

Report to the Audit Committee



27 September 2024

Wards: All

Local Government and Social Care Ombudsman and Housing Ombudsman
Service – Annual Report

Report of the Director of Legal Services and Partnerships

This item is not exempt
Therefore exempt reasons are not applicable

This is a non-key decision.

1. Purpose of the Report and Summary

- 1.1 To provide details of the Council's Annual Review Letter 2024 about complaints made to the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service for the year ending 31 March 2024 and the actions the Council has taken to resolve them.
- 1.2 To provide an annual report on the Council's Complaint performance in respect of our role as Landlord
- 1.3 The LGSCO Review Letter is reported annually to the Council's Audit Committee in relation to meeting its governance processes. This is part of the Council's statutory duty under section 5 (2) of the Local Government and Housing Act 1969 which requires the Monitoring Officer to prepare a formal report to the Council where the LGSCO has conducted an investigation in relation to matters where there has been fault or service failure, and where the authority has complied with the LGSO's recommended remedy.
- 1.4 The report ensures we comply with the Housing Ombudsman Service Statutory Complaint Handling Code which requires that a Landlord must produce an annual complaints performance and service improvement report for scrutiny and challenge.

2. Recommendations

- 2.1 The Committee is asked to note the contents of this report and the degree of assurance this provides in relation to the Council's governance arrangements.

- 2.2 That the Committee continues to receive an annual report to inform its role in considering the Council's Annual Governance Statement and maintaining appropriate oversight with regard to the potential receipt of any public reports from the Local Government and Social Care Ombudsman.
- 2.3 That the Committee continues to receive an annual report to comply with the requirements of the Housing Ombudsman Service's Complaint Handling Code.
3. Reasons for Recommendations
 - 3.1 The recommendations take into account the number of complaints made to the Ombudsmen, against the volume of complaints received by the Council. No Public Reports have been issued for the Council for the ninth consecutive year. The report recommendations acknowledge the requirement for ongoing vigilance to ensure the Council's responsive position regarding complaints can be maintained.
 - 3.2 The recommendations also ensure we comply with the statutory requirements of the Housing Ombudsman Service Complaint Handling Code.
4. Impact on other Executive Committees (including Area Committees)
 - 4.1 None
5. Background
 - 5.1 The Local Government and Social Care Ombudsman have published their Annual Review of Local Government Complaints 2023-34. A Copy of the report can be viewed [here](#). They have also published the individual letter for Kingston Upon Hull City Council (Appendix 1)
 - 5.2 The letter focuses on the period from 1st April 2023 to 31st March 2024 and includes data relating to complaints where a decision was made within that period.
 - 5.3 The following tables provide information regarding the total numbers of complaints received by HCC and how many conclude with the customer referring their complaint to the LGSCO Ombudsman. As can be seen, it is a very small percentage, which provides the insight that in the vast majority of cases (98.37%) we are managing to resolve complaints without the need for LGSCO involvement.

Table 1

Year	Total Number of Stage 1 Complaints Received by HCC	Number of Contacts / Complaints Received by Ombudsman	% of Total Complaints referred to Ombudsman
2017-18	3172	76	2.40%
2018-19	2886	68	2.36%
2019-20	3007	57	1.90%
2020-21	2297	53	2.30%
2021-22	2170	67	3.08%
2022-23	1557	56	3.59%
2023-24	2690	44	1.63%

Although there has been a significant increase in the numbers of complaints made into the Council, there has been a drop in number who approach the Ombudsman. This suggests that the Councils response to complaints is robust and there is effective complaints handling.

- 5.4 The next table splits complaints regarding the Council’s role as a Landlord, which fall under the remit of the Housing Ombudsman Service. I have only been able to split this data for the past 3 years. (additional Housing Data is provided later in the report)

Table 2

Year	Number of Stage 1 Complaints Received by HCC (LGSCO)	Number of Stage 1 Complaints relating to our role as Landlord
2021-22	1303	867
2022-23	1036	521
2023-24	1930	760

The Local Government & Social Care Ombudsman publishes the details of each local authority’s performance on its website. The Housing Ombudsman service has not yet published the information for this reporting period.

The following table provides information regarding the LGSCO outcomes. The total number of complaints referred to the Ombudsman has decreased to the lowest levels in 5 years. The number of detailed investigations carried out by the Ombudsman has decreased to the lowest in 5 years. Only a quarter (11) progressed to a detailed investigation. The upheld rate of the detailed investigation has decreased, again to the lowest percentage in the last 5 years.

(The number of decisions made is greater than the number of Complaints/Enquiries as it includes decisions about cases registered in the previous year.)

