

## COUNCIL - MONDAY, 4 SEPTEMBER 2023

### Report of the Monitoring Officer

#### Part A

#### LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGSCO) REVIEW LETTER 2022/23 AND HOUSING OMBUDSMAN SCHEME COMPLAINTS

##### Purpose of Report

To make Members aware of the Local Government & Social Care Ombudsman's (LGSCO) review letter for 2022/23 and six cases of complaints that were upheld by the LGSCO during the year, in accordance with the LGSCO's guidance which is that the Monitoring Officer should make a periodic report to councillors summarising any upheld complaints.

The report also summarises one complaint that was upheld by the Housing Ombudsman Scheme during 2022/23.

##### Recommendation

That the Local Government & Social Care Ombudsman's appended review letter for 2022/23, and the summary of upheld complaints as set out in Part B of this report, be noted.

##### Reason

To comply with the guidance from the Local Government & Social Care Ombudsman that the Monitoring Officer should make Members aware of upheld complaints on a periodic basis.

##### Policy Justification and Previous Decisions

The LGSCO's guidance is that the Monitoring Officer should report details of complaints to Members periodically.

##### Implementation Timetable including Future Decisions

No further actions are required to implement the recommended decision.

##### Report Implications

##### ***Financial Implications***

There are none.

##### ***Risk Management***

There are no specific risks associated with this decision.

### ***Equality and Diversity***

None identified.

### **Climate Change and Carbon Impact**

None identified.

### ***Crime and Disorder***

None identified.

### **Wards Affected**

Not applicable.

### **Publicity Arrangements**

Not applicable.

### ***Consultations***

Not applicable.

### **Links to the Corporate Strategy**

|                            |            |
|----------------------------|------------|
| Caring for the Environment | No         |
| Healthy Communities        | No         |
| A Thriving Economy         | No         |
| Your Council               | <b>Yes</b> |

Background Papers:

LGSCO Decision Summaries for upheld complaints during 2022/23:

[22 013 883 - Local Government and Social Care Ombudsman](#)

[22 012 420 - Local Government and Social Care Ombudsman](#)

[22 009 827 - Local Government and Social Care Ombudsman](#)

[22 001 216 - Local Government and Social Care Ombudsman](#)

[22 011 886 - Local Government and Social Care Ombudsman](#)

[21 012 511 - Local Government and Social Care Ombudsman](#)

Housing Ombudsman Service Decision Summary  
for the upheld complaint during 2022/23:

[Charnwood Borough Council \(202111440\) - Housing  
Ombudsman \(housing-ombudsman.org.uk\)](#)

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## Part B

### Background

1. The LGSCO is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies), and some other organisations providing local public services. They are a free service. They investigate complaints in a fair and independent way, and do not take sides.
2. Their annual review letter for Charnwood Borough Council for 2022/23 is appended to this report, and notes that there were six upheld complaints during the year. The letter explains that the LGSCO have changed their approach to complaints, which means that their upholding rate has increased.
3. The letter also confirms that in 100% of cases the LGSCO were satisfied the Council had successfully implemented their recommendations.
4. All local authorities and registered social housing providers are required to be members of the Housing Ombudsman Scheme, which investigates complaints and resolves disputes involving tenants and leaseholders. This report also includes a summary of one complaint relating to the Council that the Housing Ombudsman upheld during 2022/23.

### LGSCO Upheld Complaints

5. Upheld complaint ref. 22-013-883 - LGSCO summary:

'We will not investigate Mr X's complaint about the Council's handling of his planning application. Mr X had a right of appeal to the Planning Inspectorate which it would have been reasonable for him to use and the Council has provided a sufficient remedy in any event. It is therefore unlikely investigation would achieve anything more for Mr X'.

5. Upheld complaint ref. 22-012-420 - LGSCO summary:

'Mr X complained about the Council's decision to grant planning permission for development of a property near his home, and how it handled his complaint about this. There was no fault in how the Council made its planning decision, but it was at fault in how it handled Mr X's complaint. This caused Mr X confusion for which the Council agreed to apologise. It will also review its complaints procedure and issue guidance to its staff.'

6. Upheld complaint ref. 22-009-827 - LGSCO summary:

'Mr G complained the Council did not take sufficient action to prevent him suffering a loss of privacy following the redevelopment of a neighbouring house. The Council acknowledged fault in its handling of a 2018 planning application and apologised for that. We considered this was a satisfactory remedy, given subsequent changes to the development which the Council considered had reduced its impact on Mr G'.

7. Upheld complaint ref. 22-001-216 - LGSCO summary:

'Ms X complained the Council has placed her in the lowest housing banding despite her property being unsuitable because of the risk to her children and failure to meet their medical needs. Ms X also complained the Council identified Category 1 Hazards in her property which it failed to address. The Ombudsman found fault with the Council due to delay in correcting Category 1 Hazards at Ms X's property. This resulted in Ms X remaining in unsuitable accommodation and the Council completing housing assessments based on inaccurate information. The Council agreed to pay Ms X £2,000 for the delays in correcting the Category 1 Hazards. The Council also agreed to apologise to Ms X and pay her £300 for the general inconvenience and distress caused'.

8. Upheld complaint ref. 22-011-886 - LGSCO summary:

'Mr X complains that the Council gave incorrect information to the Department for Work and Pensions (DWP) which caused difficulties with his Universal Credit entitlement. We will not investigate this complaint because the matter has been remedied'.

9. Upheld complaint ref. 22-012-511 - LGSCO summary:

'The Council's failure to take a homeless application from Mr X in June 2021 was fault. The Council was not at fault for refusing Mr X's applications for Discretionary Housing Payments. The Council has already remedied its fault in failing to contact Mr X about his application to the housing register. The Council has agreed to apologise, pay Mr X £500, and take action to improve its service'.

### Housing Ombudsman Upheld Complaint

10. Upheld complaint ref. 202111440 related to a complaint about the Council's handling of repairs following a fire at the property below the resident. The Ombudsman found that there were service failures in relation to the handling of the works and also with the Council's handling of the resident's initial complaint, and therefore determined that the compensation offered to the resident should be increased from £150 to £350. They also recommended that the Council should consider reducing its 3 stage complaints process to 2 stages (which has been done).

### Appendix

LGSCO Review Letter for 2022/23