



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Local Government Ombudsman Annual Review Letter 2016 and Policy on Dealing with Unreasonable Complainants and Unacceptable Behaviour
Meeting of:	Cabinet
Date:	12 th September 2016
Is this an Executive Decision:	YES
Is this a Key Decision:	NO
Is the Report Confidential:	NO
If so, please state relevant paragraph from Schedule 12A LGA 1972:	[]



Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Monitoring Officer: **Angela Wakefield**

Date Signature

Chief Finance Officer: **Sal Khan**

Date Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Cabinet

Date: 12th September 2016

REPORT TITLE: Local Government Ombudsman Annual Review Letter 2016 and Policy on Dealing with Unreasonable Complainants and Unacceptable Behaviour.

PORTFOLIO: Leader

HEAD OF SERVICE: Sal Khan

CONTACT OFFICER: Andrea Davies Ext. No. x1306

WARD(S) AFFECTED: All

1. Purpose of the Report

- 1.1. To note the Local Government Ombudsman's Annual Review Letter and summary of complaints about East Staffordshire Borough Council dealt with for the year ended 31st March 2016 by the Local Government Ombudsman (LGO). Councillors are also requested to approve the policy on dealing with unreasonable complainants and unacceptable behaviour.

2. Background

The Ombudsman submits an Annual report to the Council on all complaints she has received. It is timely to update the Council's policy on dealing with unreasonable complainants and unacceptable behaviour.

3. Contribution to Corporate Priorities

Fully accorded with the Corporate Priorities of the Council.

4. Report

4.1. Annual Letter 2016

Every year the Local Government Ombudsman produces an annual letter and a summary of the complaints she has received in respect of the Borough Council (detailed at Appendix 1 of the report). The data provided includes the

number of complaints and enquiries recorded, about which topics, the decisions the Ombudsman has made and the number of complaints investigated in detail which they have upheld.

Appendix 2 provides an extract from the LGO website, giving an interpretation of local authority statistics. The Ombudsman has provided data on the complaints and enquiries recorded by department, along with the decisions made.

Complaints and Enquiries received:

Benefits and Tax	Environment Services	Highways and Transport*	Planning and Development	Total
2	2	1	3	8

*Although highways and transport is not the responsibility of the Borough Council, the way the LGO records statistics is slightly different from the way the Borough Council does. The subject of the complaint under this section was parking enforcement.

Decisions made

Referred back for Local Resolution	Closed after initial enquiries	Not upheld	Total
4	6	1	11

These statistics comprise of the data held by the LGO and may not necessarily align with the data the Borough Council holds (for example. some complainants may be signposted back to the Borough Council by the LGO, but may choose not to do so, or some complaints may have been dealt with by the Borough Council in one financial year, but received by the LGO in the following financial year).