Table 3 – Overall referral Rate to Ombudsman

Indicator	2020-21	2021-22	2022-23	2023-24	Movement (2022/23 to 2023/24)
Complaints/Enquiries	53	67	56	44	-12
Decisions*	50	74	39	45	+6
Detailed Investigations	11	18	19	11	-8
Not Upheld	2	3	2	6	+4
Upheld	9	15	17	5	-12
Uphold Rate (number upheld out of the detailed investigations)	82%	83%	89%	45%	-44%
Uphold Rate (number upheld out of total complaints)	17%	23%	30%	11%	-19%
Public Reports	0	0	0	0	n/a
Compliance with Recommendations on time	5	11 (100%)	10 (100%)	5 (100%)	n/a

Once again, the Council has achieved a 100% compliance rate for implementing the Ombudsman’s recommendations within the given time scale. The Ombudsman has stated that 20% of Councils do not meet the timescales given

5.5 The final table outlines all enquiries to the LGSCO and their outcome broken down into the services areas.

Table 4

Service Areas	Upheld	Not Upheld	Other*
Education & Childrens Services	3	1	14
Adult Care Services	1	1	7
Benefits and Tax	1	0	0
Corporate & Other Services	0	3	7
Environmental Services & Public Protection & Regulation	0	0	1
Housing	0	0	3
Planning and Development	0	0	1
Other	0	0	1

* Other includes – Referred back for local resolution, invalid, advice given closed after initial enquiries and Signpost - go to complaint handling.

Please note, the above table of service areas differs slightly to that published by the Ombudsman. The table above reflects our structure (The Benefits and Tax case is part of Adult Care Services in the Ombudsman Tables)

No Complaints which were referred back to the Council were taken back to the Ombudsman.

- 5.6 The LGSCO compares similar type authorities to gauge performance. We are in the group of unitary authorities and are therefore compared against those. I have provided a document which shows our performance when measured against other unitary authorities who are closest to us for population size. (Appendix 2)
- 5.7 For the first time this year, the LGSCO has introduced measures against per 100,000 residents. The Council had performed well in comparison to the averages provided for similar type authorities, particularly in the number of complaints being upheld (45% upheld compared with 79% in similar organisations) (Appendix 2)

6. Issues for Consideration

- 6.1 The Council's complaints performance reported by the Local Government and Social Care Ombudsman is in a very strong position within our most similar group as summarised in Appendix 3 to this report. For the first time this year, the Ombudsman has introduced measures against per 100,000 residents. The Council has performed well in comparison to the averages provided for similar type authorities, particularly in the number of complaints being upheld (45% upheld compared with 79% in similar organisations)
<https://www.lgo.org.uk/your-councils-performance>
- 6.2 Appendix 4 provides brief details and remedies undertaken by the Council's service areas for the 8 upheld complaints.

These are broken down across the service areas as follows:

Children, Young People and Family Services – **3**
Revenues and Benefits - **1**
Adult Social Care – **1**
Housing (HOS) - **3**

Of the upheld cases, 4 were reported to the LGSCO in this reporting period 23-24, 1 had carried over from 22-23.

All 3 upheld cases for the HOS had carried over from 22-23.

As outlined in Appendix 4, the Council have submitted an appeal regarding one of the Upheld complaints under the jurisdiction of the Housing Ombudsman Service.

The complaints with recommendations for remedy are not repeats of those returned in previous periods.

6.3 **The Children, Young People and Family Services** has seen a slight reduction in the number of new cases investigated by the Ombudsman over the period 2023-24. The Ombudsman received 18 enquiries regarding Education and Children’s Services (reduced from 19 for period 2022-23). Of these 4 new cases progressed to investigation, 4 were referred back for local resolution (premature) and 10 were closed after initial enquiries

- 1 Statutory investigation was upheld by the LGSCO
- 2 Corporate investigations were upheld by the LGSCO

The Statutory Complaints procedure is laid out in the Childrens Act 1989 and relates to children’s social care, covering topics such as Fostering and Adoption, Safeguarding and Child Protection.

Corporate Complaints are covered by the Corporate Complaints Scheme and include issues regarding EHC Plans, Home to School Transport and Early Years.

There has been a significant reduction in both Statutory and Corporate Complaints to the lowest levels for 6 years.

Table 5

Childrens Services Complaints

Service Area	18/19	19/20	20/21	21/22	22/23	23/24
Children’s Corporate Complaints	82	73	135	72	61	94
Children’s Statutory Complaints	179	254	157	252	154	79
Total	261	327	292	324	215	173

- 6.4 **Adult Social Care Services** has seen a further decrease in the number of new cases investigated by the Ombudsman over the period 2023-24. The Ombudsman received 8 enquiries regarding Adult Social Care (down from 10 in 2023-24). Of these new cases, 1 progressed to investigation, 4 were referred back to the Council as premature and 3 were closed after initial enquiries.

1 Statutory Investigation was upheld by the Ombudsman.

Please note, due to a difference in our structure to the LGSCO's reporting, the LGSCO shows 2 complaints for Adult Social Care in their published information, however the second one is for Revenues and Benefits and therefore not included in this section.

Adult Social Care received a total of 79 complaints during the period 2023-24. Of these 61 were resolved informally with 18 progressing to investigation.

