

WAVERLEY BOROUGH COUNCIL

CORPORATE OVERVIEW & SCRUTINY COMMITTEE - 24 JANUARY 2017

EXECUTIVE – 7 MARCH 2017

Title:

**COMPLAINTS ABOUT WAVERLEY'S SERVICES RECEIVED BY THE LOCAL
GOVERNMENT OMBUDSMAN AND HOUSING OMBUDSMAN IN 2015/16**

[Portfolio Holder: Councillor Julia Potts]

[Wards Affected: All]

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

Annexes to this report contain 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 Part I 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 2015/16. 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.

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. The Council's investigations can also result in action to improve processes and systems which, in turn, can improve the service which the Council provides to its customers.

Financial Implications:

See paragraph on Corporate Priorities above.

Legal Implications:

There are no legal implications associated with this report. The Council's complaints handling process is fully consistent with best practice, and the most recent guidance from the Local Government Ombudsman.

Complaints about Waverley's services received by the Local Government Ombudsman in 2015/16

- The Local Government Ombudsman's (LGO) annual review letter concerning complaints about Waverley's services received in 2015/16 is attached as Annexe 1. In addition to statistical information on the complaints and enquiries received by the LGO about Waverley's services (set out in full later in this report), the letter draws attention to the following:
 - The continued publication of the LGO's decisions (alongside an improved facility to browse for decisions on the Ombudsman's website), and focus reports on key themes to help the sector learn from its mistakes and support better services for citizens; and
 - The government's intention to produce draft legislation for the creation of a single ombudsman for public services in England, which is supported by the LGO as providing a clearer route to redress in an increasing complex environment of delivering public services.
- In response to councils' feedback, the Ombudsman has provided additional information to show how upheld complaints were remedied in 2015/16. This includes the number of cases where the LGO's recommendations remedied the fault and the number of cases where the LGO decided that the authority had offered a satisfactory remedy as part of its local complaints process.
- As Members may recall, 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. This approach brings the LGO's practices in line with other Ombudsmen schemes, including the Housing Ombudsman Service, which also regard administrative fault as maladministration.
- The following tables give comparative information for the years 2013/14, 2014/15 and 2015/16.

Complaints and enquiries received about Waverley's services in 2015/16

Year	Benefits and tax	Corporate and other services	Environmental Services	Highways and transport	Housing	Planning and Development	Total
2013/14	4	6	2	0	2	9	23
2014/15	2	1	2	1	2	12	20
2015/16	5	2	2	2	4	11	26

Decisions made by the LGO in 2015/16

Year	Detailed investigations carried out		Advice given	Closed after initial enquiries	Incomplete or invalid	Referred back for local resolution	Total
	Upheld	Not upheld					
2013/14	1	4	0	11	1	4	21
2014/15	0	5	1	10	0	5	21
2015/16	4*	4	1	10	2	5	26

* Uphold rate = 50%

How upheld complaints were remedied

5. Three of the four upheld complaints were remedied by implementing the LGO's recommendations, ie a compliance rate of 100%. A brief summary of these cases is attached as (Exempt) Annexe 2.
6. The other upheld complaint – also summarised in Exempt Annexe 2 - resulted in a finding of fault but because this was addressed by the Council, no further action was taken by the LGO as this was considered a reasonable way of resolving the matter.

Complaints about Waverley's landlord and leasehold services received by the Housing Ombudsman Service in 2015/16

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

7. Responsibility for investigating complaints about the landlord function of a local authority transferred from the Local Government Ombudsman to the Housing Ombudsman Service (HOS) in April 2013. Complaints about homelessness and housing allocations remain within the remit of the LGO.
8. 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' (ie 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 and consider whether 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.
9. Recent consultation with landlord and tenant associations has confirmed there is substantial support for the retention of an independent Housing Ombudsman. This view has been accepted by the Government and so, for the time being, the HOS will remain outside the remit of the proposed Public Sector Ombudsman. However, the HOS is keen to work collaboratively with other Ombudsmen, including the new entity if this is established.
10. 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.

(ii) Complainants following the 'designated person' process in 2015/16

11. In 2015/16 two complainants asked for their complaint to be reviewed by Waverley's Designated Tenants Complaints Panel.
12. The first of these complaints concerned problems that the complainant had experienced on moving into her new home, as a result of the alleged failure of the Council's contractors to leave the property in a clean condition. The Panel met once to review the complaint and recommended to the Council that the complainant should be offered the sum of £100 as compensation for the unsatisfactory condition of her new home. The Council accepted the Panel's recommendation and the complainant

was offered £100 compensation. However, the tenant rejected the offer and took her complaint to the HOS.

13. The second complaint concerned problems which were being experienced by the complainant as a result of nuisance from odours and cigarette smoke coming from the flat below. The Panel met once to review the complaint. The Panel apologised to the complainant for the delay that had occurred in investigating the matter, but agreed that officers' investigations had been hampered by the difficulty in gaining access to the neighbouring flat. The Panel therefore concluded that officers needed to continue with their investigations. The complainant confirmed that she would be taking her complaint to the HOS, but no enquiries were received from the Ombudsman, and it is understood that the complainant is no longer a Council tenant.

(iii) Outcome of complaints made by Waverley's tenants to the Housing Ombudsman Service in 2015/16

14. In 2015/16 the HOS made further enquiries in respect of three complaints that had completed the Council's complaints procedure. These complaints concerned:
 - poor management of a decant;
 - the poor standard of improvement works carried out in a tenant's home and the Council's handling of the subsequent complaint in the early stages of the Council's complaints procedure; and
 - the unsatisfactory condition of a property at the start of a tenancy.
15. While the Council responded to the HOS's enquiries within the specified timescales, as at 31 March 2016 no determination had been made in any of these cases. However, determinations have now been made in respect of two of these complaints, both of which have been upheld. A brief summary of these complaints is attached as (Exempt) Annexe 3.

Comments from Corporate Overview & Scrutiny Committee

Corporate Overview & Scrutiny Committee reviewed the summary of complaints investigated by the Local Government and Housing Ombudsmen and the outcomes, and had no observations to pass to the Executive.

Recommendation

It is recommended that the Executive receives the information in this report and endorses the learning outcomes.

Background Papers

Review of Local Government Complaints 2015-16 published by the Local Government Ombudsman July 2016.

The Housing Ombudsman Annual Report and Accounts 2015-16 Housing Matters: Fairness Matters published in July 2016.

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