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**Report of the Director of Neighborhoods and Housing**

**Scrutiny Board (Neighbourhoods and Housing)**

**Date:** 6<sup>th</sup> December 2006

**Subject:** Local Government Ombudsman's Annual Letter

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**Electoral Wards Affected:**

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

1. Following the receipt of the Local Government Ombudsman's annual letter for 2006, the Board noted the significant increase in the last three years in Ombudsman complaints relating to housing particularly, repairs and lettings. The Board therefore, requested a further report from the Department exploring the reasons behind the increase in reported cases, and also to consider any future learning.
2. This report provides an analysis of 38 Ombudsman complaints relating to repairs and lettings between April 2005 and September 2006, and proposals for future action to address any emerging issues.

## **1.0 Purpose Of This Report**

- 1.1 To provide Members with analysis of 38 Ombudsman complaints relating to repairs and lettings between April 2005 and September 2006, and proposals for future action to address any emerging issues.

## **2.0 Background Information**

### Ombudsman Cases – April 2005 – September 2006

- 2.1 Between April 2005 to September 2006 there were a total 119 Ombudsman cases received by the Arms Length Management Organisations (ALMOs). Appendix A provides a breakdown by ALMO and service area. Just over 50% (63) of the complaints received for this period were either about repairs or lettings. The remainder of cases were spread over several other categories, namely adaptations, modernisation, estate management, ASB and other. This report concentrates on figures for lettings and repairs as this was highlighted by Ombudsman and is of concern to the Board. In order to get behind the numbers, the Department reviewed the correspondence of a sample of reported cases; as a result, 27 (49%) repairs cases and 11 (38%) lettings of the total number of cases were reviewed.
- 2.2 The Ombudsman when investigating cases has a number of outcomes which they can determine, they are:
- Maladministration (causing injustice)
  - Maladministration (no injustice)
  - Local settlement
  - Ombudsman discretion
  - Outside jurisdiction
- 2.3 It is worth noting that no cases covered in this reporting period did not resulted in the Ombudsman finding 'maladministration', however, there will still be points of learning that the Department and ALMOs may need to address.

### Results of Repairs Cases Reviewed

- 2.4 The range and nature of the repairs cases included complaints about the failure and delay to provide a service or adequately put a problem right for example, heating appliances or leaks in kitchens and bathrooms. There were very few cases which involved complaints about the attitude of staff. Each case reviewed had its own set of unique circumstances; therefore, in those ALMO areas which had a high proportion of repairs cases there were no discernable common themes. Over 40% of repairs cases were settled locally, a number of which were settled before the Ombudsman was able to begin an investigation. There were however a small number of cases where the Ombudsman's involvement helped to 'mediate' an acceptable outcome for all parties. Often where the complainant has either access to the courts or has begun legal action the Ombudsman will normally deem the case to be out of their jurisdiction, there were 14% of cases that fell in to this category.

### Results of Lettings Cases Reviewed

- 2.5 In this service area, the complaints received from individuals and families were mainly about the time it was taking to be re-housed, the appropriateness of their priority rating, the lack of choice of properties in their preferred location, and the

quality of advice given to them. Whilst each case has its own story to tell, a key theme is the time it takes to be rehoused. Members will no doubt be aware of the enormous pressures providers of social housing face in a society wishing to have their own personal accommodation, coupled with a lack of affordable housing whether for rent or to buy in the city and throughout the country. As for the outcomes of cases there was a more of a split between local settlement, no maladministration and out of jurisdiction. One statistic which stands out is the number of complaints 9 (82%) which questioned the quality or existence of advice provided to them.

### **3.0 Main Issues**

- 3.1 It would appear that many of the complainants approached the Ombudsman because they lacked confidence in the ALMO or Council giving them a fair hearing or they felt frustrated with how long it was taking to resolve their issue/complaint. Consequently, the Ombudsman is sometimes seen as someone who can get things done when there seems to be little progress. It should also be recognised that people will go to the Ombudsman, in the hope that this in itself will help hasten a more favorable response in cases where the ALMOs or Council is unable to meet the customers expectations.
- 3.2 Several of the cases reviewed pointed to a need for better case management which could have avoided some of the problems encountered. There were occasions when notes of meetings, visits or telephone calls were not made or recorded. There were delays in responding to letters, undue delays in carrying out repairs and undertakings to carry out work that were not met. These were some of the general issues and were also observations of the Ombudsman. The wider use of customer relations management systems such as Siebel (Contact Leeds) can play a part in addressing these concerns.
- 3.3 Services managers need to ensure that due attention is paid to who responds to complaints and the level of authority they have to 'get things done', as this can sometimes be the stumbling block to achieving a successful outcome.

