

Overview and Scrutiny Committee

25 June 2026

Part 1 - Public

Matters for Information



Cabinet Member	N/A
Responsible Officer	Damian Roberts, Chief Executive
Report Author	Claire Whitfield, Personal Assistant to Chief Executive & Complaints Officer

Local Government and Social Care Ombudsman – Annual Review Letter

1 Summary and Purpose of Report

- 1.1 The annual report of the Local Government and Social Care Ombudsman regarding complaints received and dealt with by them over the period 1 April 2025 to 31 March 2026 is presented for information.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Complaints provide an important opportunity to receive feedback on the quality of the Council's services and contribute positively to continued service improvements.

3 Introduction and Background

- 3.1 Complaints are an important way for the Council to receive feedback from its residents and for the Council to address any concerns that have been raised in a timely way. As a Council committed to high performance, complaints are also valuable in helping identify areas for improvement. This is why the Council encourages residents to raise a complaint if they are unhappy with the service they have received.
- 3.2 Given the huge number of transactions and interactions that the Council has with its customers, it is inevitable that a small number of these result in a complaint being raised. As part of the Council's complaints policy, if a customer remains unhappy with the outcome of their complaint, they also have the option to escalate their concern to the Local Government and Social Care Ombudsman.

- 3.3 Each year the Ombudsman provides the Borough Council with a report of the formal complaints it has dealt with and the outcomes of those complaints. This report covers the period for 1 April 2025 to 31 March 2026.
- 3.4 The Ombudsman usually only considers complaints that have already been considered through the Council's complaints process and where there is not a separate statutory appeals process.

4 Outcomes

- 4.1 The Ombudsman received 13 formal complaints over the year from 1 April 2025 to 31 March 2026. The outcomes were as follows:
- Complaints not for Ombudsman = 3
 - Complaints assessed/closed = 8
 - Complaints investigated = 2
 - Complaints upheld = 2
- 4.2 A copy of the Ombudsman's letter is attached at Annex 1.
- 4.3 Details of the complaints are attached at Annex 2.
- 4.4 The complaints upheld by the Ombudsman relate to Revenues & Benefits (ref: 24013728) and Housing (ref: 24014165).
- 4.5 The decision regarding a Revenues & Benefits case was upheld because the Ombudsman concluded that the Council had not provided the complainant with the right of appeal against the decision to refuse discretionary relief on council tax. The Ombudsman asked the Council to reissue the decision with the correctly applied rights, apologise, pay £100 and ensure improved procedures for the future. It is important to note that the complainant did not raise their concern with the Council using the Council's complaint process, despite having been advised to do so on three occasions. Therefore, the complainant did not provide the Council with the opportunity to properly investigate and resolve their concerns. This was pointed out in a letter from the Chief Executive to the Ombudsman which referenced the Ombudsman's own website's advice to complainants, i.e. to make use of the Council's complaints process before they make a complaint to the Ombudsman.
- 4.6 The second upheld decision related to a homelessness case, where the complaint concerned a household placed in unsuitable temporary accommodation for a period of ten months. This impacted on their family's well-being and the education of their children. The Ombudsman upheld the complaint because the location of the children's schools was not adequately considered before placing them. In a letter of apology, the Chief Executive outlined improvements already completed in

how the Council identifies and prioritises those who need to move back into an area when temporary accommodation becomes available, plus measures implemented to ensure the Council properly considers the wider suitability of properties before moving people to them in future. However, with high levels of demand and relatively short supply of suitable temporary accommodation, it remains challenging to meet the varying needs of homeless households beyond providing a safe and decent place to live.

5 Financial and Value for Money Considerations

- 5.1 £100 discretionary payment to the Revenues & Benefits complainant. Payments of £1,500 to recognise unsuitable temporary accommodation for ten months (£150 per month), plus a £200 symbolic payment for inconvenience to the Housing complainant.

6 Risk Assessment

- 6.1 N/A

7 Legal Implications

- 7.1 None

8 Consultation and Communications

- 8.1 The outcome of the annual review is communicated via this report.

9 Cross Cutting Issues

- 9.1 Climate Change and Biodiversity

- 9.1.1 Climate change advice has not been sought in the preparation of this report. The Council accepts complaints electronically either by email or via the Council's website and complaints are usually responded to by email. However, other channels are also available to ensure maximum access.

- 9.2 Equalities and Diversity

- 9.2.1 Equalities and diversity are important considerations in the delivery of Council services and the management of complaints.

- 9.3 Human Resources

- 9.3.1 Council staff are aware of the importance of complaints. The investigation and response to complaints is undertaken by senior officers.

9.4 Data Protection

9.4.1 The management and protection of data, including personal sensitive information, is an important consideration in the delivery of Council services and in the investigation and reporting of complaints.

Background Papers	None
Annexes	Annex 1 - Annual letter from Ombudsman to Tonbridge and Malling Borough Council Annex 2 - Details of complaints