

WAVERLEY BOROUGH COUNCIL

POLICY OVERVIEW AND SCRUTINY COMMITTEE

25 January 2022

Title: Complaints to the Local Government and Social Care Ombudsman and Housing Ombudsman Service about Waverley's Services in 2020/21

Portfolio Holder: Paul Follows

Head of Service: Robin Taylor

Key decision: No

Access: Public

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 2020/21. 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.

2. Recommendation

- 2.1 It is recommended that the Policy Overview and Scrutiny Committee notes the information in this report and passes any comments or recommendations to the Executive.

3. Reason for the recommendation

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

4. Background

Part 1 – Complaints about Waverley's services received by the Local Government and Social Care Ombudsman (LGSCO) in 2020/21

- 4.1 The LGSCO's annual review letter for 2020/21 is attached as Annexe 1.
- 4.2 During the period April 2020 to March 2021 the Ombudsman conducted four detailed investigations and upheld three complaints (75%). This compared with 53%

for similar authorities. The four complaints that were investigated and the three complaints that were upheld are summarised in [Annex 2](#).

4.3 In addition to providing statistics on complaints and enquiries received by the LGSCO about Waverley's services in 2020/21 (set out in full below) the letter:

- Confirms that the LGSCO continues to focus on the outcomes of complaints and what can be learned from them.
- Draws attention to the approach taken by the Ombudsman in using three key annual statistics, namely complaints upheld, compliance with the Ombudsman's recommendations and satisfactory remedies provided by the authority, to work out an average level of performance across similar authorities.
- Draws attention to the Ombudsman's interactive map at [Your council's performance](#) and encourages the use of this resource by officers and elected members so that they can gain valuable insights into service areas and early warning signs of problems.
- Confirms that the impact of the pause in casework in the first quarter of the year should be considered when making comparisons with previous years' data.
- Expresses concern about the erosion of effective complaint functions in local authorities arising from considerable and prolonged budget and demand pressures and the Covid-19 pandemic. As a result, the LGSCO is developing a new programme of work that will utilise complaints to drive improvements in both local complaints systems and services.

4.4 The following tables give comparative information for 2020/21 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
2020/21	1	0	2	0	4	6	0	13
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

Decisions made by the LGSCO

Year	Detailed investigations		Advice given	Closed after initial enquiries	Incomplete or invalid	Referred back for local resolution	Total
	Upheld	Not upheld					
2020/21	3	1	1	7	0	1	13
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
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Part 2 – Complaints about Waverley’s landlord and leasehold services received by the Housing Ombudsman Service in 2020/21

- 5.1 The Housing Ombudsman Service (HOS) is responsible for investigating complaints about the landlord function of a local authority, while complaints about homelessness and housing allocations remain within the remit of the LGSCO.
- 5.2 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.
- 5.3 In 2020/21 two complainants raised their concerns with a councillor who acted as their designated person. Neither of the complaints were referred to the HOS. The HOS does not monitor the effectiveness of the designated person scheme and it is understood that this process will come to an end in the near future.
- 5.4 In October 2020 the HOS published for the first time comparative information about complaints received from Waverley’s tenants and leaseholders. The HOS has yet to publish this information for 2020/21 and therefore it is only possible to provide Members with quite limited information taken from the Council’s own records.
- 5.5 In 2020/21 the HOS closed investigations into four complaints received from tenants. In each case the HOS ordered Waverley to pay the complainant compensation. A summary of these complaints, the outcome, lessons learned, and action taken is attached as [Annexe 3](#).
- 5.6 With effect from March 2021 the HOS now publishes all their decisions on the cases they have investigated and a link to these decisions can be found [here](#) .

6. Relationship to the Corporate Strategy and Service Plan

- 6.1 Ombudsman complaints can result in action to improve processes and systems which, in turn, can improve service delivery and achieve better value for money and improve the health and well-being of our residents and communities.

7. Implications of decision

7.1 Resource (Finance, procurement, staffing, IT)

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

7.2 Risk management

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

7.3 Legal

There are no legal implications associated with this report.

7.4 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.

7.5 Climate emergency declaration

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

8. Consultation and engagement

Not applicable.

9. Other options considered

Not applicable.

10. Governance journey

The report and observations from the Policy Overview and Scrutiny Committee will be submitted to the next meeting of the Executive

Annexes:

Annexe 1 – LGSCO Annual review letter for Waverley 2020/21

Annexe 2 – Summary of complaints upheld by the LGSCO in 2020/21

Annexe 3 – Summary of complaints upheld by the HOS in 2020/21

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: 10 November 2021
Head of Finance: N/A
Strategic Director: 10 November 2021
Portfolio Holder: 10 November 2021