

WAVERLEY BOROUGH COUNCIL

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

18 NOVEMBER 2019

Title:

**COMPLAINTS TO THE LOCAL GOVERNMENT AND SOCIAL CARE
OMBUDSMAN AND HOUSING OMBUDSMAN ABOUT WAVERLEY'S SERVICES
IN 2018/19**

**[Portfolio Holder:Councillor John Neale]
[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 2018/19. 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 to the Housing Ombudsman Service (HOS).

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

Ombudsmen 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 2018/19

1. The Local Government and Social Care Ombudsman's (LGSCO) annual review letter for 2018/19 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 below), the letter:
 - Stresses that the number of complaints received by an authority, taken alone, is not necessarily a reliable indicator of an authority'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.
 - Draws attention to the inclusion of statistics on the number of cases where the authority provided a satisfactory remedy before the complaint reached the Ombudsman, and about the authority's compliance with recommendations the Ombudsman has made. The LGSSCO made no recommendations regarding complaints made about Waverley's services in 2018/19.
 - Draws attention to a new interactive map of council performance which has been published on the Ombudsman's website which is intended to place focus on authorities' compliance with the Ombudsman's recommendations.
 - Commends a report published by the LGSCO, which looks at some of the common issues arising from change and budget constraints identified during the Ombudsman's investigations. The report, 'Under Pressure' is published on the Ombudsman's website at www.lgo.org.uk.
2. The following tables give comparative information for 2018/19 and the three previous years. It is encouraging that during this period there has been a steady reduction in the number of complaints about Waverley's services received by the Ombudsman.

Complaints and enquiries received about Waverley's services

Year	Benefits and tax	Corporate and other services	Environment Services	Highways and transport	Housing	Planning	Other	Total
2018/19	3	1	0	0	0	9	1	14
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

NB The complaint included under the heading of 'other' was an Adult Care Service complaint referred to the Care and Repair Team at Guildford Borough Council which manages the Waverley funded project.

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					
2018/19	1	0	0	9	2	1	13
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

How the complaint upheld in 2018/19 was remedied

3. One complaint was upheld in 2018/19. A brief summary of this case, which concerned a planning enforcement complaint, is attached as Annexe 2.

Part 2 - Complaints about Waverley's landlord and leasehold services received by the Housing Ombudsman Service in 2018/19

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), while 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 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 authorities to provide a formal report to councillors. The information in this part of the report is taken from the Council's own records.

Complainants following the 'designated person' process in 2018/19

7. In 2018/19 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 2018/19

8. In 2018/19 the HOS made further enquiries in respect of four complaints that had completed the Council's complaints procedure. These complaints concerned:

- the Council's decision to issue the tenant with a written warning about the condition of his home;
- the Council's handling of repairs which led to items in the tenant's home being damaged;
- the approach taken by the Council when carrying out occupancy checks of the tenant's home; and
- the length of time taken by the Council to carry out refurbishment of the tenant's home and the level of security provided for the tenant's possessions while the works were being carried out.

9. None of the complaints were upheld by the HOS.

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 2018/19 dated 24 July 2019.

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