

**25th September 2024**

**REPORT NO. CS240911**

**ANNUAL OMBUDSMAN COMPLAINT REVIEW LETTER 2024  
(LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN)**

The Council receives an annual summary from the Local Government and Social Care Ombudsman (LGSCO). This reviews how many complaints have been received by the Ombudsman, following an original investigation that will have been conducted under the Council's own Complaint's Policy. This year's review period covered 1 April 2023 to 31 March 2024.

The LGSCO feel that the information provided by them can give an organisation intelligence, insight and enable transformation. It can indicate problems in specific areas of service delivery. It also provides perspective of an organisation's culture and ability to learn, providing information to assist with governance, audit, risk and scrutiny functions.

In February, following a period of consultation, they launched the Complaint Handling Code for councils, setting out a clear process for responding to complaints effectively and fairly. It is aligned with the Code issued to housing authorities and landlords by the Housing Ombudsman Service. They expect councils to carefully consider the Code when developing procedures and will begin considering it as part of their processes from April 2026 at the earliest.

**1. Purpose:**

To update the Committee on the response and outcome of the annual review letter (copy attached).

**2. Findings:**

The LGSCO investigated 3 complaints.

The LGSCO will look to assess a complaint against maladministration and service failure. The word 'fault' refers to the way in which an organisation makes decisions, not the outcome of a decision.

Of the 3 complaints received:

- 2 - Were not upheld (no fault found during investigations, on the part of the Council)
- 1 - was upheld (a degree of fault found)

The case upheld was in reference to a tenant, privately renting, complaining that there were hazards in his living condition, linked to condensation and mould initially.

The LGSCO found the Council had:

- Carried out 2 inspections
- Provided advice
- Assessed the complaints
- Found category two hazard
- Took informal action, in line with the law
- Received statements and evidence to determine which statement felt appropriate to rely on

No fault found in the Council's assessment and actions

Where fault was found:

- The lack of specific explanation by the Council in the email they sent in December, which caused uncertainty for Mr X
  - Explanation of category two hazard
  - Decision to take informal action rather than formal
  - What would happen if the Landlord did not carry out repairs
  - Explain why some issues were acted on and some were not

The LGSCO set out actions that the Council will need to complete:

- Apologise to Mr X for any uncertainty caused
- Consider drafting a specific policy outlining the process for assessing the condition of residential buildings and enforcing standards. This should be in line with the Housing Act 2004 and the Housing Health and Safety Rating system guidance, including guidance on how to record decisions of the category of hazard identified, the decision to take formal or informal action and keeping tenants informed.
- The Council should provide the LGSCO with evidence it has complied with the above actions

Outcome: All actions completed

### **3. Recommendation and Conclusion**

**It is recommended that** the Committee note the Annual Review Letter, and that the Council continues to manage any complaints through the current complaints processes. The Council to continue to make use of the LGSCO's review letter to monitor and review the effectiveness of its complaints policy and responses – informing the implementation of any changes as required.

**Ian Harrison**  
**Executive Director, Deputy Chief Executive and Monitoring Officer**

**Contact:** [marybeth.quaintmere@rushmoor.gov.uk](mailto:marybeth.quaintmere@rushmoor.gov.uk)  
Service Manger – Customer Services and Facilities