



Cabinet

Item
12(i)

4 September 2013

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Local Government Ombudsman – Annual Review 2012/2013		
Wards affected	Not applicable		

This report request the Cabinet to note the Local Government Ombudsman’s Annual Review for 2012/2013

1. Decision Required

- 1.1 To note the contents of the Local Government Ombudsman’s Annual Review for 2012/2013.

2. Reasons for Decision(s)

- 2.1 To inform the Cabinet of the number of complaints received by the Local Government Ombudsman in relation to Colchester during 2012/2013.

3. Alternative Options

- 3.1 No alternative options are presented.

4. Supporting Information

- 4.1 The Local Government Ombudsman issues an Annual Review to each local authority. The Annual Review for Colchester for the year ending 31 March 2013 is attached to this report at Appendix 1.
- 4.2 This year the Local Government Ombudsman have only presented the total number of complaints received and will not be providing the more detailed information that they have provided in previous years. The reason for this being that the Local Government Ombudsman changed its business processes during the course of 2012/13 and is unable to provide a consistent set of data for the entire year. However, the Annual Review next year will provide more detailed statistics.
- 4.3 It is worth noting that anyone can choose to make a complaint to the Local Government Ombudsman. Accordingly, the number of complaints is not an indicator of performance or level of customer service. In most instances there was no case to answer. The Local Government Ombudsman will normally insist that the Council has the opportunity to resolve the complaint locally through its own complaints procedure before commencing its own investigation.
- 4.4 The Governance Committee has an overview of Local Government Ombudsman investigations and the contents of the Annual Review will be reported to the Committee in due course.

COMPLAINTS ABOUT SOCIAL HOUSING: HOUSING OMBUDSMAN AND THE LOCAL GOVERNMENT OMBUDSMAN

Background

From April 2013 the Housing Ombudsman will deal with all complaints about social housing. Tenants of local housing authorities and Arms Length Management Organisations previously had the right to refer complaints about housing to the Local Government Ombudsman.

The Housing Ombudsman will continue to investigate complaints against housing associations and in addition, will investigate complaints about a local authority's landlord function. This means that complaints about a local authority's relationship as landlord to its tenants or leaseholders will be considered by the Housing Ombudsman rather than the Local Government Ombudsman.

The Local Government Ombudsman will continue to consider complaints about local authorities' wider activities, for example in discharging their statutory duties in homelessness. There are areas where there may appear to be some over-lap between the jurisdiction of the two Ombudsmen. The following guide has been developed to help clarify which Ombudsman may consider various categories of complaint.

From 1 April 2013 the Housing Ombudsman can only consider complaints that have been referred by a 'designated person' (MP, councillor or recognised tenant panel), or by the tenant themselves if 8 weeks have passed from the completion of the landlords internal complaint process. This provision does not apply to complaints made to the Local Government Ombudsman. These complaints can still be referred directly.

Both Ombudsmen are able to conduct joint investigations and are putting in hand liaison arrangements to ensure that there is early discussion of cases which engage both jurisdictions.

The following sets out the complaint categories that should be referred to the different Ombudsman services. Inclusion of a complaint category does not mean that the Ombudsmen will necessarily investigate the complaint. The Ombudsmen may decide that part or all of the complaint falls outside their jurisdiction, or they may decide that there are other reasons why they should not investigate. But if that is the case, they will explain why.

Complaints referred to the Housing Ombudsman

Unless stated otherwise the Housing Ombudsman considers complaints about housing associations and local housing authorities.

Leasehold services

- Shared ownership and sales processes for leasehold properties
- Shared ownership stair-casing
- Full ownership and sales processes for leasehold properties owned by housing associations
- Right to buy and right to acquire for tenants of housing associations
- Repair responsibilities under the lease
- Mortgage rescue schemes
- Leasehold services provided by the landlord

Moving to a property

- Transfer applications that are outside Housing Act 1996 Part 6 (see further info)
- Type of tenancy offered
- Mutual exchange
- Decision to renew a fixed tenancy
- Decants
- Mobility Schemes

Rent and service charges

- Rent or service charges

Occupancy rights

- Terms and conditions of occupancy rights
- Succession
- Assignment
- Ending a tenancy (e.g. notice periods)
- Abandonment of property
- Possession proceedings

Property condition – repairs and improvements

- Condition of the property when first let (e.g. void works)
- Responsive repairs
- Planned maintenance or cyclical works
- Improvement works carried out by landlord or tenant
- Rechargeable repairs
- Disabled adaptations

Tenant behaviour

- Anti-social behaviour
- Noise nuisance
- Harassment

Estate management

- Cleaning or repairs of communal areas
- Boundary issues
- Grounds maintenance
- Parking
- Use of communal areas

Complaint handling

- The landlord's handling of a complaint in their complaint process, including delays

Compensation

- Home loss or disturbance payments
- Improvements carried out by the tenant

- Payment for damage to property or tenants belongings
- Discretionary payments

Complaints referred to the Local Government Ombudsman

Unless stated otherwise the Local Government Ombudsman considers complaints about local authorities.

Housing allocations under Housing Act 1996 Part 6

- Applications for re-housing that meet the reasonable preference criteria (dealt with by the local housing authority or any other body acting on its behalf, which could include a housing association). Includes complaints about:
 - Assessment of such applications, the award of points, banding or a decision that the application does not qualify for reasonable preference
 - Operation of choice based lettings schemes and about the suitability of accommodation offered under those schemes.

