

URN:

Report Title : Annual report on Complaints to the Ombudsman

Report to: Audit & Risk Committee

Date of meeting : ELT 3rd April 2024, Audit, Risk & Standards Committee 15th April 2024

Responsible Cabinet Member: Cllr Carl Smith, Cllr Graham Plant

Responsible Director / Officer : Monitoring Officer

Is this a Key decision ? No

EXECUTIVE SUMMARY

Annual report on complaints taken to the Local Government Ombudsman in the year 2023-24 and update on the revised statutory Complaint Handling Code and resulting GYBC policy change.

RECOMMENDATIONS :

That Committee note the contents of the report.

1. Introduction

The Council's Constitution provides that Audit, Risk & Standards Committee should receive reports relating to Ombudsman complaints.

2. Key Information

Financial Year	Number of Ombudsman Complaints Upheld	Number of Ombudsman Complaints Partially Upheld	Number of Ombudsman Complaints Not Upheld	Number of Ombudsman Complaints Not Investigated
2020/21	1	0	1	1
2021/22	1	0	1	11
2022/23	4	2	0	6
2023/24	2	1	1	6

2023/2024 Complaints taken to Local Government Ombudsman & Housing Ombudsman

23001930 – Opened: 02.06.2023

Final Decision: 02.06.2023

Complaint: That the Council refused to compensation for damages following demolition of a property on the grounds it was an immediate danger to public safety. Complainants say this has caused them significant financial detriment and they want the Council to pay them compensation.

Outcome: The Ombudsman did not investigate as the complainant was advised that they had an alternative remedy through the courts and the complaint relates to issues in 2019 – the Ombudsman does not investigate if it has taken more than 12 months for the complainant to come to them.

23004282 – Opened:18.07.2023

Final Decision: 24.07.2023

Complaint: That the Council failed to take Council tax payments by direct debit so caused the complainant to end up in debt.

Outcome: The Ombudsman decided that the complaint was remedied and therefore did not investigate.

23007588 – Opened: 16.08.2023

Final Decision: 15.03.2024

Complaint: That the Council failed to take enforcement action against the complainant's neighbour for erecting outbuildings on his property without the required planning permission.

Outcome: The Ombudsman did not investigate the complaint because the Council's actions did not cause significant injustice.

The complainant contacted the Ombudsman to query the decision and provided further information to support the complaint. The Ombudsman decided to re-open the case on 30.10.2023. The Ombudsman decided that there was no fault on the substantive part of the complaint. However, the Council caused delays in its building control investigation and failed to provide its outcome to the complainant which caused them some uncertainty. The Council agreed to the following action:

- To remedy the injustice the Council caused to the complainant, the Council should, within one month of the final decision:
 - a) Apologise in writing to the complainant to acknowledge the uncertainty the Council delayed building control investigation caused him.
- Within three months of the final decision the Council should also:
 - b) Provide an update on its progress to publish a process or procedure for dealing

with alleged contraventions of Building Control, including how it informs persons concerned about the outcome of its investigation.

These actions have not yet been complied with, however the deadline for this would be 15.04.2024.

23006010 – Opened: 30.08.2023

Final Decision: 13.02.2024

Complaint: Complaint regarding a penalty notice received relating to selective licensing.

Outcome: The Ombudsman decided that there was fault by the Council and recommended the following action:

- To remedy the injustice to the complainant from the fault identified, the Council has agreed to reissue the penalty, providing the complainant with information about how to appeal it. The Council should take this action within four weeks of the final decision.
- The Council's selective licensing scheme has now ended. The Ombudsman have not, therefore, made any service improvement recommendations. The Council says it will consider the findings of this investigation when developing any future schemes.

These actions were completed on time and this was recorded by the Ombudsman as a complete and satisfactory remedy.

202127403 – Opened: 06.09.2023

Final Decision: 25.09.2023/29.01.2024

Complaint: Complaint about response to reports of unpleasant smells at the property and the handling of the complaints relating to this issue.

