

## SLOUGH BOROUGH COUNCIL

**REPORT TO:** Audit & Corporate Governance Committee **DATE:** 9 December 2021

**CONTACT OFFICER:** Angela Wakefield – Monitoring Officer  
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**WARD(S):** All

### PART I FOR INFORMATION

#### LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN – COMPLAINTS, FINDINGS, OUTCOMES & LESSONS LEARNED

##### 1 Purpose of Report

The purpose of this report is to update the Committee on complaints to the Local Government and Social Care Ombudsman (“the Ombudsman”) published by the Ombudsman, since the last report to the Committee on this subject on 10 December 2020.

##### 2 Recommendation(s)/Proposed Action

The Committee is requested to note the contents of this report.

##### 3. The Slough Joint Wellbeing Strategy, the JSNA and the Five-Year Plan

The delivery of all these strategic priorities is dependent on the highest possible standards of openness, honesty, and accountability. The Council’s learning and actions in response to these findings and recommendations will serve to enhance the delivery of these priorities.

##### 4 Other Implications

###### (a) Financial

There are no direct financial implications arising from this report. The payment to the complainant detailed in the table at section 5 was made in the financial year 2020/2021

###### (b) Risk Management

<b>Recommendation from section 2 above</b>	<b>Risks/Threats / Opportunities</b>	<b>Current Controls</b>	<b>Using the Risk Management Matrix Score the risk</b>	<b>Future Controls</b>
Request to note the report	Reputational damage to the Council of findings of maladministrati	Receipt of reports from the Ombudsman by the Chief	Legal & Regulatory Risk.  Likelihood is	No further controls

	on by the Ombudsman and risk of payment of compensation pursuant to his recommendations.	Executive, oversight by Audit & Corporate Governance Committee and Monitoring Officer consent to any payment of compensation pursuant to a recommendation of the Ombudsman.	and very low and the impact is negligible.  The Risk Score is 2.	
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(c) Human Rights Act and Other Legal Implications

The law relating to the Local Government and Social Care Ombudsman is contained in the Local Government Act 1974, as amended.

Under the Local Government Act 1974, as amended, the Ombudsman can investigate any alleged or apparent:

- Maladministration in connection with the Council's administrative functions
- failure in a service which it was the Council's function to provide
- failure to provide a service which it was the Council's function to provide
- failure in a service provided by the Council under its public health functions; or
- failure to provide a service under the Council's public health functions.

The Ombudsman can prepare a report following his or her investigation which may include recommendations of actions for the Council to take to remedy the maladministration including a recommendation to pay monetary compensation to the complainant.

The Ombudsman does not have formal legal powers to enforce compliance by the Council with his recommendations. Failure by the Council to comply with the recommendations could, however, result in the issue by the Ombudsman of a formal public interest report about the complaint, naming the Council. This report must be made available to the public and advertised in the local press covering the Council's area. If the Council do not agree to carry out the recommendations in the report the Ombudsman will issue a further report. After this, if the Council still do not take satisfactory action, they must publish a statement in a local newspaper explaining why they have refused to follow the Ombudsman's recommendations.

Under the Monitoring Officer Protocol in Part 5.6 of the Council's constitution Directors must consult the Monitoring Officer prior to making any compensation payments for alleged maladministration found against the Council and Directors and Members must report any breach of statutory duty

or material breach of Council policy/procedures and other vices or constitutional concerns to the Monitoring Officer as soon as reasonably practicable.

(d) Equalities Impact Assessment

The matters contained in this Report do not identify a need to conduct an Equality Impact Assessment.

(e) Workforce

There are no workforce implications arising from this Report.

5 **Supporting Information**

The following table summarises the complaints, findings, recommendations, outcomes, and lessons learned in relation to complaints made to the Ombudsman about the Council since the last published findings reported to the Committee on 10 December 2020. The Ombudsman did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints received and decided by the Ombudsman in 2020-21 and this should be taken into consideration when comparing data from previous years.

<b>No.</b>	<b>Council Function Involved</b>	<b>Nature of complaint</b>	<b>Findings, recommendations, outcome, and lessons learnt</b>
1	Planning and Development	<p>Ms C complained about how the Council dealt with matters relating to a development close to her property, in particular:</p> <ul style="list-style-type: none"> <li>• When the Council approved the planning application, it failed to consider the impact it would have on her amenity; and</li> <li>• When it became clear the development did not conform to the approved plans, the Council did not take appropriate enforcement action</li> </ul>	<p><b>Findings:</b> The Ombudsman's finding was one of maladministration with injustice.</p> <p><b>Recommendations:</b> The Ombudsman recommended that within 3 months of the date of the Council's planning application decision, the Council should carry out an assessment of the impact its fault had on Ms C's amenity.</p> <p><b>Outcome:</b> The Council acted upon the Ombudsman's recommendation and agreed to pay Ms C £2,150. The Ombudsman has</p>

		<p>confirmed he is satisfied that the Council has complied with recommendations and that his file is closed.</p> <p>Lessons Learnt:</p> <p>Planning – Learning from complaints</p> <p><b>Induction</b> Review and update department / team induction process to inform / remind existing staff and new staff of expected standards, behaviours. Draft section on standards and behaviours to include in updated induction taking account of office move to Observatory House. Planning Manager to draft section on standards and behaviours by 27 September. Induction for staff updated by 11 October</p> <p><b>Training</b> Ensure the team is fully aware of the issues leading to complaints and how individuals and working together can do to reduce and prevent future complaints. Share complaints at various stages with officers involved in the case leading to the complaint. DM leads to use Planning Surgery sessions every Thursday to share learning from examples with the team and 1-1 with individuals on fortnightly basis.</p>
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		<p>Language, tone, and style. Too much professional jargon responding to some customers and members; arrange session with comms team to be smarter with our communication to customers and comms. Likely to be part of team meeting in November or December.</p> <p>Learning from current and past complaints; reminder of corporate complaints procedure</p> <p>Session held 20 August with Development Management team sharing areas where complaints have been made. Team made aware of financial goodwill gestures in 2 stage 3 responses. Planning Manager emphasised the impact of complaints on customer and SBC resources. Arrange further session before end of October when team has embedded at Observatory House. Share final stage 3 complaint responses with team.</p> <p>Management to share two stage 3 complaint responses with team. Planning Manager to ask corporate complaints manager to attend next team meeting at OH to help explain how complaints can be reduced; complaints procedure and share ideas to how we can improve our customer focus.</p> <p>Responding to</p>
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			Complaints in future ownership, responsibility, and accountability by all staff.
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6 **Conclusion**

The Committee is requested to note the Contents of this Report.

7 **Background Papers**

The Local Government and Social Care Ombudsman's decision notice.