



ADUR & WORTHING  
COUNCILS

Joint Governance Committee  
24 November 2020

Ward(s) Affected:N/A

**Local Government Ombudsman and Housing Ombudsman Monitoring Report  
2019/20**

**Report by the Director for Digital, Sustainability & Resources**

**Executive Summary**

**1. Purpose**

1.1 This report reviews the Annual Review letters of the Local Government Ombudsman (LGO) relating to Adur District Council and Worthing Borough Council for the year ended 31 March 2020. The report also includes information on complaints received from the Housing Ombudsman (HO) in relation to Adur District Councils' Housing landlord role.

**2. Recommendations**

2.1 That the Committee note the contents of the report.

**3. Context**

3.1 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.

3.2 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.

- 3.3 The LGO provides a free, independent and impartial service. When they receive a complaint they are on the side of neither the complainant nor the respondent Authority. In each case, they investigate whether there has been any administrative fault that has caused a personal injustice to the complainant.
- 3.4 If the LGO finds that something has gone wrong and that a person has suffered as a consequence, they aim to get it put right with a satisfactory remedy. The remedy will depend on the circumstances of the complaint and, in some cases, the Authority will be asked to pay compensation.
- 3.5 The Housing Ombudsman (HO) was given jurisdiction to deal with local authority landlord complaints by the Localism Act 2011. The service provided is free, independent and impartial. The HO resolves disputes involving the tenants and leaseholders of social landlords (housing associations and local authorities) and also voluntary members (private landlords and letting agents who are committed to good service for their tenants).
- 3.6 The HO considers complaints using dispute resolution principles and encourages landlords and residents to use the principles so that they can resolve complaints together at the earliest opportunity. To ensure that the HO service is open and transparent, the HO will later this year begin to publish, on its website, the complaints information on individual landlords for 2019/20 and from early 2021 will also publish all HO complaint determinations.

#### **4. LGO Annual Review Letters 2019/20**

- 4.1 The LGO received 8 complaints and enquiries about Adur District Council for the year ended 31 March 2020 compared with 11 for the year ended 31 March 2019. A copy of the LGO's letter is appended to the report as Appendix 1.
- 4.2 Members have historically asked to have comparative information and Table 1 provides the total number of complaints and enquiries received by the Local Government Ombudsman in relation to Adur District Council over the past 9 years. These range from 8 - 15.

**Table 1**

<b>Enquiries and Complaints received</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013 /14</b>	<b>2014 /15</b>	<b>2015 /16</b>	<b>2016 /17</b>	<b>2017 /18</b>	<b>2018 /19</b>	<b>2019 /20</b>
<b>Total</b>	<b>11</b>	<b>12</b>	<b>11</b>	<b>9</b>	<b>11</b>	<b>9</b>	<b>15</b>	<b>11</b>	<b>8</b>

- 4.3 During this period the LGO made 8 decisions on those complaints/enquiries about **Adur District Council**. Advice was given for 2 complaints/enquiries, 5 were closed after initial enquiries and 1 was not upheld. 2 of the complaints/enquiries were regarding Housing issues, 1 was regarding Planning & Development issues, 1 related to Highways & Transport issues, 1 related to Environmental Services & Public Protection & Regulation issues, 1 related to other services, 1 related to Corporate and other services and 1 was Null.
- 4.4 The LGO received 14 complaints and enquiries about **Worthing Borough Council** for the year ended 31 March 2020 compared with 16 for the year ended 31 March 2019. A copy of the LGO's letter is appended to the report as Appendix 2. During this period the LGO made 18 decisions regarding complaints/enquiries received. 6 were upheld, 7 were closed after initial enquiries, 1 was not upheld, 3 were referred back for local resolution and advice was given for 1 complaint. 8 of the complaints/enquiries related to Housing issues, 3 Planning & Development issues, 4 Benefits and Tax issues, 2 Corporate and other services issues and 1 Highways & Transport issues. Information on the upheld complaints is summarised in Appendix 3 to this report.
- 4.5 The comparative information relating to Worthing Borough Council is set out in Table 2 below. Complaints and enquiries during these times have ranged from 5 - 24.

