

EXTERNAL REVIEW BY THE LOCAL GOVERNMENT AND SOCIAL OMBUDSMAN AND THE HOUSING OMBUDSMAN

All complainants who exhaust the Council’s procedures are provided with the Local Government and Social Care Ombudsman and Housing Ombudsman contact details. The day to day management of the relationship with the Local Government and Social Care Ombudsman and Housing Ombudsman is undertaken by a dedicated link officer who acts on behalf of the Chief Executive in this respect.

The Housing Ombudsman

From 1 April 2013, the Localism Act 2011 extended the jurisdiction of the Housing Ombudsman to cover all social landlords, including Councils. The Housing Ombudsman is able to consider housing complaints in so far as they relate to the provision or management of housing. The Local Government and Social Care Ombudsman would investigate complaints about allocations and the lettings policy.

The Housing Ombudsman’s Complaint Handling Code was revised in April 2022. The Code aims to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements. Landlords must comply with some elements of the code and it is recognised that this will mean adapting complaints policy and practice to ensure compliance. Following the reintegration of Housing Services into the Council, a revised Council complaints policy was agreed. Complaints relating to the Council’s role as social landlord are dealt with in line with the Housing Ombudsman’s Complaint Handling Code under a two stage process.

During 2021/2, the Housing Ombudsman issued three determinations in regard to complaints made against the Council. In one determination, there was no maladministration by the Council and in the other three, the Council took the required actions.

During 2022/23, the Housing Ombudsman issued four determinations in regard to complaints made against the Council. In one determination, there was no maladministration by the Council and a summary of the Housing Ombudsman’s other three determinations and the actions taken by the Council is detailed below:-

Case	Housing Ombudsman’s Decision	Remedy	Category
1.	There was maladministration in the Council’s handling of repairs at the property and in its complaint handling and record keeping	The Council agreed to apologise for the failings identified, re-offer £150 decoration vouchers and £180 if not previously accepted, pay £550 compensation for distress and inconvenience, inspect	Housing, Environment and Healthy Communities

		the property to ensure previous repairs were carried out to an acceptable standard, ask the resident if they wished to raise a complaint about issues during a specified period and remind staff of the importance of keeping a clear audit trail of all repairs and the complaints policy's timescales and exclusions	
2.	There was service failure in the Council's response to the request for remedial action to the trees overhanging their property and maladministration in respect of its complaint handling	The Council agreed to pay £400 compensation comprising £100 for poor communication, £100 for inconvenience caused in raising the complaint and £200 for poor complaint handling	Housing, Environment and Healthy Communities
3.	The Council's offer of redress regarding the delays in rewiring the property resolved the complaint satisfactorily	The Council agreed to pay £150 compensation and give an update on the completion date for the rewiring	Housing, Environment and Healthy Communities

The Council has a maladministration rate of 50% compared to the national maladministration rate of 55%

The Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman provides a free independent and impartial service to the public. Protocols are in place between the Council and the Local Government and Social Care Ombudsman that provide for the majority of cases to be considered through the Council's own procedures before any investigation is considered by their office.

Complaints, not relating to the Council's role as social landlord, are dealt with in line with the Local Government and Social Care Ombudsman's Effective Complaint Handling for Local Authorities guidance under a three stage process.

The Local Government and Social Care Ombudsman has recently carried out consultation on its Joint Complaints Code with the Housing Ombudsman. The Local Government and Social Care Ombudsman is now considering the responses received with the Housing Ombudsman.

In 2021/22, the Local Government and Social Care Ombudsman investigated eight complaints against the Council, six were not upheld and two were upheld.

In 2022/23, the Local Government and Social Care Ombudsman investigated fourteen complaints against the Council. Of these, six were not upheld and a summary of the Local Government and Social Care Ombudsman's findings and the actions taken by the Council for the eight cases upheld is detailed below:-

Case	Ombudsman's Decision	Remedy	Category
1.	No evidence to show care provider considered a resident's inconsistency in using a call buzzer when stopping overnight checks	The Council should ensure the care provider keeps sufficient records to show what factors it considered, including the risks, when making decisions to stop overnight checks and its reasons for the decision	Integrated Adults and Social Care Services
2.	Poor record keeping and communication from both the Council and the care provider caused uncertainty and distress	The Council had apologised, written off some advance care charges and acted to improve its services and agreed to pay £200 for the distress and uncertainty caused	Integrated Adults and Social Care Services
3.	Recommended the Council apologise to complainant and family and pay them £250 to recognise the distress the incident caused them	An apology and payment was made to the complainant and family	Integrated Adults and Social Care Services
4.	Complaints process had taken too long but was very thorough	The Council agreed to pay £250 and take steps to tighten up the future operation of the complaints process	Childrens Social Care and Lifelong Learning
5.	Fault in delaying consideration of complaint at Stage 2 of the statutory procedure for children's services complaints	Stage 2 initiated and a payment of £100 to reflect the Stage 2 delay and uncertainty caused was agreed	Childrens Social Care and Lifelong Learning
6.	The Council failed to address all the injustice caused to the complainant and family by the faults identified	The Council agreed to pay £500 to reflect the missed opportunity to consider and act on the concerns raised, arrange a meeting with the complainant and provide evidence that the Stage 2 and 3 recommendations had been carried out	Childrens Social Care and Lifelong Learning

7.	The Council failed to tell the complainant that its investigation of their report of a breach of planning consent was closed and delayed responding to some of the correspondence	The Council agreed to apologise and remind officers of the need to inform members of the public reporting planning consent breaches of its decision to end an investigation and why	Economy, Innovation and Growth
8.	The care provider accepted it should have been more proactive with the administration of medication	The Council agreed to pay £500 to remedy the injustice caused	Integrated Adults and Social Care Services

57% of the complaints against the Council investigated by the Local Government and Social Care Ombudsman were upheld. The complaints upheld rates in the neighbouring Authorities were between 50-91%

The Local Government and Social Care Ombudsman now monitors his specific recommendations to remedy any fault he finds and follows up with Councils to seek evidence that the recommendations have been implemented. The Local Government and Social Care Ombudsman has confirmed that the Council complied with all his recommendations on time.