### **4.0 Implications For Council Policy And Governance**

- 4.1 Strategic Landlord is responsible for the monitoring and governance of the ALMOs. As part of that role it monitors the number of complaints, in particular Ombudsman complaints that ALMOs receive. Recently a more robust monitoring system has been put in place involving detailed statistical monitoring of the number and type of Ombudsman enquiries. From this data, it then analyses trends and will challenge ALMOs through quarterly performance meetings on why certain services are receiving a lot of Ombudsman investigations, and the actions necessary to address the causes of the complaints. Furthermore, Strategic Landlord Group require ALMOs to inform them, when it appears that there may be a judgement of maladministration found, so that the Council can assist the ALMO in resolving the case.
- 4.2 For services that Strategic Landlord is responsible for, such as the Lettings policy, it has taken appropriate action such as amending the policy and undertaking training to address the causes of the complaint. Following this review it is taking a more proactive role in governing Ombudsman cases.

### **5.0 Legal And Resource Implications**

5.1 This report is not considered to have any specific legal implications. Whilst none of the cases in this review period resulted in maladministration, addressing a number of the issues contain in 3.0 and 4.0 may have some resource implications, for example staff training and increasing staff time to handle complaints. The consequences of not addressing issues that are subsequently brought to the Ombudsman's attention may also result in financial penalties and the need to provide compensation.

## **6.0 Conclusions**

6.1 On reflection many of the Ombudsman complaints were about managing customers expectations regarding what was or was not possible from the Department or ALMOs. This could be addressed by providing better and timely communication to the customer enabling them to make a more informed decision. This report has also highlights the need to ensure that officers dealing with complaints have the 'authority' or the quick access to others to make things happen. Members are asked to note the intention of the Department to strengthen current governance arrangements with the ALMOs.

6.2 The review of the 38 cases revealed some basic and avoidable failings such as, the lack of record keeping and general good case management, however, this should be balanced against the thousands of transactions and interactions the Department and ALMOs have with customers which attract no complaints.

## **7.0 Recommendations**

7.1 Members are asked to consider the information contained in this report.

## APPENDIX A

Ombudsman cases received between April 05 - March 06

ALMO	Service Area							TOTALS
	Repairs	Lettings	Adaptations	Modernisation	Estate Management	ASB	Other	
LEH (10946)	4	4	1	2	1	0	0	12
LNEH (5938)	3	2	0	1	1	0	1	8
LNWH (10748)	2	3	0	3	6	0	3	17
LSEH (7280)	2	1	0	0	2	0	1	6
LSH (11873)	2	6	1	3	1	1	2	16
LWH (11217)	8	1	0	1	1	0	4	15
Council	0	1	0	0	0	0	0	1
<b>TOTALS</b>	<b>21</b>	<b>18</b>	<b>2</b>	<b>10</b>	<b>12</b>	<b>1</b>	<b>11</b>	<b>75</b>

( ) = Numbers of Council housing in ALMO areas as 02 Oct. 2006

<u>Of closed cases:</u>		<u>Others:</u>	Right to Buy	3
Local Settlement	33		Property Mgmt	4
No maladministration	21		Planning	1
Ombudsman Discretion	3		Access Channel	1
Outside Jurisdiction	4		Cust Relations	1
Not known	4		Bins	1

Ombudsman cases received between April 06 - Sept 06

ALMO	Service Area							TOTALS
	Repairs	Lettings	Adaptations	Modernisation	Estate Management	ASB	Other	
LEH (10946)	0	0	0		2	0	0	2
LNEH (5938)	1	1	1	2	0	2	2	9
LNWH (10748)	2	6	0	0	1	0	2	11
LSEH (7280)	2	0	0	0	0	0	0	2
LSH (11873)	3	2	0	1	2	1	2	11
LWH (11217)	5	1	1	0	1	0	0	8
Council	0	1	0	0	0	0	0	1
<b>TOTALS</b>	<b>13</b>	<b>11</b>	<b>2</b>	<b>3</b>	<b>6</b>	<b>3</b>	<b>6</b>	<b>44</b>

( ) = Numbers of Council housing in ALMO areas as at 02 Oct. 2006

<u>Of closed cases:</u>		<u>Others:</u>	Property Mgmt	1
Local Settlement	17		Cust Relations	1
No maladministration	8		Disposal of goods	1
Ombudsman Discretion	4		Access Channel	1
Outside Jurisdiction	2		Council Tax	1
Not known			Bins	1