

## 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.

**Reporting Person:** Gareth John, Director of Legal and Democratic Services / Monitoring Officer  
Email: gareth.john@woking.gov.uk, Extn: 3077

**Contact Person:** Gareth John, Director of Legal and Democratic Services / Monitoring Officer  
Email: gareth.john@woking.gov.uk, Extn: 3077

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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 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 2023 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 2023. 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 no detailed investigations into a complaint against the Council for the period between 1 April 2022 to 31 March 2023. The Ombudsman's website therefore states that it upheld zero complaints.
- 3.3 The Annual Review letter does not detail the total number of complaints made against the Council. For the previous year ended 31 March 2022, this was six. The Ombudsman closed all the complaints after making initial enquiries. During the previous year, eleven complaints were made.
- 3.4 The Council's figures are comparable to neighbouring authorities, as outlined in the below comparison table:

Authority	Investigations	Upheld
Elmbridge	14	2
Epsom and Ewell	11	2
Guildford	9	2
Reigate and Banstead	10	3
Runnymede	5	3

## Ombudsmen Complaints

Spelthorne	6	0
Surrey Heath	12	2
Tandridge	21	3
Waverley	19	6

- 3.5 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 2022 and 1 August 2023.
- 3.6 The Housing Ombudsman is currently investigating one complaint. As the matter is ongoing I shall not provide any details at this time. In addition, a further complaint was passed back to the Council for complaint response stage two, as it had been submitted before the Council's process for handling complaints had been completed.
- 3.7 A total of three complaints were determined by the Housing Ombudsman during the period 1 September 2022 to 1 August 2023. For one of the complaints, the decision had been not to investigate the complaint due to it falling outside of the Ombudsman's jurisdiction as governed by the Housing Ombudsman Scheme. A summary of the two remaining decisions is set out below.

### Decision One

- 3.8 On 19 July 2023, the Housing Ombudsman made a decision in respect of a complaint around the landlord's handling of the resident's concerns regarding replacement of their kitchen and the landlord's handling of the associated complaint.
- 3.9 The Housing Ombudsman determined that there had been service failure by the landlord in its handling of the resident's concerns about the condition of her kitchen and service failure by the landlord in its handling of the associated complaint. The Council was ordered to pay the resident £200 compensation in light of its failures in relation to the condition of the kitchen; pay the resident £150 compensation in light of its complaint handling failures; review its internal complaint handling policies against the Housing Ombudsman's Complaint Handling Code and ensure that its annual self-assessment is clearly accessible from its website; and complete another inspection of the property and confirm any works that are outstanding to the resident, supported by evidence, with any work to be booked within six weeks.
- 3.10 The Council has complied with the determinations. The tenant was issued with £350 of compensation on 2 August 2023 in respect of the failures around the condition of the kitchen and complaint handling. A further property inspection was undertaken on 26 July 2023 and the remaining repairs were instructed on 1 August 2023. The Self-Assessment has been published on the Council's Website.

### 3.11 Decision Two

- 3.12 On 26 July 2023, the Housing Ombudsman made a decision in respect of a complaint about how the landlord handled the resident's rehousing; how the landlord handled estate and building management during the regeneration project; how the landlord supported the resident during their move; and how the landlord dealt with reports of staff misconduct.
- 3.13 The Housing Ombudsman ordered the Council to pay the resident £350 and identified maladministration in the landlord's estate and building management during 2021/22, which had affected the resident. The Housing Ombudsman found no maladministration or service failures in respect of the rehousing process and support and its handling of the complaint around staff misconduct. Furthermore, it was acknowledged that in providing a "responsive and problem-

solving focussed approach, it kept to its regeneration commitments to support the resident during her move.”

- 3.14 The Council has complied with the determination, crediting the resident’s rent account with £350 on 22 August 2023.

### **4.0 Conclusions**

- 4.1 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.
- 4.2 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