- 6.5 **The Neighbourhoods and Housing Service** had seen a reduction in the number of new cases investigated by the LGSCO over the period 2022-23. The LGSCO received 3 enquiries regarding Housing (not repairs). Of these new cases 0 progressed to investigation and 3 were closed with advice given.

In total, the Council received 10 new enquiries from the Housing Ombudsman Service. 4 complaints were upheld (Maladministration/Service Failure), 2 were not upheld (No Maladministration), 1 was closed after initial enquiries, and 1 was referred back to the Council as premature. The remaining have carried over.

*The figure for determinations will not match that of Enquiries received due to a time lag from cases which are carried forward from/to other years

- 6.6 The Housing Ombudsman Service Complaint Handling Code came into effect in April 2024. Section 8.1 of the Code outlines what information must be included in this annual complaint's performance and service improvement report which are as follows:

- a. the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements.
- b. a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept;
- c. any findings of non-compliance with this Code by the Ombudsman;
- d. the service improvements made as a result of the learning from complaints;

- e. any annual report about the landlord’s performance from the Ombudsman; and
- f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.

A copy of the current self-assessment is attached at Appendix 5. It is also available to view at [Housing ombudsman complaint code self-assessment | Hull](#)

The required qualitative and quantitative analysis of the complaint handling performance for Neighbourhoods and Housing is available at Appendix 6. This report covers points b, c and d above

The HOS has not yet published any annual report or additional reports about the Council.

Please note, in order to comply with the Housing Ombudsman’s Service timeframes, from next year (2024-25), the HOS annual complaint performance and improvement report will be submitted for consideration before the 30th June 2025.

6.7 Table 4 – Summary Housing Ombudsman Outcomes

	19-20	20-21	21-22	22-23	23-24
Enquiries Received	12	3	15	8	10
Determinations Received *	3	3	4	6	3
No Maladministration	2	2	3	2	0
Maladministration/ Service Failure	1	1	1	4	3

6.8 Equalities Impact Information

There is no data available at this time.

7. Options and Risk Assessment

7.1 There is no risk attached to the recommendations in this report. No options are provided because the report is essentially presenting matters of fact for consideration by the Committee.

8. Consultation

- 8.1 Whilst no specific consultation has been carried out, the contents of this report and that of the Annual letter have been shared with the Council's Monitoring Officer and Senior Leadership Team.
9. Comments of the Monitoring Officer(Town Clerk)
- 9.1 ***CLICK HERE TO OVERWRITE THIS GUIDANCE**
To be completed by the Monitoring Officer
10. Comments of the Section 151 Officer (Director of Finance and Transformation)
- 10.1 ***CLICK HERE TO OVERWRITE THIS GUIDANCE***
To be completed by the Section 151 Officer.
11. Comments of the Assistant Director OD & HR and compliance with the Equality Duty
- 11.1 **CLICK HERE TO OVERWRITE THIS GUIDANCE**
12. Comments of Overview and Scrutiny
- 12.1 ***CLICK HERE TO OVERWRITE THIS GUIDANCE***
To be completed by Overview and Scrutiny (and to include reference number).

Director of Legal Services and Partnerships – Ian Anderson

Contact Officer: Michelle Garlick – Customer Feedback Team Leader Telephone
No.: 01482 616249

Officer Interests: None

Background Documents:

Appendix 1 -Kingston Upon Hull Annual Review Letter 2024
Appendix 2 – LGSCO Regional Comparator 2023-24
Appendix 3 – LGSCO Comparator Table – Complaints Received by LGSCO
2023-24

Appendix 4 – LGSCO and HOS Resolution and Learning-2023-24

Appendix 5 – HCC HOS Self Assessment September 2024

Appendix 6 – N&H Complaint Handling Performance and Improvements 23-24

Implications Matrix

This section must be completed and you must ensure that you have fully considered all potential implications

This matrix provides a simple check list for the things you need to have considered within your report

If there are no implications please state

I have informed and sought advice from HR, Legal, Finance, Overview and Scrutiny and the Climate Change Advisor and any other key stakeholders i.e. Portfolio Holder, relevant Ward Members etc prior to submitting this report for official comments	No
I have considered whether this report requests a decision that is outside the Budget and Policy Framework approved by Council	Yes
Value for money considerations have been accounted for within the report	Yes
The report is approved by the relevant City Manager	No
I have included any procurement/commercial issues/implications within the report	Yes
I have considered the potential media interest in this report and liaised with the Media Team to ensure that they are briefed to respond to media interest.	Yes
I have included any equalities and diversity implications within the report and where necessary I have completed an Equalities Impact Assessment and the outcomes are included within the report	No
Any Health and Safety implications are included within the report	No
Any human rights implications are included within the report	No
I have included any community safety implications and paid regard to Section 17 of the Crime and Disorder Act within the report	No
I have liaised with the Climate Change Advisor and any environmental and climate	No

change issues/sustainability implications are included within the report	
I have included information about how this report contributes to the City Plan/ Area priorities within the report	No
I have considered the impact on air quality, carried out an appropriate assessment and included any resulting actions or opportunities necessary to improve air quality in the report.	No