Outcome: The Ombudsman decided that, in accordance with paragraph 52 of the Housing Ombudsman Scheme that there was maladministration by the Council (as landlord) in respect of its complaint handling. The Ombudsman also decided that, in accordance with paragraph 52 of the Housing Ombudsman Scheme, there was no maladministration by the landlord in respect of its response to the resident's reports of unpleasant smells at the property.

The Ombudsman ordered the Council to take the following action within four weeks of the decision:

- a) Apologise in writing to the resident for the delays in its complaint handling.
- b) Pay the resident a direct sum of £100 for the impact of those delays.

The Council challenged the Ombudsman's decision on 11.10.2023 and the complainant challenged the Ombudsman's decision on 19.11.2023.

The decision regarding the response to reports of unpleasant smells remains the same. The decision regarding the handling of the complaint has changed from maladministration to a service failure.

The original orders remain the same and are still outstanding as of 25.03.2024.

23007762 – Opened: 20.09.2023

Final Decision: 19.10.2023

Complaint: That applications for housing have not been properly considered. Complainant says the Council are refusing to house the complainant because they have a one-bedroom flat but they are unable to live in it.

Outcome: The Ombudsman did not investigate this complaint about the Council's consideration of the complainant's housing applications. This is because it is reasonable for the complainant to seek a review of the decision.

23010557 – Opened: 09.11.2023

Complaint: Complaint about how the Council has dealt with his housing application. The complainant complains that they had been through appeals process to get onto the housing register to then be told that when the Council moved over to the new system that the complainant's documents had gone missing.

Outcome: This complaint is still under investigation by the Ombudsman as of 25.03.2024

23012669 – Opened: 12.11.2023

Final Decision: 04.02.2024

Complaint: Complaint about how the Council has dealt with a housing application. The household is currently overcrowded and they are awaiting allocation.

Outcome: The Ombudsman decided not to investigate as the complaint is premature. The complainant was advised to go through the Council's 3 Stage complaint process.

23014233 – Opened: 13.12.2023

Final Decision: 19.12.2023

Complaint: Complaint about light nuisance from the floodlights at Lynn Grove.

Outcome: The Ombudsman decided not to investigate as the complaint is premature. The complainant was advised to go through the Council's 3 Stage complaint process.

23013159 – Opened: 04.01.2024

Final Decision: 04.01.24

Complaint: That the Council finalised its investigation into his complaint of light nuisance using an independent expert that did not visit the site. Also, that the Council should have

kept an abatement order in place until the winter months to assess the impact of measures taken on the light nuisance. The complainant says they have been caused stress and anxiety by the Council's handling of this matter.

Outcome: The Ombudsman did not investigate this complaint about an investigation of light nuisance as it is unlikely they will find fault by the Council.

3. Policy Update

Members are advised of introduction of the [Housing Ombudsman's new Complaint Handling Code](#). This updated code has statutory status and requires registered housing providers to be compliant with the requirements of the code by 1 April 2024. In order to achieve compliance the Council has been required to adjust its Complaints Policy (insofar as housing complaints are concerned) so that it has two stages instead of three. This is being addressed by the Head of Housing Assets, Nicola Turner under delegated authority from Cabinet under Report URN 24-026. In order to maintain an efficient and streamlined Complaints process, the Corporate Complaints Policy as a whole will be reviewed and adjusted, and it is likely that in time all Corporate complaints will be dealt with under the same two stage process. The Council's Information Governance Lead, James Wedon, will undertake this review of Corporate Complaints & Compliments Policy later in the year.

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	MO's report
Section 151 Officer Consultation:	At ELT
Existing Council Policies:	Corporate Complaints Policy
Financial Implications (including VAT and tax):	None particular
Legal Implications (including human rights):	None particular
Risk Implications:	-
Equality Issues/EQIA assessment:	-
Crime & Disorder:	-