

Ward: N/A

## Local Government Ombudsman Complaints

### Report by the Director for Customer Service

#### 1.0 Summary

1.1 This report provides further quarterly analysis on the Local Government Ombudsman (LGO) complaints that have been processed by the Councils.

#### 2.0 Background

2.1 The Commission for Local Administration in England was created by Part 3 of the Local Government Act 1974 to run the Local Government Ombudsman service. The Local Government Ombudsman investigates complaints by members of the public who, generally, have had complaints considered by the Local Authority, but still consider that they have been caused injustice by the administrative actions of Local Authorities and other bodies within the jurisdiction of the LGO.

2.2 Since April 2013 The Housing Ombudsman Service has also been available to consider complaints from Adur Homes tenants. The Housing Ombudsman can investigate complaints from tenants and make awards of compensation as well as supporting effective landlord-tenant dispute resolution. An Adur Homes Tenants Complaints Panel is in place to review complaints that have already been through the Council's existing two stage complaints procedure. The Panel is required to review complaints prior to consideration by the Housing Ombudsman. As yet, no complaints relating to Adur Homes tenants have been referred through to the Housing Ombudsman.

2.3 The Committee has previously requested further analysis on the LGO complaints and as part of this it received a report to its meeting on 29 September 2015.

#### 3.0 Analysis of Complaints for 2015/16

3.1 Increased scrutiny and analysis of complaints continues to ensure that the available complaints data is accurate.

3.2 The Director for Customer Services, who is the Ombudsman link for both Councils, has commissioned a new digital complaints recording system which is about to be released. The system will enable the Councils to provide even more accurate complaints data as well as streamlining the complaints handling process.

- 3.3 In addition, the recent restructure of Customer Service has created additional capacity for and focus on the analysis of complaints and other data, including consideration of the detailed Focus reports produced by the Ombudsman which collate trends and themes across all local authorities, to inform ongoing service improvements, and a closer focus on the customer.
- 3.4 For this report, an analysis of updated LGO complaints information is provided below. This is showing the decisions from 3 Worthing Borough Council referrals included in the previous report which were pending at that time. Of those, 2 of the referrals have found no evidence of fault and have not been upheld and 1 decision has found some evidence of fault by the Council. New referrals are showing that for Adur District Council there were 4 referrals, 2 of which were not upheld and 2 decisions are pending and for Worthing Borough Council there was 1 referral which was not upheld.

| Description of complaint                                                                                                                                                                                                              | LGO Decision                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Adur District Council</b>                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                              |
| Complaint that the Council wrongly took the complainant to Court over fraud charges related to overpayments of benefit, wrongly withdrew his benefit payments and failed to repay a promised housing benefit payment                  | Decision pending                                                                                                                                                                                                                                                                                                             |
| Complainant disagreed with the Council's decision that she should repay overpayments of housing benefit and Council Tax support and claimed that overpayments arose due to fault by the Council.                                      | No evidence of fault by the Council. LGO agreed not to investigate the complaint because it was reasonable to expect the complainant to use her appeal rights.                                                                                                                                                               |
| Complaint about the way the Council considered his neighbour's planning application in 2011 and the way it considered subsequent applications.                                                                                        | No evidence of fault causing injustice. Not upheld.                                                                                                                                                                                                                                                                          |
| Complaint that the Council has failed to deal properly with the complainant's housing benefit and Council Tax matters which the complainant claims has resulted in unnecessary recovery action, considerable rent arrears and stress. | Decision pending.                                                                                                                                                                                                                                                                                                            |
| <b>Worthing Borough Council</b>                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                              |
| Complaint that the Council overlooked the complainant's application for the tenancy of a flat and offered it to someone else. <b>(Complaint included in previous report when decision was pending)</b>                                | No evidence of fault. Not upheld, Council acted in accordance with its Policy for allocating properties to people in priority need on the housing register.                                                                                                                                                                  |
| Complaint that the Council failed to assist the complainant when he faced homelessness. <b>(Complaint included in previous report when decision was pending)</b>                                                                      | Some evidence of fault by the Council found. The Council delayed in responding to the initial complaint from the complainant. Complaint upheld. Council has apologised to complainant for delays in responding and has been requested to take lessons from the complaint to ensure that the same errors do not happen again. |

|                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                             | <b>(Note:</b> The Director for Communities has instigated a review of processes taking place in the Housing Solutions team currently. This will see the introduction of a new integrated casework management system that will greatly improve record keeping and case management. In turn this will significantly reduce the risk of the type of fault reported in this case happening again. |
| Complaint that the Council twice delayed validating a planning application for development of the site which the complainant owns. <b>(Complaint included in previous report when decision was pending)</b> | No evidence of fault. Not upheld.                                                                                                                                                                                                                                                                                                                                                             |
| Complaint that the Council had not allowed the complainant to join the housing register.                                                                                                                    | No evidence of fault. Not upheld.                                                                                                                                                                                                                                                                                                                                                             |

3.5 The Service areas which have been generating the recorded LGO complaints during the previous 24 months are broken down as follows. It has not been possible to provide information comparing these figures with other similar Local Authorities:-

|                                 |                                          |
|---------------------------------|------------------------------------------|
| <b>Adur District Council</b>    |                                          |
| Planning                        | 3 (Not upheld)                           |
| Housing Services                | 1 (Partially upheld)                     |
| Environmental Health            | 2 (1 not upheld and 1 partially upheld)  |
| Census (Revenues & Benefits)    | 4 (2 not upheld and 2 decisions pending) |
| <b>Worthing Borough Council</b> |                                          |
| Parks & Foreshore               | 2 (Not upheld)                           |
| Housing Services                | 2 (Not upheld)                           |
| Planning                        | 2 (Not upheld)                           |
| Revenues & Benefits             | 2 (1 upheld and 1 not upheld)            |
| Democratic Services             | 1 (Not upheld)                           |

#### 4.0 Proposals

4.1 That the Committee notes the contents of the report and agrees to receive a further report in September 2016 analysing the next batch of Local Government Ombudsman complaints which are received.

## **5.0 Legal**

5.1 The role of the Local Government Ombudsman is governed by Part 3 of the Local Government Act 1974.

5.2 Section 111 of the Local Government Act 1972 allows the Council to do anything which is calculated to facilitate or is conducive or incidental to, the discharge of any of their functions.

## **6.0 Financial implications**

6.1 There are no financial implications arising from this report.

## **7.0 Recommendation**

7.1 That the Committee notes the contents of the report and agrees to receive a further analysis of Local Government Ombudsman complaints in September 2016.

## **Local Government Act 1972**

### **Background Papers:**

None.

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## **Schedule of Other Matters**

### **1.0 Council Priority**

1.1 Matter considered and no issues identified.

### **2.0 Specific Action Plans**

2.1 Matter considered and no issues identified.

### **3.0 Sustainability Issues**

3.1 Matter considered and no issues identified.

### **4.0 Equality Issues**

4.1 Matter considered and no issues identified.

### **5.0 Community Safety Issues (Section 17)**

5.1 Matter considered and no issues identified.

### **6.0 Human Rights Issues**

6.1 Matter considered and no issues identified.

### **7.0 Reputation**

7.1 Responding in a timely and open manner to investigations by the Local Government Ombudsman assists the Council to improve their service, service delivery and reputation.

### **8.0 Consultations**

8.1 Matter considered and no issues identified.

### **9.0 Risk Assessment**

9.1 Matter considered and no issues identified.

### **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified.

### **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

### **12.0 Partnership Working**

12.1 Matter considered and no issues identified.