

Report to: Cabinet
Date of Meeting: 2 October 2019
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Subject: **Complaints to the Ombudsman during 2018/19**

Purpose of report: This report provides information on complaints referred to and decided by the Local Government and Housing Ombudsman during 2018/19

Recommendation: That Cabinet notes the report and learning points arising from complaints decided during the year

Reason for recommendation: To continue to improve the way we handle, and learn from, complaints

Officer: Henry Gordon Lennox, Monitoring Officer

Financial implications: There are no direct financial implications.

Legal implications: As the report is for information there are no direct legal implications arising. However, the outcomes do highlight some learning points which should be taken on board to avoid similar complaints in the future.

Equalities impact: Low Impact

Risk: Medium Risk
Potential criticism, deterioration in reputation and failure to improve. Loss of credibility in complaints procedure.

Links to background information: <http://eastdevon.gov.uk/feedback-and-complaints/making-a-complaint/complaint-outcomes/>
<https://www.lgo.org.uk/your-councils-performance/east-devon-district-council/statistics>

Link to Council Plan: Continuously improving to be an outstanding council

Report in full

1. Complaints to the Local Government Ombudsman (LGO)

1.1 21 complaints were received by the LGO during the year, compared to 24 received during 2017/18. A summary of the subject of the complaints is provided in the diagram below:



1.2 20 complaints were closed (decided) by the Ombudsman during the year:
(Key to terms in pie chart below)

Upheld: Maladministration – with or without injustice

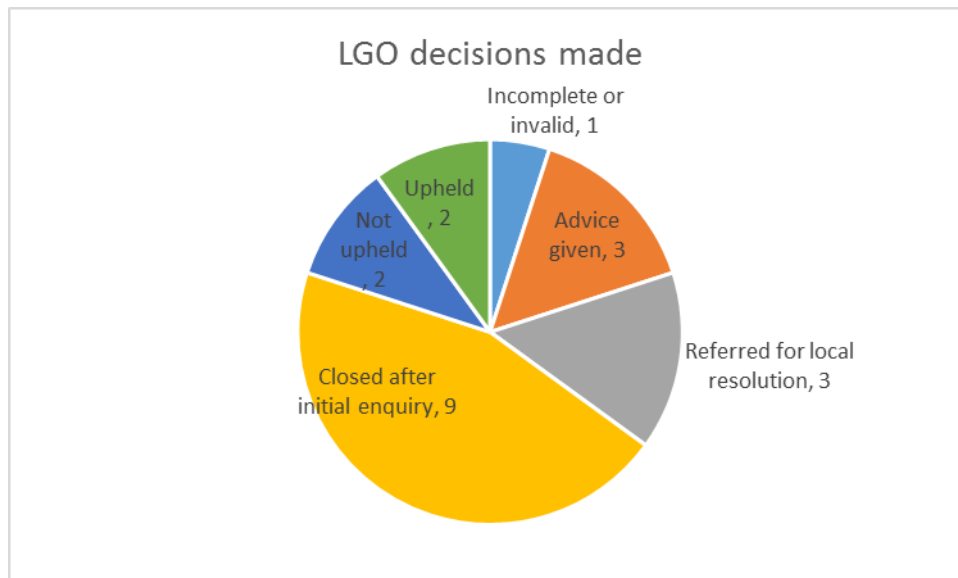
Not upheld: No maladministration

Incomplete or invalid: Insufficient information to be able to pursue an investigation

Referred for local resolution: Premature complaint referred which has not been considered by the council

Advice given: Complainant referred to other organisation or back to council for consideration through internal complaints procedure

Closed after initial enquiries: Complaint out of time/alternative remedy available or insufficient evidence of injustice



1.3 2 complaints were upheld and a copy of the decision notice for each is published on our website – see links to background information above.

Complaint 1: The complainants alleged that the council did not properly inform them of re-sale restrictions on their former council-owned property and that this meant that the property was over-valued at the time of purchase and it refused the number of potential buyers when they came to sell. The Ombudsman concluded that the council was not at fault in the information provided at the time of purchase but that it was at fault for not properly documenting the complainants' request for a review of the restriction. This process is currently being reviewed as part of a wider review of Right to Buy policy.

Complaint 2: The complainant alleged fault in the way the council discharged a planning condition relating to the disposal of surface water. The Ombudsman concluded that there was fault in the way the council assessed the proposal to discharge this condition but that the fault did not cause the complainant any injustice. The council was not required to take any steps in terms of remedial action.

2. Links to council priorities

- 2.1 The council has agreed to incorporate the recommendation about properly documenting requests for the lifting of s157 re-sale restrictions into a wider review which was already planned of Right to Buy policy.
- 2.2 This complaint links in with the council's priority to continuously improve to be an outstanding council.

3. Reporting requirements

- 3.1 The Ombudsman has outlined that the organisation has been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements.

- 3.2 An interactive map has been produced and is available to view on the Ombudsman's website. This is linked with their decisions, annual letters and service improvements and also outlines authority compliance with ombudsman recommendations (currently 100% for EDDC).
- 3.3 It is encouraging to note that, in all but one case, the council was not found to be at fault in respect of the core element of the complaint. The council has not been required to provide any financial remedy to a complainant during the year and the only recommendations have been procedural. Learning points identified are outlined in point 5 below.

4 Housing Ombudsman

- 4.1 Complaints about the council as social housing landlord are considered by the Housing Ombudsman. This does not include complaints about allocations or bandings as these matters still fall within the jurisdiction of the Local Government Ombudsman. Complaints referred to the Housing Ombudsman tend to focus on matters such as property repairs and maintenance and estate management issues.
- 4.2 In 2018/19, one complaint was decided by the Housing Ombudsman which incorporated a number of elements, most of which did not fall within the responsibility of the Housing Ombudsman. One element of the complaint was that the council had not responded properly to the complainant's concerns about the conduct of a member of staff. The Housing Ombudsman concluded that the council had considered and responded to the complaint appropriately and was not required to take any further steps.

5 Learning points

- 5.1 As the Local Government points out in his letter, considering volumes of complaints alone is not an effective measure of the quality of services being provided by the Council. The important thing is that the council continuously learns from, and improves, as a result of complaints received.
- 5.2 The complaint outcomes highlighted above show that it is sometimes the process of documenting its actions that can result in the council being criticised. In the two Local Government Ombudsman cases, whilst the council was not found to be at fault in respect of its actions, it was criticised for not formally documenting its decision making in both cases.