

CONFIDENTIALITY

The contents of the appendix to this report qualifies as exempt information under section 100(A)(4) and paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as it is “*information relating to any individual*” and

2) In relation to the “exempt” information, it has been determined that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure would adversely affect the rights and freedoms relating to the individual

Accordingly, it is proposed that the appendices shall remain exempt.



Subject: Overview of Complaints to the Ombudsman 2021-21

**Report to: ELT 02 March 2022
Standards Committee 08 March 2022**

Report by: Monitoring Officer

SUBJECT MATTER /

This report has two purposes, firstly to list complaints against the Council which have been submitted to the Ombudsman and to record the outcome and secondly, to report on a complaint which was upheld with a finding of maladministration causing injustice.

RECOMMENDATIONS

That Committee:

- 1) note the outcomes of the Ombudsman’s investigations during the past year;
- 2) in relation to the upheld complaint, consider the Ombudsman’s Report, note the actions taken by the Housing service; and
- 3) satisfy itself that steps have been taken to address the findings.

1. BACKGROUND AND CONTEXT

1.1 Under the Council’s Constitution it is part of the remit of Standards Committee to have an overview of Ombudsman investigations.

1.2 During the year eight complaints were taken to the Ombudsman. Five were closed with no further action, following initial enquiries. Two were closed with no maladministration found but with recommended actions. One was upheld with a finding of severe maladministration, giving rise to recommendations for a list of actions including a payment of £1700 in compensation to the complainant.

2. Key Information

2.1 Complaints received during administrative year 2021-22

Date Rec'd	Ref	Service Area	OMB Decision
12/07/2021	20010351	Planning	NO FURTHER ACTION We will not investigate this complaint about objections to a planning application. This is because there is not enough evidence of fault to justify our investigation.
16/04/21	202014779	Housing	UPHELD In accordance with paragraph 54 of the Housing Ombudsman Scheme, there was severe maladministration by the landlord in its handling of repairs and improvement works to the resident's property In accordance with paragraph 54 of the Housing Ombudsman Scheme there was service failure by the landlord in its handling of the related complaint. a list of actions required including a payment of £1700 compensation
21/09/21	21009238	Planning	CLOSED – NO FURTHER ACTION We will not investigate Mr X's complaint about the Council's handling of his neighbour's planning application. This is because there is no evidence of fault by the Council.
01/10/21	21002881	Trees	CLOSED – NO FURTHER ACTION We will not investigate this complaint about the removal of trees from Council land. This is because there is insufficient evidence of fault by the Council which would warrant an investigation.
10/10/21	202103099	Housing	CLOSED – ACTION no maladministration found in Landlord's response to the resident's reports about non residents causing anti-social behaviour (ASB) in communal areas of the building and lighting fires. Recommendations: 1) provide complainant with an update on the communal repairs to the damaged paintwork, and to the areas in need of repair following the fires. 2) Confirm whether it had now moved the bins to prevent them from being used to climb over the fence, and if not, to explain the reasons why, and the action it would be taking to

			address this aspect of the resident's complaint.
21/10/21	21008552	Council Tax	CLOSED – NO FURTHER ACTION We will not investigate this complaint about the way the Council handled the complainant's council tax. This is because there is insufficient evidence of fault to warrant an investigation.
01/09/21	21007636	Housing - Overgrown Garden (Council Property)	CLOSED – NO FURTHER ACTION We cannot investigate this complaint about an overgrown garden at a Council property. This is because the law says we cannot investigate the Council in relation to its role as a social housing provider.
20/12/21	21011990	Housing – Right to Buy application	CLOSED – ACTION – This to be raised as a Corporate Complaint and follow through the Councils complaint process Complaint opened 20-12-21 COM-2122-270

3. UPHELD COMPLAINT 202014779

3.1 This complaint, made to the Housing Ombudsman Service was about the landlord's handling of:

- a. repairs and improvement works to the resident's property;
- b. the related complaint.

The investigation report and determination letter (dating from 17 September 2021) are attached to this report as confidential Appendices 1 and 2.

Amongst the "orders" or actions required by the Ombudsman was requirement to pay compensation of £1700, in addition to the sum of £500 which had already been offered voluntarily by the Council prior to the Ombudsman's determination.

The orders are set out in full in the determination. They included the following recommendations for review and the formulation of an action plan aimed at avoiding the repetition of similar issues in future.

On 4 January 2022 the complainant re-approached the Ombudsman as they believed the complaint was not being addressed. The Ombudsman responded and suggested that a new corporate complaint might be opened in relation to the failure to progress the recommended actions. The Council responded to confirm that it was not necessary for a new corporate complaint to be opened as all actions were in hand.

By February 2022 the Ombudsman confirmed that its involvement in the complaint had been closed, as the adjudicator was satisfied with the Council’s compliance with the orders in the determination report has been demonstrated, particularly in reference to the following (para 68):

'The landlord to write to the resident within four weeks of the date of this report to:

- a. apologise for the service failures identified in this report
- b. signpost her as to how she can make a liability claim for damaged possessions
- c. offer to visit her property to check whether there are still any outstanding repairs, including an updated inspection of any damp in the property
- d. explain how it reached the view that the one metre high fence level is appropriate.'

4. FINANCIAL IMPLICATIONS

4.1 Compensation is to be paid in respect of the upheld complaint.

CONFIDENTIAL APPENDICES:

Appendix 1 – Local Government Ombudsman Report of an Investigation into Complaint 202014779

Appendix 2 – Determination Letter

Area for consideration	Comment
Monitoring Officer Consultation:	MO’s report
Section 151 Officer Consultation:	As part of ELT process
Existing Policies:	Complaints Policy
Financial Implications:	Addressed in the paper
Legal Implications (including human rights):	None
Risk Implications:	None
Equality Issues/EQIA assessment:	None
Crime & Disorder:	
Every Child Matters:	