

# FAREHAM

## BOROUGH COUNCIL

### Report to Audit and Governance Committee

**Date:** 27 September 2021

**Report of:** Director of Leisure and Community

**Subject:** ANNUAL OMBUDSMAN REPORT AND OVERVIEW OF COMPLAINTS AGAINST MEMBERS

#### SUMMARY

This report informs members of the number of complaints made to the Council via the Local Government and Social Care Ombudsman, the Housing Ombudsman Service and any complaints in respect of breaches of the Code of Conduct for Members for the year up to 31 March 2021.

*The Audit and Governance Committee's areas of responsibility for Standards and Ethics include: -*

- a) *Receive, consider and, where necessary, act on reports, guidance and advice from the Council's Monitoring Officer and the Local Government Ombudsman.*
- b) *Consider complaints against members' conduct and assess allegations of breaches of the Code of Conduct for Members to determine such complaints*

#### RECOMMENDATION

It is recommended that the Audit and Governance Committee notes the contents of the report.

## **INTRODUCTION**

1. One of the functions of the Audit and Governance Committee, set out in the Council's Constitution, is to advise on an internal framework of standards of conduct that should be followed by members and officers. To assist the Committee in carrying out this role, it is considered helpful to provide information concerning complaints made to, or about, the Council, its members and officers.
2. Many matters which could be termed as complaints might be better termed as service requests, and others are dealt with by the relevant departments as part of their normal duties (e.g. a missed refuse bin). Such requests are not covered by this report.
3. Where a matter has not been resolved straight away, the Council's corporate complaints procedure is followed, and the matter is dealt with as a formal complaint. The procedure applies to most complaints, but there are some cases which are treated in a different way. The Council advises the complainant if this is the case.
4. The formal complaints procedure is a two-stage process. Under Stage 1, the Head of Service in the department responsible will investigate the complaint. If the matter remains unresolved it will proceed to Stage 2 where the Director of the department responsible for the service will review the handling of the complaint to confirm that the correct procedures have been adhered to.
5. A complainant who is still not satisfied with the Council's explanation or resolution, after both stages of the complaints process have been followed, has the right to contact the Local Government and Social Care Ombudsman (LGSCO). Such cases are considered in this report together with the Ombudsman's annual letter.
6. In addition, tenants and leaseholders of housing associations and local authorities can contact the Housing Ombudsman Service, who will also investigate housing complaints that fall within their jurisdiction under the Housing Act 1996.
7. Complaints about the conduct of Members which involve possible breaches of the Council's Code of Conduct for Members are not dealt with under the Council's formal complaints procedure. Complaints of this nature are investigated by the Monitoring Officer. Since the implementation of the Localism Act the Members' standards responsibility became the responsibility of the Audit and Governance Committee and its Standards Sub Committee.

## **COMPLAINTS TO THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGSCO) AND THE HOUSING OMBUDSMAN SERVICE**

8. The LGSCO's annual review letter, Appendix A, shows that no complaints were upheld against the Council in the last financial year.
9. The Housing Ombudsman Service did not carry out any complaint investigations against the Council in the last financial year.

## ENQUIRIES AND COMPLAINTS RECEIVED

10. In 2020/21 the LGSCO received a total of 12 complaints about Fareham Borough Council and made 10 decisions. Cases are not always received and decided within the same financial year, which explains the discrepancy between the figures; the LGSCO uses the received date and decision date to determine the year for each. In 2019/20 there were 13 complaints and 11 decisions. In 2020/21, 8 of the complaints received were decided within the same year, with the remaining 4 awaiting decision in 2020/21.
11. The complaints received by the LGSCO related to several different service areas, which are summarised below. The titles are determined by the LGSCO so do not directly correlate with the services delivered by the Council:
  - (a) 4 for Planning and Development
  - (b) 3 for Benefits and Tax
  - (c) 2 for Housing
  - (d) 1 for Corporate and Other Services
  - (e) 1 for Environmental Services and Public Protection and Regulation
  - (f) 1 for Adult Care Services
12. The points below provide details of the outcome of the 10 decisions made by the LGSCO in 2020/21:
  - (a) 2 not upheld – the LGSCO carried out a detailed investigation but the complaint was not upheld.
  - (b) 5 closed after initial enquiries – the LGSCO considered the complaint but decided against completing a full investigation.
  - (c) 3 referred back for local resolution – the LGSCO found the complaint was referred to them too early and hadn't been actioned through the Council's complaints procedure.
13. Of the 12 complaints received and 10 decisions made in 2020/21, two complaints resulted in the LGSCO carrying out a detailed investigation. In both of these investigations, the complaints were not upheld and therefore there were no remedies that the Council needed to implement.
14. Four of the complaints received from November 2020 onwards were not decided during the same year, so the decisions for these will be included in the 2021/22 report.
15. Two of the complaints decided during 2020/21 related to complaints received during the previous year.
16. In addition to those complaints and enquiries received by the Local Government and Social Care Ombudsman, tenants and leaseholders of housing associations and local authorities can contact the Housing Ombudsman Service, who will investigate housing complaints that fall within their jurisdiction. One complaint about Fareham Borough Council was received by the Housing Ombudsman

