

Council

14 December 2017



Title	Annual report on Complaints to the Local Government Ombudsman		
Purpose of the report	To note		
Report Author	Michael Graham, Monitoring Officer		
Cabinet Member	Councillor Ian Harvey	Confidential	No
Recommendations	Council is asked to note the report.		
Reason for Recommendation	Not applicable		

1. Key issues

- 1.1 There is a duty under section 5(2) of the Local Government and Housing Act 1989 for the Monitoring Officer to report Local Government Ombudsman (LGO) findings and recommendations to the Council where, following an investigation into a complaint, the Ombudsman has made a finding of fault.
- 1.2 The Ombudsman has issued guidance to authorities about how they should report findings on LGO investigations to elected members and is supportive of a flexible approach to discharging this duty.
- 1.3 As a general guide the Ombudsman has suggested that where her office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, the duty is satisfactorily discharged in a small authority if the Monitoring Officer summarises the findings on all upheld complaints over a specific period, in an annual report to the Council.
- 1.4 The Ombudsman has recently circulated its Annual Review letters for 2016/17 to all local authorities.
- 1.5 The letter includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where the Ombudsman's recommendations remedied the fault and the number of cases where it decided the authority had offered a satisfactory remedy during the local complaints process. In these latter cases the LGO provides reassurance that the authority has satisfactorily attempted to resolve the complaint before the person approached them.

- 1.6 The attached breakdown of complaints about Spelthorne Borough Council (**Appendix 1**) shows the Ombudsman decided 9 complaints, of which it upheld 1.
 - 1.7 The requirement to report findings of fault by the Ombudsman applies to all such complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year. However, the last time a finding of fault was made against Spelthorne Borough Council was in 2010.
 - 1.8 The upheld complaint in May 2016 was in relation to a service failure and I can confirm that the authority remedied the complaint by implementing the recommendations made by the Ombudsman, within one week of its decision.
 - 1.9 The Ombudsman's full decision in respect of the upheld complaint is attached at **Appendix 2**. Members will note that the report has been anonymised to protect the identity of the complainant.
 - 1.10 In summary the Ombudsman found that, "there was fault in the way the Council considered Mrs X's complaints about poor quality work by building contractors who carried out adaptations to her home with funding from a Disabled Facilities Grant. That caused injustice to her husband, Mr X, because he was not able to make full use of the new facilities."
- 2. Options analysis and proposal**
 - 2.1 This report is for information and there are no options arising.
 - 3. Financial implications**
 - 3.1 There are no financial implications arising directly out of this report.
 - 4. Other considerations**
 - 4.1 There are none.

Background papers: There are none.

Appendices:

Appendix 1 – Table of decisions made by the LGO in 2016/17

Appendix 2 – LGO 'finding of fault' decision on a complaint by Mrs X