<b>Category</b>	<b>Received</b>
Chelmsford City Council	Environmental Services & Public Protection & Regulation	12/04/2022
Chelmsford City Council	Housing	14/06/2022
Chelmsford City Council	Housing	04/05/2022
Chelmsford City Council	Planning & Development	01/08/2022
Chelmsford City Council	Corporate & Other Services	11/07/2022
Chelmsford City Council	Planning & Development	13/07/2022
Chelmsford City Council	Benefits & Tax	17/08/2022
Chelmsford City Council	Corporate & Other Services	17/08/2022
Chelmsford City Council	Housing	01/09/2022
Chelmsford City Council	Environmental Services & Public Protection & Regulation	04/10/2022
Chelmsford City Council	Housing	04/10/2022
Chelmsford City Council	Environmental Services & Public Protection & Regulation	24/10/2022
Chelmsford City Council	Benefits & Tax	01/12/2022

Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy	Service Improvement recommendations
21012676	Chelmsford City Council	Environmental Services & Public Protection & Regulation	07/06/2022	Not Upheld	no fault		
21018296	Chelmsford City Council	Planning & Development	22/04/2022	Closed after initial enquiries	Not warranted by alleged fault		
22000514	Chelmsford City Council	Environmental Services & Public Protection & Regulation	28/04/2022	Closed after initial enquiries	Not warranted by alleged injustice		
22001314	Chelmsford City Council	Housing	27/06/2022	Closed after initial enquiries	Not warranted by alleged fault		
22001492	Chelmsford City Council	Housing	10/08/2022	Upheld	fault & inj	Apology,Financial redress: Avoidable distress/time and trouble,Provide training and/or guidance	The Council agreed to remind its housing advice staff that they should consider whether it is reasonable for people who apply as homeless to continue to occupy property they are entitled to, including whether the property is affordable for them.
22003862	Chelmsford City Council	Planning & Development	15/08/2022	Closed after initial enquiries	Not warranted by alleged fault		
22004547	Chelmsford City Council	Corporate & Other Services	25/07/2022	Closed after initial enquiries	26(6)(b) appeal to Minister		
22005051	Chelmsford City Council	Planning & Development	11/08/2022	Advice given	Previously considered and decided		
22006450	Chelmsford City Council	Benefits & Tax	06/09/2022	Closed after initial enquiries	Not warranted by alleged fault		
22006635	Chelmsford City Council	Corporate & Other Services	18/08/2022	Advice given	Previously considered and decided		
22007325	Chelmsford City Council	Housing	03/10/2022	Closed after initial enquiries	26(6)(c) Court remedy		
22007423	Chelmsford City Council	Environmental Services & Public Protection & Regulation	28/10/2022	Closed after initial enquiries	Not warranted by alleged injustice		
22010096	Chelmsford City Council	Environmental Services & Public Protection & Regulation	22/11/2022	Closed after initial enquiries	Not warranted by alleged fault		
22011785	Chelmsford City Council	Benefits & Tax	18/01/2023	Incomplete/Invalid	Insufficient information to proceed and PA advised		

Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
22001492	Chelmsford City Council	Housing	09-Aug-22	Apology Financial redress: Avoidable distress/time and trouble Provide training and/or guidance	10-Nov-22	06-Sep-22	Remedy complete and satisfied

## Complaints decided by the Ombudsman in 2022-23 of which the Council is aware

### Complaint reference

21018296

### Category

Planning & Development

### Summary of decision

The Ombudsman decided not to investigate this complaint about the Council's decision to grant planning approval for fencing for a development near his home. This is because there is no evidence of fault in how the Council considered and approved plans.

### Remedy

N/A

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### Complaint reference

21012676

### Category

Environmental Services & Public Protection & Regulation

### Summary of decision

The Ombudsman found no fault with the actions or decisions of the Council. Despite no fault, the Ombudsman recommended the Council installed noise monitoring equipment into Mr X's property given the ongoing nature of his complaint. The Council accepted this recommendation.

### Remedy

N/A

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### Complaint reference

22000514

### Category

Environmental Services & Public Protection & Regulation

### Summary of decision

The Ombudsman could not investigate this complaint about the Council allegedly causing damage to the complainant's property. Any injustice is not significant enough to warrant an investigation.

### Remedy

N/A

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### Complaint reference

22001314

### Category

Housing

### Summary of decision

The Ombudsman could not investigate this complaint that work carried out under a Disabled Facilities Grant was not completed. That is because there is insufficient evidence of fault to justify involvement.

### Remedy

N/A

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### Complaint reference

22001492

### Category

Housing

### Summary of decision

Miss X complained about how the Council dealt with her homelessness application. There was no fault in how the Council offered, and ended its duty to arrange, interim accommodation, gave Miss X advice about its housing allocation scheme or communicated with her. There was fault in how the Council first decided Miss X was not homeless. The resulting delay caused Miss X avoidable distress and uncertainty for which the Council agreed to apologise and pay a financial remedy. The Council also agreed to remind its staff to properly consider affordability in homelessness cases.

### Remedy

Council apologised and paid complainant a financial remedy. The Council also agreed to remind its staff to properly consider affordability in homelessness cases.

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### Complaint reference

22004547

### Category

Corporate and Other Services

### Summary of decision

The Ombudsman would not investigate this complaint about the Council's decision to tell Ms X to remove fencing at her property. This is because she has a right of appeal to the Planning Inspector and there is no reason why she cannot use this if she is unhappy with the Council's decision.

### Remedy

N/A

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### Complaint reference

22003862

### Category

Planning and Development

### Summary of decision

The Ombudsman decided not to investigate Mrs X's complaint about the Council's planning process leading to its decision to grant permission for a new house near her property. It was found that there is not enough evidence of fault by the Council in its decision-making process which would have affected the planning outcome to warrant an investigation. The Ombudsman also decided to not investigate Mrs X's complaint about the Council's responses to her concerns and complaints because Ombudsman is not investigating the core issue which gave rise to the complaint.

### Remedy

N/A

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### Complaint reference

22006450

### Category

Benefits & Tax

### Summary of decision

The Ombudsman decided not to investigate this complaint about the Council not paying Mr X the council tax rebate for energy costs. There is not enough evidence of fault by the Council.

### Remedy

N/A

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### Complaint reference

22007325

### Category

Housing

### Summary of decision

The Ombudsman decided not to investigate this complaint because of a separate review and appeal rights she can use to dispute the Council's decision, and they would not be able provide the result she wants from her complaint.

### Remedy

N/A

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### Complaint reference

22007423

### Category

Environmental Services & Public Protection & Regulation

### Summary of decision

The Ombudsman decided not to investigate this complaint as the Council has not yet issued a licence so there is not enough evidence of it being at fault, and the complainant has not yet suffered injustice which could form the basis of a complaint as required by law. The Ombudsman no powers to intervene in ongoing matters or speculate about what might or might not happen in future.

### Remedy

N/A

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### 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

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### Complaint reference

22010096

### Category

Environmental Services & Public Protection & Regulation

### Summary of decision

The Ombudsman decided not to not investigate this complaint about problems with the recycling collections. This is because there is insufficient evidence of fault and injustice.

### Remedy

N/A

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### Complaint reference

22011785

### Category

Benefits & Tax

### Summary of decision

The Ombudsman closed the complaint because Mr X has not provided information requested. There is no decision statement and this decision will not count in the annual statistics about the council. The complaint would reopen the complaint if Mr X provide the information. The Ombudsman would then assess it in the usual way.

### Remedy

N/A

Note: No details were provided on Complaints Reference 22005051 and 22006635. 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.