**Table 2**

Enquiries and Complaints received	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
<b>Total</b>	24	16	18	23	9	5	11	16	14

## 5. HO Monitoring information for 2019/20

- 5.1 The HO received 13 complaints and enquiries about Adur District Council for the year ended 31 March 2020 compared with 13 in 2018/19 and 6 in 2017/18.
- 5.2 During this period the HO made 4 decisions on those complaints/enquiries about **Adur District Council**. 2 of these were determined as maladministration and 2 were partial maladministration. 2 of the complaints/enquiries received by the HO related to complaints handling, 1 was regarding home ownership issues, 1 related to landlord advice, 2 related to moving to a property, 1 was outside of the HO jurisdiction, 7 related to property condition and 3 related to tenants behaviour. (**Note:** A single complaint/enquiry can have multiple complaint categories in the HO recording system)

- 5.3 A total compensation award of £970 for the year was made by the HO. Property condition was the main reason for complaints (46%), followed by tenants behaviour at 23%.
- 5.4 Information on the upheld complaints is summarised in Appendix 3 to this report.

## 6. Analysis of upheld complaints

- 6.1 Comparative information on upheld LGO complaints across the other District Councils in West Sussex is set out in the table below:-

<b><u>Local Authority</u></b>	<b><u>Number of upheld complaints as a % of investigations</u></b>
<b>Adur District Council</b>	<b>0 out of 1 investigation (0%)</b>
Arun District Council	4 out of 9 investigations (44%)
Chichester District Council	1 out of 7 investigations (14%)
Crawley Borough Council	1 out of 4 investigations (25%)
Horsham District Council	2 out of 6 investigations (33%)
Mid Sussex District Council	2 out of 6 investigations (33%)
<b>Worthing Borough Council</b>	<b>6 out of 7 investigations (86%)</b>

- 6.2 In 2019/20 the LGO upheld an average of 45% of complaints which it investigated in similar Authorities across England which compares with 43% in 2018/19.
- 6.3 In 2019/20 Adur District Council has again recorded 0 LGO upheld complaints. For Worthing Borough Council, however, there has been an increase in the number of LGO upheld complaints from 4 out of 6 investigations in 2018/19 to 6 out of 7 investigations in 2019/20. Clearly this is an increase of 50% in upheld complaints compared with 2018/19 and action has been taken by Services to ensure that these issues do not re occur, In house complaints handling training has also been provided in 19/20 and an on line complaints training module is being provided during 20/21 for staff who are responsible for responding to complaints. However, the numbers of upheld complaints are relatively low compared with the number of transactions undertaken by the Councils.
- 6.4 The LGO also has a performance measure which provides statistics about Local Authority compliance with LGO recommendations. This change has been made to enable the LGO to monitor the implementation of its recommendations to remedy any fault found. In 2019/20 there were no

complaints for Adur where a response or failure to respond to the recommended remedy was recorded. For Worthing the compliance rate with the Ombudsman recommendations was 100%.

## **7. Issues for consideration**

7.1 In line with its role as a steward of the Constitutional framework and Standards, ethics and probity monitoring, the Committee is requested to note and review the analysis of complaints received by the Local Government Ombudsman and Housing Ombudsman during 2019/20 as set out in this report and detailed in the Annual Review letters and Appendices to this report.

## **8. Engagement and Communication**

8.1 The decisions of the Local Government Ombudsman and Housing Ombudsman are communicated to relevant Services as well as any requests for the Councils to undertake follow up actions. The Councils Leadership Team and Organisational Leadership Group have been consulted on the contents of this report.

## **9. Financial Implications**

9.1 There are no direct financial implications arising from this report but the upheld complaints may have involved some financial implications, with the payment of some compensation as referred to in the report.

## **10. Legal Implications**

10.1 The role of the Local Government Ombudsman is governed by Part 3 of the Local Government Act 1974. The role of the Housing Ombudsman to deal with local authority landlord complaints is governed by Part 7 of the Localism Act 2011.

10.2 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.

## **Background Papers**

Adur District Council Annual Review letter from Local Government and Social Care Ombudsman - July 2020

Worthing Borough Council Annual Review letter from Local Government and Social Care Ombudsman - July 2020

Housing Ombudsman monitoring report - September 2020

## **Officer Contact Details:-**

Mark Lowe

Scrutiny & Risk Officer

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## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered and no issues identified.

### **2. Social**

#### **2.1 Social Value**

Matter considered and no issues identified.

#### **2.2 Equality Issues**

Matter considered and no issues identified.

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

Matter considered and no issues identified.

#### **2.4 Human Rights Issues**

Matter considered and no issues identified.

### **3. Environmental**

Matter considered and no issues identified.

### **4. Governance**

Matter considered. Commitment to develop customer intelligence and insight function. Analysis of LGO and HO complaints will help in this process. Responding to Local Government Ombudsman and Housing Ombudsman investigations in a timely and open manner assists the Councils to improve their service, service delivery and reputation. Outcomes from Local Government Ombudsman and Housing Ombudsman investigations can impact on the Councils' reputation and lead to service improvements.





