

Report to	-	Audit and Standards Committee
Date	-	10 December 2018
Report of the	-	Executive Director
Subject	-	Ombudsman Complaints Monitoring and Annual Review 2017/2018

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**Recommendation:** It be **RESOLVED:** That the report be noted.

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**Head of Service: Joe Powell**

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### **Ombudsman Complaints Monitoring**

1. Details of the complaints made to the Local Government Ombudsman are reported to the Committee as and when they are determined throughout the year. A number of cases have been determined since the Committee's last meeting as detailed below:

<b>Reference</b>	<b>Details of the Allegation</b>	<b>Outcome</b>
17 008 669	<p>The complainant alleges:</p> <ul style="list-style-type: none"><li>• That he is subject to a ban from the Council offices imposed in August 2016 and considers the ban unreasonable.</li><li>• That the Council has not provided him with enough support to secure re-housing. He complains about the way the Council has responded to his contact since he became homeless in May 2016 and that he is not on the Council's housing register.</li><li>• That the Council could not provide him with temporary accommodation in its area.</li><li>• That the Council sent him misleading letters in May 2017 encouraging him to claim housing benefit when he could not do so as he needed to make a claim for Universal Credit.</li></ul>	<p><b>The Ombudsman upheld this complaint finding fault by the Council causing an injustice to the complainant. The Council has accepted these findings and has agreed action to remedy that injustice.</b></p>

17 017 942	<p>The Council closed the complainants' Council Tax account without informing them. Payments were therefore returned and simultaneously, the Council issued a final notice threatening Court proceedings. The complainant alleges it should have been a very simple procedure for the Council to identify their payments to their bank account and to notify them of any changes.</p> <p>The complainant believes that the Council failed in their duty of care and, in preference to telling them that their bank account had been changed, the complainant was issued with a notice threatening Court action. This was alarming and frightening for the complainant.</p>	<p><b>The Ombudsman would not investigate as the complainant had not given the Council an opportunity to investigate.</b></p> <p><b>The complainant has since submitted their complaint to the Council which is currently being dealt with at Stage 2 of the Council's complaints process.</b></p>
17 018 880	<p>The complainant is not happy about the Council's investigation into their noise nuisance complaint and its decision not to take any action.</p>	<p><b>The Ombudsman will not uphold this complaint. The Council can only act if it has evidence of a statutory nuisance. It has not found any such evidence and has followed its published policy. Its decision to close the complainant's case is one it was entitled to reach. Without evidence of fault in the decision-making process, the Ombudsman has no powers to question the merits of the decision itself.</b></p>
18 000 220	<p>The complainant alleges that the Council is guilty of maladministration and has failed to respond to a series of enforcement complaints regarding planning applications.</p>	<p><b>Currently being investigated.</b></p>
18 003 301	<p>The complainant complained about the Council's failure to honour an alleged promise to pay him housing benefit (HB) for his tenant's rent during the time she was in prison.</p>	<p><b>The Ombudsman does not have grounds to investigate Mr B's complaint that the Council went back on a promise to pay him housing benefit for the period his tenant was in prison. This is because it is unlikely an</b></p>

		<b>investigation would uncover sufficient evidence to sustain a finding of fault against the Council regarding this matter.</b>
18 009 798	The complainant alleges that the Council was difficult to deal with regarding outstanding Council Tax payments. An arrangement was allegedly made to place their account on hold. On the same day the hold came off the account, a debt collector attended the complainant's address at 6am, demanding money with menaces. Despite advising a Council officer that a senior manager had offered a payment arrangement, the complainant was ignored. The complainant also alleges that the debt collector told them that a Council Officer was going to give the order to break in to the complainants property which is unlawful. The complainant offered £500 pounds to the debt collector but this was refused. The complainant is accusing the Council of gross injustice as his children paid with their credit cards at high APR to satisfy Rother District Council.	<b>Currently being investigated.</b>

### **Annual Review 2017/18**

2. There were a total of 23 complaints made against the Council recorded for the year 2017/2018, as follows:

Upheld = 3

Partially Upheld = 0

Not Upheld = 9

Closed after initial enquiries = 10

Withdrawn = 1

3. This total is higher than last year's figure of 15 complaints.

Malcolm Johnston  
Executive Director

### **Risk Assessment Statement**

Failure to report regularly on Local Government Ombudsman issues and determinations on complaints made against the Council will result in the Committee being unable to take any appropriate action as necessary.