

WAVERLEY BOROUGH COUNCIL

**VALUE FOR MONEY AND CUSTOMER SERVICE OVERVIEW AND SCRUTINY
COMMITTEE**

19 NOVEMBER 2018

Title:

**COMPLAINTS TO LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN
AND HOUSING OMBUDSMAN ABOUT WAVERLEY'S SERVICES IN 2017/18**

**[Portfolio Holder:Councillor Julia Potts]
[Wards Affected: All]**

Summary and purpose:

This report is in two parts. The first part concerns complaints to the Local Government and Social Care Ombudsman (LGSCO) about Waverley's services in 2017/18. This discharges the Monitoring Officer's duty under section 5(2) of the Local Government and Housing Act 1989 to submit a formal report to the Council on complaints where it appears there has been maladministration or service failure, and the LGSCO has conducted an investigation in relation to the matter.

The second part concerns complaints by Waverley's tenants and leaseholders to the Housing Ombudsman Service (HOS).

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

Ombudsman complaints can help to identify areas in which the Council can provide better value for money in its services. They can also result in action to improve processes and systems which, in turn, can improve the service which the Council provides to its customers.

Equality and Diversity Implications

Ombudsmen investigations can help to ensure that the Council delivers its services to all customers in a fair and equal way, and that any shortfall is rectified immediately.

Financial Implications:

Occasionally an Ombudsman may recommend the payment of financial compensation to a complainant to remedy their complaint.

Legal Implications:

There are no legal implications associated with this report.

Part 1 - Complaints about Waverley's services received by the Local Government and Social Care Ombudsman in 2017/18

- The Local Government and Social Care Ombudsman's (LGSCO) annual review for 2017/18 is attached as Annexe 1. In addition to statistics on the complaints and enquiries received by the LGSCO about Waverley's services (set out in full later in this report), the letter:
 - Stresses that the volume of complaints received by an authority does not, in itself, indicate the quality of the Council's performance. The information provided in the annual letter should therefore be used as the start of a conversation rather than an absolute measure of corporate health, one of the most significant statistics being the number of upheld complaints. Remedies suggested by the Ombudsman, and by an authority during its local complaints process, are considered to provide important insights.
 - Confirms the Ombudsman's intention to provide a broader range of data in next year's letters as well as creating an interactive map of local authority performance on the LGSCO website, and to seek views from councils on the future format of annual letters.
 - Draws attention to a dedicated section on the Ombudsman's website which contains a host of information to help scrutiny committees and councillors to hold their authority to account.
 - Emphasises the importance of councils adopting a positive attitude towards complaints, and working constructively with the Ombudsman to remedy injustices and take on board learning from complaints.
- The following tables give comparative information for 2017/18 and the three previous years.

Complaints and enquiries received about Waverley's services

Year	Benefits and tax	Corporate and other services	Environmental Services	Highways and transport	Housing	Planning	Other	Total
2017/18	1	0	4	1	4	7	1	18
2016/17	1	3	1	2	4	11	1	23
2015/16	5	2	2	2	4	11	0	26
2014/15	2	1	2	1	2	12	0	20

Decisions made by the LGSCO

Year	Detailed investigations		Advice given	Closed after initial enquiries	Incomplete or invalid	Complainant asked to go back to the LA	Total
	Upheld	Not upheld					
2017/18	2	8	2	6	1	3	22
2016/17	1	1	1	12	0	4	19
2015/16	4	4	1	10	2	5	26
2014/15	0	5	1	10	0	5	21

How the two complaints upheld in 2017/18 were remedied

3. One of the two upheld complaints was remedied by implementing the LGSCO's recommendations. The second upheld complaint was remedied by Waverley before the Ombudsman's involvement. A brief summary of these cases is attached as Annexe 2.

Part 2 - Complaints about Waverley's landlord and leasehold services received by the Housing Ombudsman Service in 2017/18

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

4. Responsibility for investigating complaints about the landlord function of a local authority belongs to the Housing Ombudsman Service (HOS) whilst complaints about homelessness and housing allocations remain within the remit of the LGSCO.
5. In line with the LGSCO'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.
6. Unlike the LGSCO, the HOS does not send local authorities an annual letter and does not require a formal report. The information in this part of the report is taken from the Council's own records.

Complainants following the 'designated person' process in 2017/18

7. In 2017/18 no complainants asked for their complaint to be reviewed by a designated person.

Outcome of complaints made by Waverley's tenants to the Housing Ombudsman Service in 2017/18

8. In 2017/18 the HOS made further enquiries in respect of four complaints that had completed the Council's complaints procedure. These complaints concerned:
 - anti-social behaviour (two complaints);
 - the Council's decision to withdraw the offer of a new-build property made to a tenant whose home was due to be demolished as part of the redevelopment at Ockford Ridge; and
 - action taken by the Council in response to reports of a tenant's failure to occupy their existing home.

9. As at 31 March 2018 determinations had been made in three of these complaints, one of which was upheld. A brief summary of this complaint is attached as Annexe 3.
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Recommendation

It is recommended that the Committee notes the information in this report, and agrees any observations it wishes to pass to the Executive on the issues raised.

Background Papers

Local Government Ombudsman's annual letter to Waverley for 2017/18 dated 18 July 2018.

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