



Report to: Standards Committee, 17th November 2021

Report of: Monitoring Officer

Subject: LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER 2021

1. Recommendation

1.1 That the Standards Committee consider the Annual Review Letter (Appendix 1) of the Local Government and Social Care Ombudsman (LG&SCO) for the period covering 1st April 2020 to 31st March 2021 for information and comment.

2. Background

- 2.1 The LG&SCO produce an Annual Review Letter at the end of each year which includes a summary of complaints statistics for the Council.
- 2.2 The data provided in the letter shows the complaints and enquiries the LG&SCO have recorded, along with the decisions made with regards to Worcester City Council.
- 2.3 The data provided in the letter for complaints and enquiries does not always match the complaints data that the Council holds and reports.

For example, the LG&SCO letter includes cases where they signpost the complainant back to the Council, but in the event that the customer fails to then contact us this will not be recorded in our data. Cases are also logged under the time period the LG&SCO receive them or make their final decisions which may differ from the time period that the Council receives and records them.

- 2.4 The information included in the Annual Review Letter is also published in the Annual Review of Local Government Complaints report which reviews complaints in the last year in the local government sector. This report is published on the [LG&SCO website](#).
- 2.5 Reports are made to each meeting of the Standards Committee on any formal reports received from the Ombudsman or when there has been an investigation which identified maladministration or a failure in a service. Details of any recommendations made and action taken by the Council are included in these reports.

3. Complaints against Worcester City Council

- 3.1 The overall number of complaints and enquiries received by the Ombudsman about Worcester City Council has decreased dramatically from 17 in 2019/20 to 5 in

2020/21. However, the Ombudsman did not receive any new casework between March and June 2020 in response to the Covid-19 pandemic.

- 3.2 The number of cases where an investigation was carried out by the Ombudsman decreased from 5 in 2019/20 to 2 in 2020/21 however, of these investigations carried out 100% were upheld.

Year	In complete / invalid	Advice Given	Referred back for local resolution	Closed after initial enquiry	Detailed Investigations			Total
					Upheld	Not upheld	Upheld Rate (%)	
16/17	0	0	3	1	0	2	0	6
17/18	0	0	3	3	1	1	50	8
18/19	0	0	3	5	2	5	29	15
19/20	0	0	6	6	5	0	100	17
20/21	0	0	5	5	2	0	100	5

Note: The uphold rate shows how often the LG&SCO found evidence of fault. It is expressed as a percentage of the total number of detailed investigations completed.

- 3.3 Two upheld decisions were received against the Council. However, the LG&SCO did not produce a report about any cases.

3.4 **Upheld case 1:**

Category: Planning & Development

Decision: Upheld – maladministration and injustice

Summary of decision: Mr X complained the Council failed to investigate in a timely manner when he reported that his neighbour’s extension was not being built in line with approved plans. When the Council investigated, the building work was complete, and the Council decided it was not expedient to take enforcement action. Mr X says the resulting building causes loss of light to his property.

To remedy the injustice, the Ombudsman asked the Council to apologise to Mr X and pay Mr X £100 for the delay to responding to his concerns.

The Ombudsman also recommended that the Council improve its service by reminding officers that it is their responsibility to identify specific breaches of planning conditions, responding in a timely manner to keep proper records for decisions even if the decision is that no action should be taken.

3.5 **Upheld case 2:**

Category: Planning & Development

Decision: Upheld – maladministration and injustice

Summary of decision: The Council gave Mr Y incorrect information about the potential to convert a property to a House in Multiple Occupation (HMO). Mr Y bought the property and lost out as a result of the Council’s error. The Ombudsman recommended the Council meet a proportion of the costs Mr Y incurred as a result of the error. This remedy is based on refunding Mr Y’s buying and selling fees and plans drawn up for HMO conversion. But, the Ombudsman did not consider other costs Mr Y sought, should form part of the remedy.

To recognise the error made by the Council led to Mr Y incurring costs to purchase an investment property that cannot be used as Mr Y intended, the Council agreed to pay Mr Y £15,000.

3.6 In conclusion, since the period covering these decisions all senior officers investigating complaints have been given accredited complaints handling training by the LG&SCO. There has also been a review of the Planning Service's practices and procedures.

We continue to monitor and review the complaints we receive in order to improve our processes and implement appropriate mitigations to reduce future complaints.

Ward(s): None
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Background Papers: [Complaints and Feedback Policy](#)