

Committee: Audit and Standards Committee

Date:

Title: Local Government Ombudsman Annual Review Report 2023/24

26 September 2024

Lead member Cllr Arthur Coote, Member Responsible for Complaints

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Summary

1. The annual review letter has been received from the Local Government Ombudsman summarising the complaints relating to the Council's services dealt with by the Ombudsman's office for the year ended 31 March 2024.
2. This report also details the complaints and compliments received by the Council in the same period.

Recommendations

3. To note the contents of the Ombudsman's annual review letter and the position with regards to complaints and compliments for the year ended 31 March 2024.

Financial Implications

4. None in respect of Local Government Ombudsman decisions. However, further in the report are details of an award of compensation made by the Housing Ombudsman.

Background Papers

5. The papers referred to by the author in the preparation of this report are mentioned in the body of the report and are already published.

Impact

- 6.

Communication/Consultation	Review reports are published on the Council's and the Ombudsman's websites
Community Safety	N/A
Equalities	N/A

Health and Safety	N/A
Human Rights/Legal Implications	Residents and users of the Council's services are able to complain to the Ombudsman about the handling of complaints where the complainant is dissatisfied with the service or response received, within time limits. For Housing Complaints, the Social Housing (Regulation) Act 2023 now applies. There is also a statutory Code for complaints handling, issued by the Housing Ombudsman Service in February 2024.
Sustainability	N/A
Ward-specific impacts	All wards
Workforce/Workplace	N/A

Situation

7. The Council's annual review letter has been received from the Local Government & Social Care Ombudsman and is attached at Appendix A. Appendix B shows the complaints decided during the year, complaints breakdown as follows:

Corporate & Other Services	4
Environmental Services & Public Protection & Regulation	6
Benefits & Council Tax	1
Total	11

8. The decisions in respect of the complaints are summarised below:

Advice given	1	Previously considered and decided
Closed after initial enquiries	5	2 - No worthwhile outcome achievable by investigation 2 - Not warranted by alleged fault 1 - Not made within 12 months
Referred back for local resolution	5	Premature – advice given
Total	11	

9. The Council has not been found at fault for any of the complaints submitted for investigation during this period.

10. 5 of the complaints had exhausted the Council's complaints procedure before referral to the Ombudsman.

11. 5 of the complaints contained within Appendix A have references that do not match any of our records, however, on checking the Ombudsman's website these produce a nil return. Unfortunately, the Ombudsman advises in their covering email that they do not have capacity to accommodate requests for further information about the data supplied.

12. The table below is a comparison of our performance against a group of statistical near neighbours the Council uses for benchmarking purposes.

	Total complaints received	Total complaints decided	Number upheld
Harborough	24	25	5
Bromsgrove	24	25	5
Tewkesbury	8	8	3
Mole Valley	6	8	2
Tandridge	15	18	1
Vale of White Horse	15	14	1
South Cambridgeshire	12	13	1
Sevenoaks	11	14	1
South Oxfordshire	10	11	1
Hart	10	10	1
Test Valley	9	6	1
Winchester	19	20	0
Uttlesford	15*	11	0
Tonbridge and Malling	11	12	0
Waverley	10	10	0
East Hampshire	4	4	0

* *Of the 15 complaints received 3 were decided outside this reporting period and will be included in the 2024/25 Annual Review Letter. 1 case remains under investigation.*

13. In the previous annual review letter for the period 2022/23 there were 8 complaints decided.

- a. Two of these were upheld with the details reported in last year's update. The Council was found at fault for a delay in deciding the planning application for floodlights and the decision that the menages did not amount to development. The Council was also found at fault for failing to properly discharge a planning condition about noise mitigation following a complaint about noise from an electricity substation.

- b. Two complaints were closed after initial enquiries, one had appealed to the Planning Inspectorate against the Council's refusal of his planning application and is therefore out of jurisdiction of the Ombudsman and one did not fall within the boundary of either maladministration or service failure.
 - c. Three complaints were considered premature with two being referred back and one given advice.
 - d. A further case was given advice and signposted to complaint handling.
14. The Housing Ombudsman does not issue annual letters, having checked with the service, they report two complaints across the 2023/24 period, brief details are included below:
- Various issues of repairs/staff, overcrowding and neighbour problems. This complaint was mentioned in last year's report as awaiting decision. The Housing Ombudsman have now determined this case as being severe maladministration by the landlord in its handling of repairs to the property, and service failures by the landlord in its handling of the residents reports of neighbour issues, the resident's concerns about the conduct and communication of individual staff members and in its handling of the resident's complaint. The Ombudsman ordered the Council to apologise to the tenant and pay compensation totalling £1,300. Notification has been received that the Council has fully complied with its order, and the Ombudsman has confirmed that the case has been closed.
 - Damp and Mould issues, delays in being moved from temporary accommodation, damage to property and staff attitude. The Ombudsman advised on 30/04/2024 that this case had gone to investigation, housing have provided all the evidence, but no decision has been made by the Housing Ombudsman at this time.
15. Attached at Appendix B is a summary of complaints received by the Council during the 2023/24 period to enable a contrast to be drawn between the number of overall complaints referred for internal investigation and the number then referred onwards for investigation by the Ombudsman.
16. These complaints are reviewed quarterly by the Council's Corporate Management Team to share any lessons learnt. The overall number of complaints increased from 100 in 2022/23 to 323 in 2023/24 which can be explained by the loss of the Operator's Licence and an issue with an early collection of a Council Tax direct debit instalment. Aside from the two issues mentioned above, the other reasons for complaints are predominately relating to delayed responses or incorrect advice given.
17. It is acknowledged that the number recorded as 'complaints' does not represent all expressions of dissatisfaction received by the Council. Issues of dissatisfaction raised directly with services are often apologised for and resolved without being formally recorded. Therefore, it is reasonable to

assume the recorded complaints reflect 'stage 2' complaints where the matter has been escalated to a senior service manager.

18. Similarly, the level of recorded compliments will be an under representation of the numerous occasions residents and customers recognise the excellent work of our staff.
19. The letter at Appendix A references the launch of the new Complaint Handling Code which aligns with the Code issued to housing authorities and landlords by the Housing Ombudsman Service. It is the intention of the Ombudsman to begin considering complaints against the new code from April 2026 at the earliest. There are currently 20 councils taking part in an implementation pilot over the next two years which will aid guidance and best practice. The Council has recently submitted its self-assessment against the Housing Complaints Handling Code to the Housing Ombudsman following approval by Cabinet and the Tenants and Leaseholders Panel. Where areas of non-compliance were identified, these are being remedied by a newly created Complaints Management Improvement Panel which is comprised of officers that meets regularly. The work of Improvement Panel will in turn will inform best practice and inform the corporate complaints policy.
20. Cllr Arthur Coote as the Member Responsible for Complaints will be receiving regular updates on the progress of the Complaints Management Improvement Panel, Cllr Coote has been briefed on this latest Annual Review Letter.

Risk Analysis

21.

Risk	Likelihood	Impact	Mitigating actions
1 – full investigation of complaints referred to the Ombudsman is always undertaken	2 – in cases where fault has been found it might be necessary to provide a remedy to satisfy the complainant and in some cases changes to internal procedures followed by service areas	2 – where a change of process is required to meet a recommendation from the Ombudsman it may have some impact on service provision	As recommended by the Ombudsman – sometimes a review of internal practices may be required if significant failings in service provision are identified

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project