

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 6 JANUARY 2015

Title:

COMPLAINTS ABOUT WAVERLEY'S SERVICES RECEIVED BY THE LOCAL GOVERNMENT OMBUDSMAN AND HOUSING OMBUDSMAN IN 2013/14

[Portfolio Holder: Cllr Robert Knowles]
[Wards Affected: All]

Note Pursuant to Section 100B(5) of the Local Government Act 1972

Annexes to this report contain exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in paragraph 2 of the revised part 1 of Schedule 12A to the Local Government Act 1972, namely:-

Information which is likely to reveal the identity of an individual.

Summary and purpose:

This report is in two parts. The first part summarises the complaints made to the Local Government Ombudsman about Waverley's services in 2013/14. The second part summarises the complaints made by Waverley's tenants and leaseholders to the Housing Ombudsman Service which assumed responsibility for investigating complaints about a local authority's landlord functions with effect from 1 April 2013. As a result of this change, and changes to the internal business processes of the Local Government Ombudsman, the report contains only very limited comparative information on Waverley's performance in dealing with Ombudsman complaints in previous years.

How this report relates to the Council's Corporate Priorities:

Investigating Ombudsman complaints can help to identify areas in which the Council could provide better value for money in its services, and on occasion can result in action to improve processes and systems that will improve the lives of residents. It also increases confidence in the community that Waverley follows high standards of administration and governance and contributes to understanding residents' needs.

Financial Implications:

See paragraph on Corporate Priorities above.

Legal Implications:

There are no legal implications.

Complaints about Waverley's services received by the Local Government Ombudsman in 2013/14

(i) Annual letter for 2013/14

1. The Local Government Ombudsman's (LGO) annual review letter concerning complaints about Waverley's services received in 2013/14 is attached as Annexe 1. The review letter is very brief. The letter provides information on the decision taken

in 2013 to create a single ombudsman structure at the LGO, and gives very limited information on the complaints and enquiries received about Waverley's services and the decisions made. As indicated in the letter, the LGO's internal business processes changed during 2013, and as a result the statistics produced in respect of 2013/14 are not directly comparable to those in previous years.

2. The LGO no longer produces information on local authorities' performance regarding the time taken to respond to the LGO's initial enquiries. However, according to the Council's own records, 100% of all the LGO's initial enquiries were responded to within the Ombudsman's target time of 20 working days.

(ii) Local Government Ombudsman's approach to dealing with complaints

3. As a result of substantial budget cuts, the LGO's service was restructured in 2013 with the intention of dealing with complaints swiftly and proportionately. The aim is now to handle the more straightforward cases at the earliest possible opportunity, and all complaints received by the Ombudsman are passed to one of a number of assessment teams who will make prompt decisions on all complaints to see if they merit further detailed investigation. Only those cases which merit more detailed work are now passed through for investigation.
4. In addition LGO no longer refers premature complaints to local authorities but will only advise complainants that their complaints are premature and that they need to complain to the authority concerned themselves.

(iii) Outcome of complaints made to the LGO about Waverley's services in 2013/14

5. Because of the significant changes in the LGO's way of working and the corresponding changes in the way in which the LGO now describes the outcome of the complaints that are investigated, it is only possible to provide Members with very limited comparative information in respect of previous years.
6. In 2013/14 the LGO reached a decision in 21 complaints about Waverley's services (compared with 12 complaints in 2012/13). In 11 cases the Ombudsman closed the complaint after initial enquiries with the complainant. Four complaints were referred back for local resolution, and one complaint was considered to be incomplete or invalid. The remaining five complaints were investigated by an Investigator at the LGO's office (compared with three complaints in 2012/13) and one of these complaints was upheld. A summary of this complaint, including the lessons learned, is attached as Exempt Annexe 2.
7. Members will wish to note that prior to April 2014, the LGO's findings of maladministration were reserved only for those cases where there had been significant fault by a local authority, requiring the publication of a formal report. However, the LGO now regards all administrative fault to be maladministration. It is believed that this change will bring the LGO's practices into line with other Ombudsmen schemes, including the Housing Ombudsman Service, and as a result, in 2014/15 there will be further changes in way the Ombudsman describes her decisions.

Complaints about Waverley's landlord services received by the Housing Ombudsman Service in 2013/14

(iv) Approach taken by the Housing Ombudsman Service (HOS) in dealing with complaints about social landlords

8. As Members will know, with effect from 1 April 2013 responsibility for investigating complaints about the landlord function of a local authority transferred from the Local Government Ombudsman to the Housing Ombudsman Service (HOS). Complaints about homelessness and housing allocations remain within the remit of the LGO. Unlike the LGO, the HOS does not send local authorities an annual letter, and the information in this part of the report is taken from the Council's own records.
9. In line with the LGO's approach, the HOS will only investigate a complaint if it is considered that the complainant has completed the authority's complaints procedure. However, before approaching the Ombudsman the complainant has the option of raising their concerns with a 'designated person' (i.e. a Waverley Councillor, an MP or Waverley's Designated Tenants Panel). The complainant can ask the designated person they have chosen to review their complaint so see if the matter can be resolved. If the designated person is unable to resolve the complaint, they can refer the complainant's concerns to the HOS for further investigation.
10. The HOS focuses on the resolution of complaints at the local level, and will look to the landlord to resolve problems wherever possible. If an HOS investigator considers, during the course of their investigations, that there is still a possibility of the complaint being resolved at the local level they will refer the complaint back to the landlord.
11. The HOS considers there has been 'maladministration' by a social landlord in any case where a formal decision is made by the Ombudsman that a landlord has failed to do something, done something that it should not have done or, in the Ombudsman's opinion, has delayed unreasonably. The HOS does not publish its reports on the outcome and recommendations made in respect of individual complaints. However, complaints may form the basis of an anonymised case study.

(v) Outcome of complaints made by Waverley's tenants to the Housing Ombudsman Service in 2013/14

12. In 2013/14 the HOS investigated three complaints made by Waverley's tenants. The HOS concluded their investigations regarding one of these complaints in December 2013, while the other two complaints were not concluded until May and June 2014 respectively.
13. Attached as Exempt Annexe 3 is a table summarising the issues raised by these complaints, the outcomes and lessons learned. As will be seen, one complaint resulted in a finding of maladministration in respect of failures that occurred in dealing with the removal of asbestos from a tenant's bathroom. While this finding is disappointing, lessons have been learned and the Council now has a new and improved policy for dealing with asbestos in tenants' homes.

14. The Corporate Overview and Scrutiny Committee noted the contents of the report at its meeting on 25 November 2014 with no particular observations to pass to the Executive.

Recommendation

It is recommended that the information contained within the report be endorsed.

Background Papers

Local Government Ombudsman's annual letter to Waverley for 2013/14 dated 7 July 2014.

Local Government Ombudsman Review of Local Government Complaints 2013-14 dated 15 July 2014.

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