

## OMBUDSMEN COMPLAINTS

### Executive Summary

The Committee is responsible for the oversight of payments in cases of maladministration that are neither disputed nor significant (which are dealt with by the Monitoring Officer).

This report provides details of recent complaints to the Local Government & Social Care Ombudsman and the Housing Ombudsman.

### Recommendations

The Committee is requested to:

**RESOLVE That** the position regarding complaints to the Local Government & Social Care Ombudsman and the Housing Ombudsman be noted.

The Committee has the authority to determine the recommendation(s) set out above.

**Background Papers:** None.

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### 1.0 Introduction

- 1.1 The Council's Constitution provides for the Standards and Audit Committee to have "oversight of payments in cases of maladministration which are neither disputed nor significant (which are dealt with by the Monitoring Officer)." Full Council retains responsibility for "disputed/significant payments in cases of maladministration".
- 1.2 At its meeting on 7 July 2016, the Committee asked for an annual report on Ombudsmen complaints. The Local Government & Social Care Ombudsman provides Councils with an Annual Review letter in July each year. It is, therefore, sensible for the annual report to be submitted to the September meeting of the Committee.

### 2.0 Ombudsmen

- 2.1 The Council is subject to the oversight of two Ombudsmen, the Housing Ombudsman and the Local Government & Social Care Ombudsman.
- 2.2 The Housing Ombudsman considers complaints arising from the provision of housing by the Council if the complainant is not satisfied with the outcome of New Vision Homes/the Council's consideration of the complaint.
- 2.3 The Local Government & Social Care Ombudsman considers complaints arising from the provision of other, non-housing, services by the Council if the complainant is not satisfied with the outcome of the Council's consideration of the complaint.

### 3.0 Complaints submitted to the Ombudsmen

- 3.1 The 2022 Annual Review letter from the Local Government & Social Care Ombudsman gives a summary of statistics for decisions made by the Ombudsman on complaints, about the Council, for the year ended 31 March 2022. All data from the report, along with annual letters sent to individual authorities can be found on the Ombudsman's website through the interactive map. The map now holds four years of data, giving the annual summary of complaints plus compliance rates and the changes which have made on the back of investigations, for each local authority in England. The map can be found using the following link:-

[Your council's performance \(lgo.org.uk\)](https://www.lgo.org.uk) (<https://www.lgo.org.uk/your-councils-performance>)

- 3.2 The Annual Review letter confirms that the Ombudsman undertook a total of 1 detailed investigation into a complaint against the Council for the period between 1 April 2021 to 31 March 2022. The Ombudsman's website states that it upheld one complaint.
- 3.3 A copy of the decision notice can be found at Appendix 1. In summary, the complainant complained that the Council incorrectly sent him a council tax summons. The Council had already acknowledged this matter, altered its records, and apologised. As such, the Ombudsman did not investigate the complaint as the Council had remedied the matter.
- 3.4 The Annual Review letter does not detail the total number of complaints made against the Council. For the year ended 31 March 2022, this was eleven. This is the same number of complaints as the previous year. Of these eleven, the Ombudsman closed 6 after initial enquiries, 2 were incomplete/invalid, 1 complaint was referred back to the Council and on 1 complaint they gave advice.
- 3.5 The Council's figures are comparable to neighbouring authorities, as outlined in the below comparison table:

## Ombudsmen Complaints

Authority	Investigations	Upheld
Waverley	4	2
Guildford	2	2
Spelthorne	1	1
Surrey Heath	0	0
Reigate and Banstead	4	3
Runnymede	1	0
Epsom and Ewell	3	2
Tandridge	5	4
Elmbridge	4	0

- 3.6 The Housing Ombudsman does not issue an Annual Review letter. This report, therefore, details cases considered by the Housing Ombudsman since those referred to in last year's annual report, i.e. the period between 1 September 2021 and 1 August 2022.
- 3.7 The Housing Ombudsman is currently investigating one compliant. As the matter is ongoing I shall not provide any details at this time.
- 3.8 On 13 June 2022 the Housing Ombudsman made a decision in respect of a complaint originally raised by the complainant to the Ombudsman in December 2020. The Housing Ombudsman apologised for the delay in issuing their response, stating that it was "due to a case handling error and the previous case worker leaving the organisation."
- 3.9 The complaint was in respect of the landlord's response to the resident's request to adapt the property by adding a second rear door to the bedroom, anti-social behaviour issues and failures in the Council's complaints handling process. The Housing Ombudsman found that the delay in the Council's complaints handling process was a service failure and ordered the Council to pay the complainant £150 for any distress and inconvenience this may have caused. Payment was made promptly. The Housing Ombudsman confirmed that in accordance with paragraph 54 of the Housing Ombudsman Scheme, there was no maladministration.
- 3.10 Given the timing of the complaint, between 2019 – 2020, it is not considered that any immediate actions need to be taken by the Council at this present time. Lessons have already been learnt and procedures improved.

### 4.0 Conclusions

Although it would be preferable for there to be no complaints to the Ombudsmen, this is unlikely to ever happen due to (i) the varied nature of the services provided by the Council and (ii) the number of recipients of those services. That said, the number of complaints is not disproportionate. There are no matters of concern which the Monitoring Officer needs to bring to the attention of the Committee.

The Council treats every complaint received as an opportunity to identify learning outcomes and improve service provision. These complaints are valuable not only in identifying service improvements but in improving public perception and satisfaction with the Council as a whole.

### 5.0 Corporate Strategy

- 5.1 The publication of this report demonstrates the Council's commitment to openness and transparency.

### **6.0 Implications**

#### Finance and Risk

- 6.1 Poor complaint handling could be a reputational and financial risk to the council, especially with the increase in people using social media to raise awareness of issues.
- 6.2 There is a risk that the Local Government and Social Care Ombudsman will report against the council which means the report is published outlining the council's failures.

#### Equalities and Human Resources

- 6.3 None.

#### Legal

- 6.4 The Council is obliged to respond to complaints of maladministration through the Ombudsman. The Local Government Act 1974, prescribes the way in which the Ombudsman conducts investigations.

### **7.0 Engagement and Consultation**

- 7.1 The nature of the content of the report does not lend itself to an engagement and/or consultation exercise.

REPORT ENDS