

Report title	Local Government Ombudsman Annual Report 2023/24
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Department	Law and Governance
Exempt?	No

Purpose of report:
For information

Synopsis of report:
To present the Annual report of the Local Government and Social Care Ombudsman for the year ending March 2024

1. Context and background of report

- 1.1 The Local Government and Social Care Ombudsman issues an annual report on their dealings with public authorities. They provide individual statistics for each public authority with case summaries and another general report covering themes across the public sector. Each authority is provided with a spreadsheet with the case reference numbers so that they can be cross matched with our records.
- 1.2 We maintain a separate corporate register for complaints and enquiries dealt with by the Local Government and Social Care Ombudsman and the Housing Ombudsman, although colleagues in Digital Services have built a field in Jadu to indicate where a case has been referred to the Ombudsman for reporting and monitoring purposes.
- 1.3 Local Government and Housing Ombudsman cases are one of the corporate KPIs. We report how many cases there have been and how many were upheld in each quarter. We also provide some basic narrative by way of context and background.

2. Report and, where applicable, options considered and recommended

- 2.1 The Ombudsman issued their annual letter for 2023/24 together with the statistics relating to Runnymede on 17 July 2024. The letter is attached at Appendix 'A'.
- 2.2 The Ombudsman has highlighted in its general overview of complaints generally that in their opinion:

“people who have been treated poorly by their local council are all too often having their situations made worse when their council delays putting things right. In our annual review of local government complaints for 2023-24, we're highlighting for the first time that more than one in five remedies (20.8%) by councils are being implemented later than agreed. This means that people, who have already gone through the process of complaining to their local authority, and then to us, are waiting even longer for things to be put right. Over the past year we've upheld 80% of the investigations we carried out, up from 74% in 2022-23.”

- 2.3 For the year ending 31 March 2024, there were 12 cases recorded by the Local Government Ombudsman as having been referred to them:

Function	O recorded	RBC recorded
Planning & Development	4	2
Housing	4	3
Environmental Services & Public Protection & Regulation	4	

We were only aware of 5 of these cases (as indicated in the table above), for which 4 decisions have been issued. One case which the Ombudsman records as having received in March 2024, has now been allocated to an investigator.

- 2.4 Where we haven't been made aware of a case (all the Environmental Services cases above for example) it is usually because the Ombudsman has decided to take no further action but has not notified us. We are not provided with any further detail on these to know what they were about.
- 2.5 In the year ending 31 March 2024, there was one case upheld, which was a Housing case. This was first received by the Ombudsman back in December 2023 and took a long time to be determined. We awarded compensation in this case, unfortunately however, the complainant decided not to engage with us despite a number of attempts to make contact with them, so we then had to ask the Ombudsman to intervene. The person finally provided their bank details to us to make the compensatory payment, however, the Ombudsman had closed the case and recorded it as 'remedy not complete but satisfied'. This was very frustrating for Officers who did all they could to progress the matter and bring it to a timely conclusion. The Ombudsman published the decision letter on their [website](#) which Members may find useful.
- 2.6 Members are asked to note that the way in which the statistics are presented in the annual letter can make it appear that our performance is not as good as we would hope. For context, we are showing as having had 100% of cases investigated as upheld. However, only one case was investigated as outlined above, we complied with the Ombudsman's decision (100% compliance) but not before it reached the Ombudsman (0% satisfactory remedy). Although Members will note from the decision that the Ombudsman told us they were satisfied with the remedy provided.
- 2.7 We are aware of three cases which were referred to the Housing Ombudsman (HO). Two are still open, and awaiting a decision from the HO. One person complained to both the Housing Ombudsman and the Local Government Ombudsman, the case with the Housing Ombudsman has been closed as outside its jurisdiction but the Local Government Ombudsman case is still open.
- 2.8 The Council was not issued with any service improvements this year and we have always co-operated with the Ombudsman so have never received a 'witness summons'. However, there are useful lessons that can be learned from looking at other local authorities. For example:
1. Mr X complained the Council failed to notify him about the outcome of an enforcement investigation, failed to respond to complaints and failed to deal with a community trigger request causing anxiety and distress. The Council failed to respond to two complaints made about rats. A suitable remedy for this fault is agreed

2. Mr X complained the Council failed to properly consider the impact of a planning application next to his home and has wrongly granted planning permission for the erection of a pair of three storey, four-bedroom semi-detached houses. There is no evidence of fault in the way the Council determined this planning application. However, the delay in responding to Mr X's complaint was fault, for which the Council has apologised.
3. Mr X complained the Council failed to impose a planning condition to require a vehicle turning space on land over which he has a right of access. We found fault because the Council cannot show it properly considered an existing planning condition. The fault has resulted in difficulties for Mr X when manoeuvring his car. Because of this, we recommended an apology and a review of procedures to avoid recurrence of the fault we found. The Council has agreed to our recommendations.

These three examples show that the Ombudsman attaches a degree of significance to the impact on people who make complaints and it is something that we have picked up on to record in dealing with complaints with the new complaint handling code.

2.9 Below are some examples of service improvements issued to a selection of local authorities in the year ending 31 March 2024:

1. Environment and regulation, Sub Category: Cemeteries and crematoria
The Council should engage a suitably qualified engineer to survey the site / ascertain the causes of the flooding and ensure the current drainage system at the cemetery is properly understood. It should use the survey report to determine whether remedial work required to address the issues identified. Until the Council is confident that a permanent solution has been implemented for the drainage issues, it should ensure that staff provide clear information about the potential flooding problem to any new families making enquiries about burial plots in the affected areas of the cemetery.
2. Other Categories, Sub Category: Other
Remind staff involved with the single point of contact that new complaints should be appropriately responded to in accordance with published timescales.
3. Category: Benefits and tax, Sub Category: Council tax
Review its processes to ensure that where the Council takes action to collect outstanding Council Tax and there is also a pre-existing liability, it clearly and transparently explains to debtors how it will apply any payments made and the consequences to them of this.
4. Housing, Sub Category: Allocations
The Council has agreed within three months of the date of my final decision, to: review its procedures for dealing with reviews about housing allocation decisions to ensure review decisions are accurate, contain reasons and provide a right of review where appropriate; and remind staff that when information is received indicating a change of circumstance that further enquiries should be made of the applicant to ensure full information about their situation is obtained.