# Local Government & Social Care OMBUDSMAN

22 July 2020

*By email*

Mr Bailey  
Chief Executive  
Adur District Council

Dear Mr Bailey

## **Annual Review letter 2020**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

## **Complaint statistics**

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

**Satisfactory remedies provided by the authority** - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

### **Resources to help you get it right**

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

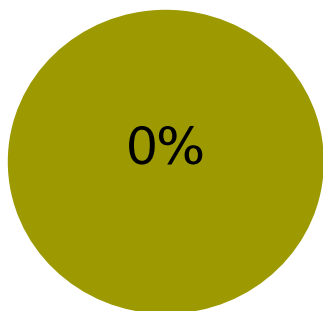
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

### Complaints upheld



**0%** of complaints we investigated were upheld.

This compares to an average of **45%** in similar authorities.

**0**  
upheld decisions

Statistics are based on a total of 1 detailed investigation for the period between 1 April 2019 to 31 March 2020

### Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

### Satisfactory remedies provided by the authority

The Ombudsman did not uphold any detailed investigations during this period



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**Satisfactory remedies provided by the authority** - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

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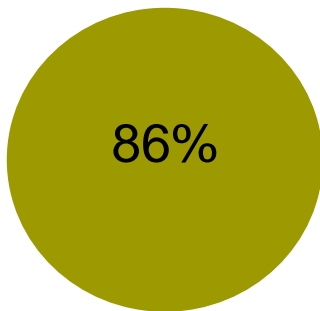
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### Complaints upheld



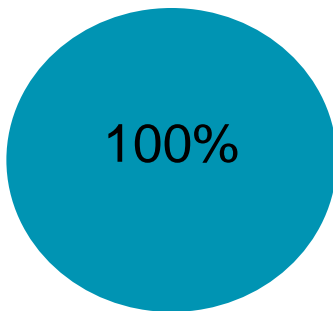
**86%** of complaints we investigated were upheld.

This compares to an average of **45%** in similar authorities.

**6**  
upheld decisions

Statistics are based on a total of 7 detailed investigations for the period between 1 April 2019 to 31 March 2020

### Compliance with Ombudsman recommendations



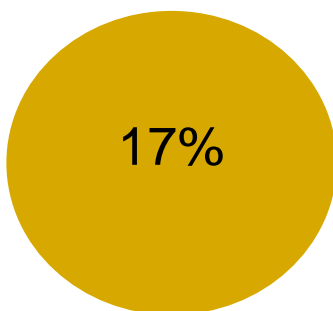
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **99%** in similar authorities.

Statistics are based on a total of 5 compliance outcomes for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedies provided by the authority



In **17%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar authorities.

**1**  
satisfactory remedy decision

Statistics are based on a total of 7 detailed investigations for the period between 1 April 2019 to 31 March 2020





## Local Government Ombudsman (LGO) upheld complaints

### **Housing complaints**

(a) **Ref No: 18011830** - Complaint about the way that the Council handled a housing matter. The Ombudsman found some evidence of fault by the Council. The Ombudsman did not consider the fault he found prevented the complainant from being offered permanent accommodation. For those reasons he ended his investigation of this complaint.

#### **LGO recommendations and compliance**

Council to pay the complainants storage charges for two months in recognition of the injustice caused to her. Training to be provided for the staff involved. LGO satisfied that the Council has carried out the agreed actions and the LGO involvement in the case has ended.

(b) **Ref No: 18005173** - Complaint about the Council's handling of a homelessness issue. The Ombudsman found that there was some fault by the Council. This resulted in delay in the Council treating the complainant as homeless. It also caused the complainant a missed opportunity and uncertainty.

#### **LGO recommendations and compliance**

The Council to apologise, pay the complainant £250 and review its actions including training to be provided for staff within one month. Council has complied with recommendations.

### **Benefit & Tax complaints**

(a) **Ref No: 18017571** - Complaint that the Council deducted money from the complainants earnings without notice and this left her in financial hardship and the Council did not properly consider her circumstances. The Ombudsman found fault in how the Council managed the recovery of housing benefit overpayments from the complainant which caused injustice.

#### **LGO recommendations and compliance**

Council was recommended to apologise, pay the complainant for distress and time and trouble and remind its officers of guidance on use of the DWP's Housing Benefits overpayments guide: 'Recovery of overpayments' and that direct earnings attachments should be used as a last resort. Council has complied with recommendations and LGO has ended his involvement in the case.

