

WAVERLEY BOROUGH COUNCIL

VALUE FOR MONEY AND CUSTOMER SERVICE OVERVIEW AND SCRUTINY COMMITTEE

25 JANUARY 2021

Title:

Complaints to the Local Government and Social Care Ombudsman and Housing Ombudsman Service about Waverley's Services in 2019/20

Portfolio Holder: Councillor John Ward, Leader of the Council
Head of Service: Robin Taylor, Policy and Governance, and Monitoring Officer
Key decision: No

1. Purpose and summary

- 1.1 This report is in two parts. The first part concerns complaints to the Local Government and Social Care Ombudsman about Waverley's Services in 2019/20. 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, following an investigation, the LGSCO has found maladministration or service failure.
- 1.2 The second part of the report concerns complaints by Waverley's tenants to the Housing Ombudsman Service.
- 1.3 It is accepted that due to recent challenges arising from the Covid 19 pandemic this report is being presented to the committee later in the year than would normally be the case and every effort will be made to ensure that the committee receives a report on complaints submitted to the two Ombudsmen in 20120/21 in the early autumn this year.

2. Recommendation

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

3. Reason for the recommendation

To ensure the views of the Committee are received and considered by the Executive.

4. Background

- 4.1 **Part 1- Complaints about Waverley's services received by the Local Government and Social Care Ombudsman (LGSCO) in 2019/20**

The LGSCO's annual review letter for 2019/20 is attached as [Annexe 1](#).

4.2 During the period April 2019 to March 2020 the Ombudsman conducted four detailed investigations and upheld two complaints (50%). This compared with 45% for similar authorities. Details of how the two upheld complaints were remedied in 2019/20 and brief summaries of the cases are attached as [Annexe 2](#).

In addition to providing statistics on complaints and enquiries received by the LGSCO about Waverley's services in 2019/20 (set out in full below) the letter:

- Confirms that the LGSCO continues to focus on the outcomes of complaints and what can be learnt from them.
- Explains that the LGSCO has made several changes in recent years to improve the data it captures and reports, and now focuses on three key areas, namely complaints upheld, compliance with the Ombudsman's recommendations and satisfactory remedies provided by the authority. These three key annual statistics are compared with similar types of authorities to work out an average level of performance.
- Confirms that the data has been uploaded to the Ombudsman's interactive map at [Your council's performance](#) and that further information on how to interpret the statistics can be found on the Ombudsman's website at www.lgo.org.uk.
- Draws attention to the range of resources that can support local authorities putting in place the learning from complaints at the heart of their corporate governance, with an emphasis on learning and not numbers.

The following tables give comparative information for 2019/20 and the three previous years.

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
2019/20	0	4	0	2	3	7	0	16
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

Decisions made by the LGSCO

Year	Detailed investigations		Advice given	Closed after initial enquiries	Incomplete or invalid	Referred for resolution	back local	Total
	Upheld	Not upheld						
2019/20	2	2	2	5	1	4		16
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

4.3 **Part 2 – Complaints about Waverley’s landlord and leasehold services received by the Housing Ombudsman Service in 2019/20**

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.

In line with the LGSCO’s approach, the HOS will only investigate a complaint once 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.

In 2019/20 one complainant raised their concerns with a councillor who acted as their designated person, and this was resolved without the need for a referral to the HOS. It is understood that the ‘designated persons’ process is likely to come to an end in the near future.

Comparative data published by the HOS for 2019/20

In October 2020 the HOS published for the first time comparative information about complaints received from Waverley’s tenants and leaseholders since 2017/18 and this is set out in the following table.

Category	2017/18		2018/19		2019/20	
	Number	%	Number	%	Number	%
Charges	0	0%	2	20%	0	0%
Compensation	0	0%	1	10%	1	10%
Complaints handling	0	0%	1	10%	0	0%
Landlord Advice	0	0%	2	20%	1	10%
Moving to a property	1	20%	1	10%	0	0%
Occupancy rights	0	0%	0	0%	1	10%
Property condition	2	40%	3	30%	4	40%
Staff	1	20%	0	0%	0	0%
Tenants behaviour	1	20%	0	0%	3	30%
Total	5		10		10	

The HOS also published data on the performance of Waverley in 2019/20 with comparison data for all local authorities and ALMOs. This included the following information:

(i) Investigations by the HOS in 2019/20

75% of complaints about Waverley’s landlord services were closed without a formal investigation in 2019/20, compared with an average of 75% for all local authorities and ALMOs.

(ii) Outcome of determinations by the HOS in 2019/20

The outcome of determinations by the HOS in 2019/20 is set out in the following table.

Outcome of determination	Number	Waverley	All landlords
Maladministration	0	0%	24%
Partial maladministration	0	0%	15%
Severe maladministration	0	0%	0%
No maladministration	1	50%	33%
Redress	1	50%	15%
Resolved with intervention	0	0%	1%
Outside jurisdiction	0	0%	10%
Withdrawn	0	0%	1%
<u>Unknown</u>	0	0%	0%

No maladministration was found in any complaints referred to the HOS by Waverley tenants or leaseholder and therefore there were no orders for compliance made to Waverley during 2019/20.

In respect of one complaint, the HOS concluded that the Council had made satisfactory redress to the tenant which resolved the matter. This included an offer of compensation amounting to £1,000 for the loss of personal possessions or damage to those possessions as a result of flooding due to a poor standard of workmanship during void works to the property before the tenant moved in.

5. Relationship to the Corporate Strategy and Service Plan

One of the Council’s priorities is to promote ‘high quality public services accessible for all’ and Ombudsman complaints can result in action to improve processes and systems which, in turn, can improve service delivery and achieve better value for money.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

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

6.2 Risk management

Ombudsman complaints can highlight areas where there are reputational and operational risks.

6.3 Legal

There are no legal implications associated with this report.

6.4 Equality, diversity and inclusion

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010. However, 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.

6.5 Climate emergency declaration

There are no implications in this report that relate to carbon neutrality.

8. Other options considered

Not applicable.

9. Governance journey

9.1 The observations of the Committee will be passed to the Executive..

Annexes:

Annexe 1 – LGSCO Annual review letter for Waverley 2019/20

Annexe 2 – Summary of complaints upheld by the LGSCO in 2019/20

Background Papers

There are / are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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Agreed and signed off by:

Legal Services: date

Head of Finance: date

Strategic Director: date

Portfolio Holder: date