

Report title	Local Government Ombudsman Annual Report 2022/2023
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Department	Law and Governance
Exempt?	No

Purpose of report:
For information

Synopsis of report:
To present the results of Runnymede Council’s KPIs and Annual report of the Local Government and Social Care Ombudsman for the year ending March 2023

Recommendation(s):
None. This report is for information.

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.
- 1.3 Ombudsman cases are part of the corporate KPIs. We report how many cases there have been and how many were upheld in each quarter.

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

- 2.1 The Ombudsman issued their annual letter for 2022/2023 together with the statistics relating to Runnymede on 19 July 2023. The letter is attached at Appendix ‘A.’
- 2.2 For the year ending 31 March 2023, there were 9 cases referred to the Ombudsman and 10 decisions issued (as one decision relates to the previous year). Two cases were referred to the Housing Ombudsman. The Ombudsman upheld all three cases they investigated and the remaining cases were either not upheld or closed after initial enquiries with no further action required. In addition, the Housing Ombudsman issued decisions for three cases, one was upheld (the case was referred last year but the decision issued in May 2022), one determined as outside their jurisdiction and the

other was referred back to us to resolve because the resident complained to the Housing Ombudsman before going through our internal processes.

- 2.3 The three Ombudsman cases that were upheld were Housing cases. Compensation was awarded in two cases. The Ombudsman was satisfied with the remedies already made in two of the cases before they reached them. Both were complex cases with a number of different strands. In the third case our remedy was made post investigation (hence the statistic of 67% satisfactory remedy) and included compensation being awarded. As a result of this case an update was made to the Home Assistance Policy which was approved recently by both the Housing and Community Services Committees. The summary text of the service improvement is set out below:

“The Council will ensure its staff are aware council tenants can apply for a Disabled Facilities Grant although this will be funded differently”.

- 2.4 As is usual practice, the Ombudsman deals with enquiries but does not always advise us at the time. This accounts for three of the referrals not being on our register. The narrative provided by the Ombudsman in these cases confirms that the complainants were referred back to us for resolution because their complaints were either premature and/or had not been through our internal complaints process i.e. the complainant went directly to the Ombudsman instead of raising a complaint with us first.

- 2.5 The three remaining cases which were not upheld and which we were advised about at the time concerned Corporate Services (HR) and Customer Services which were closed as not within the Ombudsman’s remit, and Planning which was classed as incomplete and invalid as there was insufficient information to proceed.

- 2.6 Service Improvements are useful for lessons learned. Some common themes from data for other local authorities include:

- The Council will consider its policy for dealing with noise complaints and ensure it has included the need to write to complainants to tell them the outcome of an investigation into noise nuisance and of their option to pursue private action under section 82 Environmental Protection Act 1990.
- Remind staff to respond to complaints within the timeframes in the Council’s complaints policy, and ensure complainants are updated if the Council is not able to respond within this timeframe
- The Council will issue written reminders to relevant staff to ensure they adhere to the timescales set out in the complaints procedure. They should keep complainants updated if there are going to be delays
- The Council will send a memo to officers dealing with complaints to remind them if a person raises concerns about how a decision that affects them has been reached it can be dealt with under the complaints procedure for those matters where there is no right of appeal.
- a) produce clear guidance to staff on how and when to consider whether they need to make any reasonable adjustments for service users. This should include, for example, asking the service user if the Council needs to make any adjustments in the way it communicates with them to ensure the complainant can fully access its service. This guidance should be clearly embedded in the Council’s guidance on handling complaints and its procedure on benefit claims; b) share this decision with relevant staff

members; and c) provide the Ombudsman with evidence that these actions have been completed.

- The Council has agreed 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.
- The Council will provide evidence to the Ombudsman that it has begun regular fire alarm testing at Miss B's building and that it is keeping a record of those tests. The Council should then monitor the records for the next three months to ensure the tests continue to take place. The Council will put in place person centred risk assessments and personal evacuation plans for the building. The Council will put in place a procedure to ensure the necessary fire risk assessments are undertaken each year/every two years and provide evidence to the Ombudsman to show how that will be addressed going forward.
- The Council will confirm and provide evidence of the amendments it proposes to letters and its website ensuring claimants are aware of their right to appeal to the Social Security Tribunal and the Valuation Tribunal. The Council will share this decision and remind staff dealing with housing benefit and council tax claims to advise claimants of their rights of appeal to the Social Security Tribunal and the Valuation Tribunal.

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- 2.7 Further details can be found in the Ombudsman's Annual Review of complaints which is available on their website. [Local government complaint reviews - Local Government and Social Care Ombudsman](#) along with individual data for every local authority in the UK.
- 2.8 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.
- 2.9 Set out below is some comparative data for 2022/2023 with neighbouring councils:

Authority	2022/2023	2022/2023	2022/2023	2022/2023	2022/2023
	Number of complaints investigated	Number of complaints upheld	Compliance rate	Satisfactory remedies before reaching the Ombudsman	Number of Service Improvements issued
Elmbridge	4	2	100%	0	1
Epsom and Ewell	4	2	100%	1	1
Guildford	2	2	100%	0	2
Mole Valley	1	1	100%	0	0
Reigate and Banstead	4	3	100%	1	1
Runnymede	3	3	None due	2	1
Spelthorne	0	0	N/a	N/a	0
Surrey Heath	3	2	100%	0	1
Surrey County Council	81	68	100%	6	103
Tandridge	3	3	100%	1	1
Waverley	7	6	100%	1	1
Woking	0	0	N/a	N/a	0

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.

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.

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 In the last ten years, this Council has not had any public interest reports issued.

5.5 As stated in this report, there were three cases of 'maladministration and injustice' (one relates to a complaint received last year), one of 'fault and injustice' and one upheld in the year ending 31 March 2023 (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 2023 suggests that age and/or disability was engaged in the housing case upheld by the Ombudsman and which resulted in a change to the Housing Assistance Policy to create a tenure neutral policy which has been communicated to all staff with particular training for relevant staff in Housing.

7. Environmental/Sustainability/Biodiversity implications

7.1 None.

8. Background papers

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

9. Appendices

Appendix 'A' Annual Letter from the Ombudsman