Service during year 2020/21.

17. The complaint received by the Housing Ombudsman Service during 2020/21 was regarding the Council's handling of a complaint, where the complainant alleged that a response had not been received. The Council had acknowledged the tenant's complaint at the time, providing a date by when they could expect a response. The Housing Ombudsman Service did not therefore investigate the case any further as it was deemed to be a premature complaint and advised the complainant to escalate the complaint to Stage 2 if they remained dissatisfied following the Stage one response.

## **PERFORMANCE OF HAMPSHIRE DISTRICT COUNCILS**

18. For the year ended 31 March 2021, the LGSCO received 112 complaints and enquiries in respect of Hampshire District Councils, including Fareham Borough Council. This represents a decrease of 28 compared to the 140 complaints received during the previous year. It is, however, important to note that the LGSCO did not accept any new complaints and stopped investigating existing cases between March and June 2020, which reduced the number of complaints received and decided during the year.
19. The lowest number of complaints and enquiries was 1 received for Rushmoor Borough Council. Basingstoke and Deane Borough Council received the highest number of complaints and enquiries, with a total of 25. Complaints and enquiries relating to Planning and Development were the most frequent type with 47, and Environmental Services, Public Protection and Regulation made up 17 of the complaints across Hampshire District Councils. Benefits and Tax received the next highest number of complaints, with a total of 16.
20. For the year ended 31 March 2021, the LGSCO made a total of 101 decisions in respect of Hampshire District Councils, including Fareham Borough Council. Rushmoor Borough Council had the lowest number of decisions, with a total of 1. Basingstoke and Deane Borough Council received the highest number of decisions, with a total of 20.
21. Fareham Borough Council was one of five district Councils in Hampshire to have had no upheld decisions in 2020/21. Only two of the complaints resulted in detailed investigations being carried out, neither of which were upheld.
22. No information is available from the Housing Ombudsman Service regarding the number of complaints and enquiries received in respect of other Hampshire District Councils.

## **COMPLAINTS IN RESPECT OF BREACHES OF THE MEMBERS CODE OF CONDUCT**

23. The Council has a duty to make arrangements to receive and consider complaints made against Councillors in Fareham. The responsibility for carrying out this function lies with the Council's Monitoring Officer.
24. Complaints can be received in writing, via email or by completing an online

complaint form that is available on the Council's website. All complaints are taken seriously and are recorded and investigated by the Monitoring Officer, who evaluates each one against the Council's code of conduct.

25. For the period 1 April 2020 to 31 March 2021, seven formal complaints against members were received by the Monitoring Officer, the same number of complaints as the previous year. All of these were resolved at an early stage of the complaints procedure as it was established that no breach of the code of conduct had occurred.

### **RISK ASSESSMENT**

26. There are no significant risk considerations in relation to this report.

### **CONCLUSION**

27. No complaints were upheld by the Local Government and Social Care Ombudsman or the Housing Ombudsman Service during 2020/21.
28. There have been no reports, guidance or advice from the Council's Monitoring Officer or the Local Government and Social Care Ombudsman for the Committee to consider.
29. There have been no breaches of the Code of Conduct for the Committee to consider.
30. The overall level of complaints to the Local Government and Social Care Ombudsman, the Housing Ombudsman Service and complaints about Councillors are in line with recent trends and the Committee is recommended to note the contents of the report.

**Appendices:**     **Appendix A – LGSCO Annual Review letter**

#### **Background Papers:**

None

#### **Reference Papers:**

None

#### **Enquiries:**

For further information on this report please contact Annette Rickman, Customer Service Manager (Ext. 4418).