5. Other Categories, Sub Category: Leisure and culture
Ensure there is an approved and formalised process in place between the Council and its contractor that provides for a right of review of a decision affecting a person using a community building run by its contractor.
6. Category: Planning, Sub Category: Planning applications
The Council will remind officers approving applications for nonmaterial amendments to ensure the decision document records the reasons for approving the nonmaterial amendment. The Council will remind officers dealing with complaints of the need to adhere to the complaint timescales and ensure complaint responses address issues raised by the person who has complained.
7. Category: Planning, Sub Category: Enforcement
The Council was at fault because it cannot show it properly considered an existing planning condition. The Council agreed to review what has happened and decide whether changes to practice and procedures or further officer training are necessary to avoid recurrence of the fault we found. The Council also agreed to report the outcome of the review to the Ombudsman.

2.10 Further details can be found in the Ombudsman’s Annual Review of complaints which is available on their [website](#) along with individual data for every local authority in the UK covered by the Ombudsman.

2.11 The Ombudsman has drawn attention to the fact that because they are being more selective with the complaints investigated the uphold rate has tended to increase across the board. They have suggested councils compare themselves with other similar borough and district councils instead of looking at statistics for previous years.

2.12 Set out below is some comparative data for 2023/24 with neighbouring councils:

Authority	2023/24	2023/24	2023/24	2023/24	2023/24
	Number of complaints investigated	Number of complaints upheld	Compliance rate %	Satisfactory remedies before reaching the Ombudsman	Number of Service Improvements issued
Elmbridge	3	1	100	0	1
Epsom and Ewell	4	2	100	0	1
Guildford	5	3	100	2	0
Mole Valley	2	2	100	0	1
Reigate and Banstead	1	1	100	0	1
Runnymede	1	1	100	0	0
Spelthorne	0	0	0	0	0
Surrey Heath	1	1	100	0	1
Tandridge	3	3	100	0	1
Waverley	1	1	100	0	1
Woking	0	0	0	0	0
Surrey County Council	158	141	100	4	43

Members are asked to note that the number of decisions upheld does not always result in a service improvement being issued.

3. Policy framework implications

- 3.1 Dealing with Ombudsman cases forms part of the Council's Complaints Policy and supports the Corporate aim of empowering communities.
- 3.2 With the introduction of the new complaint handling code and our updated complaints policy it is anticipated that we may see an increase in the number of complaints and subsequent appeals to the Ombudsman because the new policy framework has made our process more accessible and transparent, and we signpost to the Ombudsman service at each stage. It should be recognised though that this is not necessarily a negative outcome; rather it reinforces the Council's commitment to taking complaints seriously and making continuous service improvements.
- 3.3 As a matter of good practice we have reviewed our guidance to staff on dealing with complaints that are referred to the Ombudsman. The Housing Ombudsman tends to deal with the relevant Corporate Head and her staff directly. In respect of the Local Government Ombudsman, the Council's Link Officer is the first point of contact for staff to liaise with.

4. Resource implications/Value for Money (where applicable)

- 4.1 The Ombudsman Link Officer carries out this role as part of their normal duties in consultation with key contacts from each of the business centres. Therefore, there are no additional resource implications in this regard.
- 4.2 Members are asked to note that we may experience an increase in complaints with our updated policy which makes it easier for people to lodge a complaint.
- 4.3 If we did have more referrals to the Ombudsman this would have a consequential increase on Officer time, particularly for Corporate Heads. However, at the recent training on complaint handling, the Ombudsman indicated that if they noticed a significant increase in referrals, they would look for trends and would engage with us at an early stage before automatically deciding to investigate.

5. Legal implications

- 5.1 This report fulfils the Council's Statutory duty under section 5(2) of the Local Government and Housing Act 1989.
- 5.2 If a Local Authority is the subject of a public interest report issued by the Ombudsman, there is a statutory requirement on the Monitoring Officer to publish a public announcement in the press, as well as to consider the report at a high-level of decision making at the Council; which is this Committee.
- 5.3 Not a statutory requirement, but the Ombudsman has observed that some councils have also proactively shared such reports with residents through social media or newsletters.
- 5.4 This Council has not had any public interest reports issued in the last 11 years.
- 5.5 As stated in this report, there was one case upheld classed as 'fault and injustice' in the year ending 31 March 2024 (Housing).

6. Equality implications

- 6.1 The Council has a duty under the Equality Act 2010. Section 149 of the Act provides that we must have due regard to the need to;
- a) eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act
 - b) advance equality of opportunity
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.
- 6.2 We should at all times act in a way that is non-discriminatory through our policies and procedures and interactions with people.
- 6.3 An analysis of the cases handled by the Ombudsmen for the year ending 31 March 2024 suggests that age and/or disability was engaged in the housing case upheld by the Ombudsman but not that we acted in a discriminatory way in this regard.

7. Environmental/Sustainability/Biodiversity implications

- 7.1 None.

8. Background papers

LGO Register and papers from the Local Government and Housing Ombudsmen (part exempt)

9. Appendices

Appendix A Annual Letter from the Ombudsman