

## **OMBUDSMAN ANNUAL REPORT 2022-23**

<b>Head of Service:</b>	Andrew Bircher, Interim Director of Corporate Services
<b>Wards affected:</b>	(All Wards);
<b>Appendices (attached):</b>	Appendix 1 – Local Government and Social Care Ombudsman Annual Review Letter 2022-23

### **Summary**

This report provides the annual review of complaints received and decisions made by the Local Government and Social Care Ombudsman during 2022-2023.

### **Recommendation (s)**

#### **The Committee is asked to:**

- (1) Receive and note the Local Government and Social Care Ombudsman Annual Review Letter 2022-2023.**

### **1 Reason for Recommendation**

- 1.1 To bring to the attention of the Committee the Annual Review of Complaints by the Local Government and Social Care Ombudsman (LGSCO), regarding complaints it has considered against the Council.

### **2 Background**

- 2.1 The Local Government and Social Care Ombudsman produces an Annual Review Letter for local authorities detailing the number and type of complaints received and decisions made relating to each authority. The annual review letter for the period from 1 April 2022 to 31 March 2023 relating to Epsom and Ewell Borough Council is attached to this report as Appendix 1.

### **3 Annual Review Letter 2022-23**

- 3.1 The Annual Review Letter sets out that for the year ending 31 March 2023 the LGSO undertook a total of 4 detailed investigations into complaints against the Council. The Ombudsman upheld 2 complaints, in total 17 complaints were made to the Ombudsman.

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- 3.2 The details of the two complaints upheld by the Ombudsman are summarised below:
- 3.2.1. The complainant said that the Council failed to properly deal with the property disrepair issues she raised about her temporary accommodation. She also says the Council wrongly assessed her bedroom need, it failed to correctly assess her medical evidence and it failed to properly deal with her complaint. The Ombudsman found that the Council was at fault for its complaint handling and that it delayed dealing with the property disrepair issues. The Council agreed to the Ombudsman recommendations to address the injustice caused by this fault.
- 3.2.2. The complainant said that the Council failed to take planning enforcement proceedings regarding a housing development near her home or communicate properly with her. The Ombudsman did not find fault with how the Council considered its discretionary enforcement powers. However, the Ombudsman did find fault with the Council for its failure to tell the complainant the outcome of its enforcement investigation. The Ombudsman considered that this did not cause the complainant a significant injustice. The Ombudsman also found fault with the Council for the delays when responding to the complainant's complaints. This caused the complainant frustration; however, the Council remedied the injustice caused.
- 3.3 The 2021-22 Annual Review letter noted difficulties that the Ombudsman had when communicating with the Council. The Ombudsman noted poor communication and late responses to their enquiries. Shortly after the publication of the 2021-22 Annual Review letter the management of Ombudsman complaints was transferred to another team to ensure an improved focus in dealing with Ombudsman enquiries.
- 3.4 A project was undertaken by the new team managing Ombudsman complaints with a view to reviewing and improving the service. An internal review of the service was conducted and recommendations from this review were taken forward.
- 3.5 In the 2022-23 Annual Review letter the Ombudsman has noted that they are pleased to report that their experience has improved this year and they hope that this continues into the future.
- 3.6 The Annual Review letter does not detail the total number of complaints made to the LGO against the Council. For the year ended 31 March 2023, this was 17. A comparison with previous years is provided below:

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	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
<b>Number of complaints received by the Ombudsman</b>	15	15	23	27	17	11	17
<b>Number of complaints upheld</b>	2	1	2	0	3	2	2

3.7 The Council's figures for 2022-23 are comparable to other Surrey authorities, as outlined in the below comparison table:

<b>Authority</b>	<b>Investigations</b>	<b>Upheld</b>
<b>Elmbridge</b>	4	2
<b>Epsom &amp; Ewell</b>	4	2
<b>Guildford</b>	2	2
<b>Reigate &amp; Banstead</b>	4	3
<b>Runnymede</b>	3	3
<b>Spelthorne</b>	0	0
<b>Surrey Heath</b>	3	2
<b>Tandridge</b>	3	3
<b>Waverley</b>	7	6
<b>Woking</b>	0	0

## 4 Risk Assessment

### 4.1 Impact Assessment

4.1.1. There are no equalities issues arising from the contents of this report.

### 4.2 Crime & Disorder

4.2.1. None.

### 4.3 Safeguarding

4.3.1. None.

### 4.4 Dependencies

4.4.1. None.

### 4.5 Other

4.5.1. None.

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### 5 Financial Implications

5.1 None arising from this report.

5.2 **Section 151 Officer's comments:** None arising from the contents of this report.

### 6 Legal Implications

6.1 The Council is obliged to respond to complaints of maladministration through the Ombudsman. The Local Government Act 1974 prescribes the way in which the Ombudsman conducts investigations.

6.2 **Legal Officer's comments:** None.

### 7 Policies, Plans & Partnerships

7.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Effective Council

7.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

7.3 **Climate & Environmental Impact of recommendations:**

7.3.1. None.

7.4 **Sustainability Policy & Community Safety Implications:**

7.4.2. None.

7.5 **Partnerships:**

7.4.2. None

### 8 Background papers

8.1 The documents referred to in compiling this report are as follows:

**Previous reports:**

- Ombudsman Annual Report 2021-22

**Other papers:**

- Local Government and Social Care Ombudsman Website, your Council's performance: <https://www.lgo.org.uk/your-councils-performance>
- Annual Review Letter 2021-22