(b) **Ref No: 19003599** - The complainant, a landlord, complained that the Council had wrongly pursued him for council tax he was not liable for which resulted in a liability order against him. The complainant said this caused him distress and had damaged his reputation. The Ombudsman found that the Council was at fault when it failed to record tenancy details that the complainant had provided.

**LGO recommendations and compliance**

The Council had already apologised for the distress and inconvenience caused to the complainant, removed his liability and cancelled all costs. The Ombudsman considered that the actions by the Council were sufficient to remedy the injustice it caused.

**Note:** In both of the Benefit and Tax complaints referred to above, the Service area has reviewed and amended internal procedures as appropriate. The complaints were also treated as learning opportunities and training for team members was provided/reinforced to minimise the potential for the same situations recurring.

**Planning and Development complaints**

(a) **Ref No: 18015315** - Complaint about the Council's decision to approve a planning application, resulting in the complainant suffering loss of light, privacy and access. The complaint also stated that the Council failed to provide a final response to the complaint, causing distress.

**LGO recommendations and compliance**

The Ombudsman found fault in the Council's decision making process, but found that caused no significant injustice. The Ombudsman found fault in the handling of the complaint and recommended that the Council provide an apology and act to reduce the risk of recurrence by ensuring that it provides written complaint responses in future and keeps a record of key discussions with complainants. The Council has complied with the recommendations.

(b) **Ref No: 19001034** - Complaint about the process followed by the Council when enforcing breaches of planning control at a site close to the complainant's home. The Ombudsman found that there was fault because the Council incorrectly drafted two Enforcement Notices which meant that the complainant suffered injustice in the form of overlooking and noise from the car park.

**LGO recommendations and compliance**

Council to apologise and pay £1800 in recognition of the impact on the complainant's amenity and a further £200 for the time and trouble. There was no fault in the other matters complained about.

The Council has complied with the recommendations of the LGO and also, at the request of the LGO, has reviewed the wording on its website regarding public speaking times to ensure that it is consistent with the wording in the Constitution.

## **Housing Ombudsman (HO) upheld complaints**

### **Complaints handling issues**

**Ref No: 1360193** - Complaint about the handling of reports of anti social behaviour

#### **HO recommendations and compliance**

HO determined that there was maladministration by the landlord in respect of the complaint about how the landlord handled the reports of ASB.

Council recommended to apologise to the complainant and pay him £300 compensation for the distress and inconvenience caused by its failures in handling his reports of ASB within six weeks of the date of the Order. The Council to provide the complainant with an opportunity to set out his version of events in relation to any recent reports of ASB and ongoing issues. If the complainant does so, the landlord to carry out, or continue any ongoing, investigation into these reports in accordance with its ASB policy. The landlord to write to the complainant and the Ombudsman with the results of the investigation.

The Ombudsman has accepted that, because of the present restrictions due to the coronavirus pandemic, the timing of the above actions will depend on what is reasonable in the light of Government guidance regarding the health of the resident and of the landlord's staff. The landlord to keep the complainant and the Ombudsman updated in relation to the time frames within which it can address the above step taking into account the present restrictions. The landlord to provide evidence of compliance with the orders as soon as is reasonably possible.

The Council was recommended to take steps to ensure it is responding to complaints in accordance with its policy by sending written responses and keeping adequate records of its complaint decisions and the reasons.

### **Moving to a property complaints**

**Ref No: 2026327** - Complaint about the way that the Council handled the complainant's mutual exchange including the handling of reports of damp in the property, a request for gas connection and information regarding a recharge and the level of information provided regarding moving the complainant from Housing Benefit to Universal Credit following the exchange.

#### **HO recommendations and compliance**

Council recommended to pay £500 compensation for distress and inconvenience which was offset against the tenants rent arrears.

## **Property condition complaints**

(a) **Ref No: 901781** - Complaint about housing repairs work, poor communication throughout the complaints process and delays in dealing with the complaints.

### **HO recommendations and compliance**

Council to pay £470 to the complainant for the delays and poor communication throughout the process and to undertake the repair as soon as possible.

(b) **Ref No: 964683** - Complaint about the response to reports of disrepair to windows, mould growing in the living room and requests for compensation.

### **HO recommendations and compliance**

The HO found that there was no maladministration in the landlord's response to the complainant's request that the electric storage heating at the property was replaced with gas central heating. However, Council recommended to pay the complainant £100 compensation for the inconvenience experienced because of the delays in fitting the new windows and trickle vents and the contractor missing an appointment for the repairs. The Council was also requested to consider compiling a compensation policy to ensure that there was a fair and consistent approach to compensation.