

Rother District Council

Report to: Audit and Standards Committee

Date: 6 December 2021

Title: Local Government and Social Care Ombudsman Complaints Monitoring

Report of: Mark Adams, Customer Services Manager

Purpose of Report: To receive an update on the number of Local Government and Social Care Ombudsman complaints received since the last report in June 2021.

Officer

Recommendation(s): It be **RESOLVED**: That the report be noted.

Introduction

1. Details of the complaints made to the Local Government and Social Care Ombudsman (LGSCO) are reported to the Committee as and when they are determined throughout the year. Five cases have been determined since the Committee's last meeting as detailed below:

Reference	Details of the Allegation	Outcome
21 008 606	Customer complained that the Council rejected their application for a disabled council tax discount and says the Council amended its guidance after the application was made which meant they were no longer eligible. Customer would like the Council to award a council tax discount. Customer has RSI and is unhappy with the lack of accessibility in the application process. They would like to be compensated for the pain caused when applying.	The LGSO will not investigate this complaint because the complainant can ask for a review. The Council has also addressed issues regarding accessibility in its application process. The courts are best placed to consider matters concerning any personal injury.
21 008 669	Customer has complained about how they have been treated by the Council's planning department and says the Council's officers were unprofessional and mis-managed the application. The customer says there have been long delays by the Council and it failed to properly communicate. The Council's handling of the application is alleged to have caused considerable distress and costs.	The LGSO cannot investigate this complaint because the complainant has appealed to the Planning Inspectorate.

21 007 674	The customer complained alleging the Council made an unlawful decision when it approved an application for a housing development in 2018. They said there is no legal underpinning for the decision reached by Council in 2018 as its decision was for a site not consistent with the planning application.	The LGSO cannot investigate this complaint about a planning decision the Council made in 2018. The law does not allow them to investigate late complaints.
21 004 146	Customer alleges that the Council has: a) failed to take action in response to reports of breaches of planning permission conditions at a development site; b) they have not been kept updated on its enforcement actions; and c) delayed in responding to the complaint.	The LGSO will not investigate a complaint about the Council's enforcement responses to his reports of planning breaches on a development site. The site is about a mile away from the customer's property. Even if there was Council fault in its enforcement decisions, they have not caused a significant personal injustice which would justify investigating. The Council has apologised for delays in updating and responding to the customer's complaint which is the appropriate outcome for these parts of the complaint.
20 009 947	Customer complained about how the Council handled their neighbour's planning application for a two-storey rear extension. The complaint included the Council's failure to: • conduct site visits; • consider their objections and the impact the extension would have on their property; and • provide information on how it reached its decision to grant their neighbour planning permission.	There was no evidence of fault in the way the Council dealt with and made its decision to grant the planning permission.

2. A Total of five complaints were made to the Local Government and Social Care Ombudsman covering the period 28 May 2021 to 17 November 2021, of which:
 - one was not upheld (no fault found in the Councils actions); and
 - four cannot be investigated

3. For the same period, Rother received 107 non-ombudsman complaints from 28 May 2021 to 17 November 2021, of which:

- 73 of these were non-complaints (treated as department service request);
- 11 were resolved at initial stage (non-formal complaint resolution);
- 13 were a stage 1 complaint (responded to formally in writing) of which:
 - seven were not upheld
 - one was upheld
 - five were partially upheld
- two were a stage 2 complaint (responded to formally by Head of service) of which:
 - two were not upheld
- eight are currently awaiting determination/under investigation.

	Average response time (days)	Max time (days)	Number of complaints received
All Complaints	36	98	32
Environmental Health	56	56	2
Council Tax	18	21	2
Benefits	36	44	3
Housing	27	27	2
Planning	63	98	12
Customer Service	32	32	2
Neighbourhood Services	25	49	8

	Average response time (days)	Max time (days)	Number of complaints received
All Stage 2 Complaints	23	24	2
Planning	21	21	1
Housing	24	24	1

Conclusion

4. The Committee is asked to note the report.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No
Chief Executive:	Malcolm Johnston		
Report Contact Officer:	Mark Adams		
e-mail address:	mark.adams@rother.gov.uk		
Appendices:	None		
Relevant Previous Minutes:	None		
Background Papers:	None		
Reference Documents:	None		