

Council



14 October 2021

Title	Annual report on Complaints
Purpose of the report	To note
Report Author	Victoria Statham, Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
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 and Social Care Ombudsman (LGSCO) 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 LGSCO 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 his 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 LGSCO has recently circulated its Annual Review letters for 2020/21 to all local authorities. In 2020/21 the Ombudsman registered 11,830 complaints and enquiries across Local Authorities nationally. The Ombudsman upheld 67% of the complaints it investigated which was its highest rate ever. The uphold rate for Spelthorne Borough Council was 33% (1 of 3 investigated) compared to an average of 53% in similar authorities
- 1.5 The Annual Review 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 LGSCO 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 3 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 2018.
- 1.8 The upheld complaint in September 2020 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, "Mrs X says the Council is at fault in how it handled her request to lease a building it owned. The Ombudsman has found fault by the Council in this matter which resulted in Mrs X's expectations being raised and put her to avoidable expense, time and trouble in pursuing a lease. In recognition of the injustice caused to her he recommended the Council apologises and pays her £750. The Council agreed."

2. Options analysis and proposal

- 2.1 This report is for information and there are no options arising.

3. Financial implications

- 3.1 The remedy of £750 was paid to Mrs X from the relevant service area budget but has not adversely impacted that budget.

4. Other considerations

- 4.1 There are none.

5. Equality and Diversity

- 5.1 The Council has addressed the lack of criteria or policy for leasing its assets, the absence of which led to this finding of fault, by adopting a Community Letting Policy on 19 May 2021.

6. Sustainability/Climate Change Implications

- 6.1 There are no sustainability or climate change implications arising directly out of this report.

Background papers: There are none.

Appendices:

Appendix 1 – Table of decisions made by the LGSCO in 2020/21

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