Homelessness under Housing Act 1996 Part 7

- Applications for assistance under the homelessness legislation (dealt with by the local housing authority or any other body acting on its behalf, which could include a housing association). Includes complaints about:
 - Homelessness advice and homelessness prevention activities
 - How applications are dealt with and decisions about eligibility for and allocation of interim and temporary accommodation.

General housing advice

- General advice from the local authority about housing options
- Handling of reports from tenants of private landlords about unlawful eviction, harassment and other matters

Housing benefit

- Handling of applications for housing benefit

Housing improvement grants

- Applications for mandatory and discretionary housing improvement grants. Includes complaints about:
 - Provision of advice, processing of applications, preparation of schedules of work, payment of grant and other decisions on grant eligibility and entitlement
 - Actions of social services occupational therapy services with regard to assessment and eligibility for disabled facilities grant

Antisocial behaviour

- Antisocial behaviour which does not fall within the remit of a social landlord.

Noise nuisance

- Reports of statutory noise and other nuisance to environmental health services

Sale or disposal of land on housing estates

- Applications or requests to buy parcels of land owned by local authorities
- Sales processes for properties owned by local authorities
- Right to buy and right to acquire for tenants of local authorities

Planning and building control at properties owned by a social landlord

- Applications for planning permission
- Planning enforcement
- Applications and enforcement under the building regulations

Delivery of adult social care services, including that done by registered social landlords

5. Key Headlines

- 5.1 There were no findings of maladministration against the Council and no formal reports were issued.
- 5.2 Last year the Local Government Ombudsman received 10 complaints regarding the Council. This is a reduction from the 28 enquires received in the previous year. The average number of complaints received for District Council's was also 10.
- 5.3 From April 2013, as a result of the Localism Act 2011, local authority tenants' complaints regarding their landlord are now made to the Housing Ombudsman. It is expected that in due course the Housing Ombudsman will produce an annual review. Attached at Appendix 2 are details of the jurisdictional split of responsibilities between the Local Government Ombudsman and the Housing Ombudsman.

6. Financial Considerations

- 6.1 No direct implications other than mentioned in this report.

7. Strategic Plan References

- 7.1 The lessons learnt from complaints to the Local Government Ombudsman link in with our Customer Excellence element of the Strategic Plan by constantly learning and putting lessons learnt into practice. This will in turn lead to improved customer service as we continue to meet and exceed our customers' expectations

8. Equality, Diversity and Human Rights Implications

- 8.1 No direct implications.

9. Publicity Considerations

- 9.1 Details of the Annual Review will be posted on the Council's website.

10. Consultation, Community Safety, Health and Safety and Risk Management Implications

- 10.1 No direct implications.

16 July 2013

By email

Mr Adrian Pritchard
Chief Executive
Colchester Borough Council

Dear Mr Pritchard

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2013. This year we have only presented the total number of complaints received and will not be providing the more detailed information that we have offered in previous years.

The reason for this is that we changed our business processes during the course of 2012/13 and therefore would not be able to provide you with a consistent set of data for the entire year.

In 2012/13 we received 10 complaints about your local authority. This compares to the following average number (recognising considerable population variations between authorities of a similar type):

District/Borough Councils-	10 complaints
Unitary Authorities-	36 complaints
Metropolitan Councils-	49 complaints
County Councils-	54 complaints
London Boroughs-	79 complaints

Future development of annual review letters

We remain committed to sharing information about your council's performance and will be providing more detailed information in next year's letters. We want to ensure that the data we provide is relevant and helps local authorities to continuously improve the way they handle complaints from the public and have today launched a consultation on the future format of our annual letters.

I encourage you to respond and highlight how you think our data can best support local accountability and service improvements. The consultation can be found by going to www.surveymonkey.com/s/annualletters

LGO governance arrangements

As part of the work to prepare LGO for the challenges of the future we have refreshed our governance arrangements and have a new executive team structure made up of Heather Lees, the Commission Operating Officer, and our two Executive Directors Nigel Ellis and Michael King. The Executive team are responsible for the day to day management of LGO.

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Since November 2012 Anne Seex, my fellow Local Government Ombudsman, has been on sick leave. We have quickly adapted to working with a single Ombudsman and we have formally taken the view that this is the appropriate structure with which to operate in the future. Our sponsor department is conducting a review to enable us to develop our future governance arrangements. Our delegations have been amended so that investigators are able to make decisions on my behalf on all local authority and adult social care complaints in England.

Publishing decisions

Last year we wrote to explain that we would be publishing the final decision on all complaints on our website. We consider this to be an important step in increasing our transparency and accountability and we are the first public sector ombudsman to do this. Publication will apply to all complaints received after the 1 April 2013 with the first decisions appearing on our website over the coming weeks. I hope that your authority will also find this development to be useful and use the decisions on complaints about all local authorities as a tool to identify potential improvement to your own service.

Assessment Code

Earlier in the year we introduced an assessment code that helps us to determine the circumstances where we will investigate a complaint. We apply this code during our initial assessment of all new complaints. Details of the code can be found at:

www.lgo.org.uk/making-a-complaint/how-we-will-deal-with-your-complaint/assessment-code

Annual Report and Accounts

Today we have also published *Raising the Standards*, our Annual Report and Accounts for 2012/13. It details what we have done over the last 12 months to improve our own performance, to drive up standards in the complaints system and to improve the performance of public services. The report can be found on our website at www.lgo.org.uk

Yours sincerely

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a long horizontal flourish at the end.

Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England