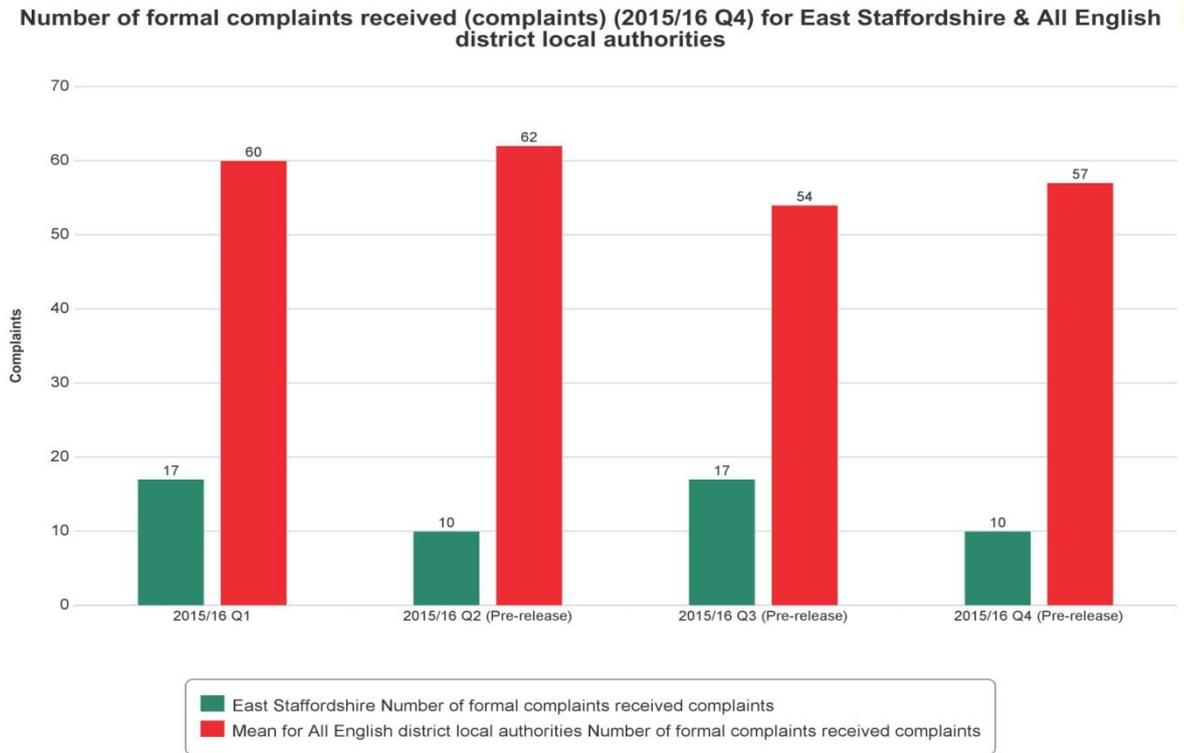
4.2 Performance Statistics

The 2015/16 end of year benchmarking summary report from the LG Inform indicated that ESBC was placed in the Top Quartile for the Number of Formal Complaints and the Number of Formal Complaints per 10,000 with ESBC coming 5th and 4th of 53 Councils respectively, as shown in the table below.

Quarter 4					
Indicator	ESBC Outturn	Group Average	Group Top Quartile Figure	ESBC Quartile Position	ESBC Rank
Number of Formal Complaints received	10	57	19	Top	5 of 53
Number of Formal Complaints Received	0.86	5.16	2.23	Top	4 of 53

per 10,000 Population					
--------------------------	--	--	--	--	--

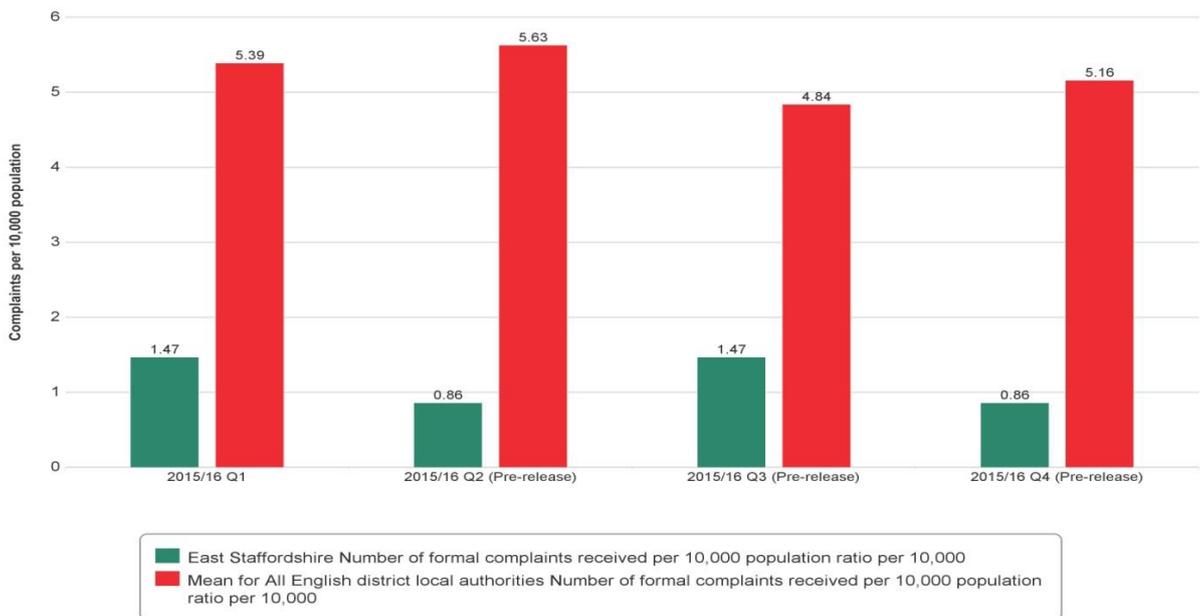
The graph below illustrates how East Staffordshire Borough Council compares to other English District Authorities during the year as a whole.



Powered by LG Inform

The graph below illustrates the number of formal complaints received per 10,000 population during the year as a whole.

Number of formal complaints received per 10,000 population (per 10,000) (from 2015/16 Q1 to 2015/16 Q4 (Pre-release)) for East Staffordshire & All English district local authorities



Powered by LG Inform

4.3 LGO Manual

The Ombudsman has recently produced a manual for Local Authority officers providing guidance on working with the Ombudsman. The manual is available to view on the LGO's website and covers subjects such as:

- The structure and processes of the LGO;
- Getting advice from the LGO;
- What they can investigate;
- Their statistics (annual letters);
- Managing unreasonable complainant behaviour;
- Training.

The link to the manual has been circulated to all staff via the Staff Briefing.

4.4 Policy on Dealing with Unreasonable Complainants and Unacceptable Behaviour

At the Cabinet meeting held on 13th August 2007, a Policy on unreasonable behaviour and a policy on unreasonable persistent complainants were both approved. It is proposed to update and replace these two policies with one policy dealing with unreasonable complainants and unacceptable behaviour. The proposed draft, with tracked changes is attached at appendix 3.

The Ombudsman encourages Local Authorities to have such a policy in place to provide support to officers and to have such a policy to refer to if complainants become unreasonable or behave in an unacceptable way. A non-exhaustive list of examples of unreasonable behaviour is shown at the appendix to the proposed new policy. The Equalities and Health Impact Assessment for this new policy is attached at appendix 4.

5. **Financial Considerations**

This section has been approved by the following member of the Financial Management Unit: [Lisa Turner]

- 5.1. There are no financial issues arising from this Report.

6. **Risk Assessment and Management**

- 6.1. The main risks to this Report and the Council achieving its objectives are as follows:

6.2. **Positive** (Opportunities/Benefits):

6.2.1. The report from the Ombudsman is positive.

6.2.2. The proposed policy on dealing with unreasonable complainants and unacceptable behaviour is useful for staff to understand clearly what is expected of them and to clearly identify unacceptable and unreasonable behaviour. Such a policy which can be shared with complainants can manage expectations and behaviour, as far as possible, while the substance of their complaint can be addressed.

6.3. **Negative** (Threats):

6.3.1. None.

- 6.4. The risks do not need to be entered in the Risk Register.

7. **Legal Considerations**

This section has been approved by the following member of the Legal Team: [Angela Wakefield]

7.1.1. There are no significant legal issues arising from this Report.

8. **Equalities and Health**

- 8.1. **Equality impacts:** The subject of this Report is a new policy. An equality and health impact assessment is attached as Appendix 5.

9. **Human Rights**

- 9.1. There are no Human Rights issues arising from this Report.

10. **Sustainability** (including climate change and change adaptation measures)

- 10.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

11. **Recommendation(s)**

- 11.1. That the Local Government Ombudsman Annual Review Letter 2016 be received and noted;
- 11.2. That the proposed policy on dealing with unreasonable complainants and unacceptable behaviour (attached at appendix 3) be approved.

12. **Background Papers**

- 12.1. None

13. **Appendices**

- 13.1. Appendix 1: Annual Review Letter 2016
- 13.2. Appendix 2: Note on interpretation of Local Authority Statistics (extract from www.lgo.org.uk)
- 13.3. Appendix 3: Proposed Policy on dealing with unreasonable complainants and unacceptable behaviour with tracked changes.
- 13.4. Appendix 4 EHIA