



ADJUDICATION AND REVIEW COMMITTEE AGENDA

7.00 pm	Thursday 24 June 2021	Council Chamber, Havering Town Hall
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Members 8: Quorum 3

COUNCILLORS:

Conservative Group (4)

Ray Best (Vice-Chair)
Joshua Chapman
Timothy Ryan (Vice-Chair)
Matt Sutton (Chairman)

Residents' Group (1)

Ray Morgon

Upminster & Cranham Residents' Group (1)

Linda Van den Hende

Independent Residents Group' (1)

Jeffrey Tucker

Labour Group (1)

Denis O'Flynn

**For information about the meeting please contact:
Anthony Clements, tel: 01708 433065
e-mail:anthony.clemrents@onesource.co.uk**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

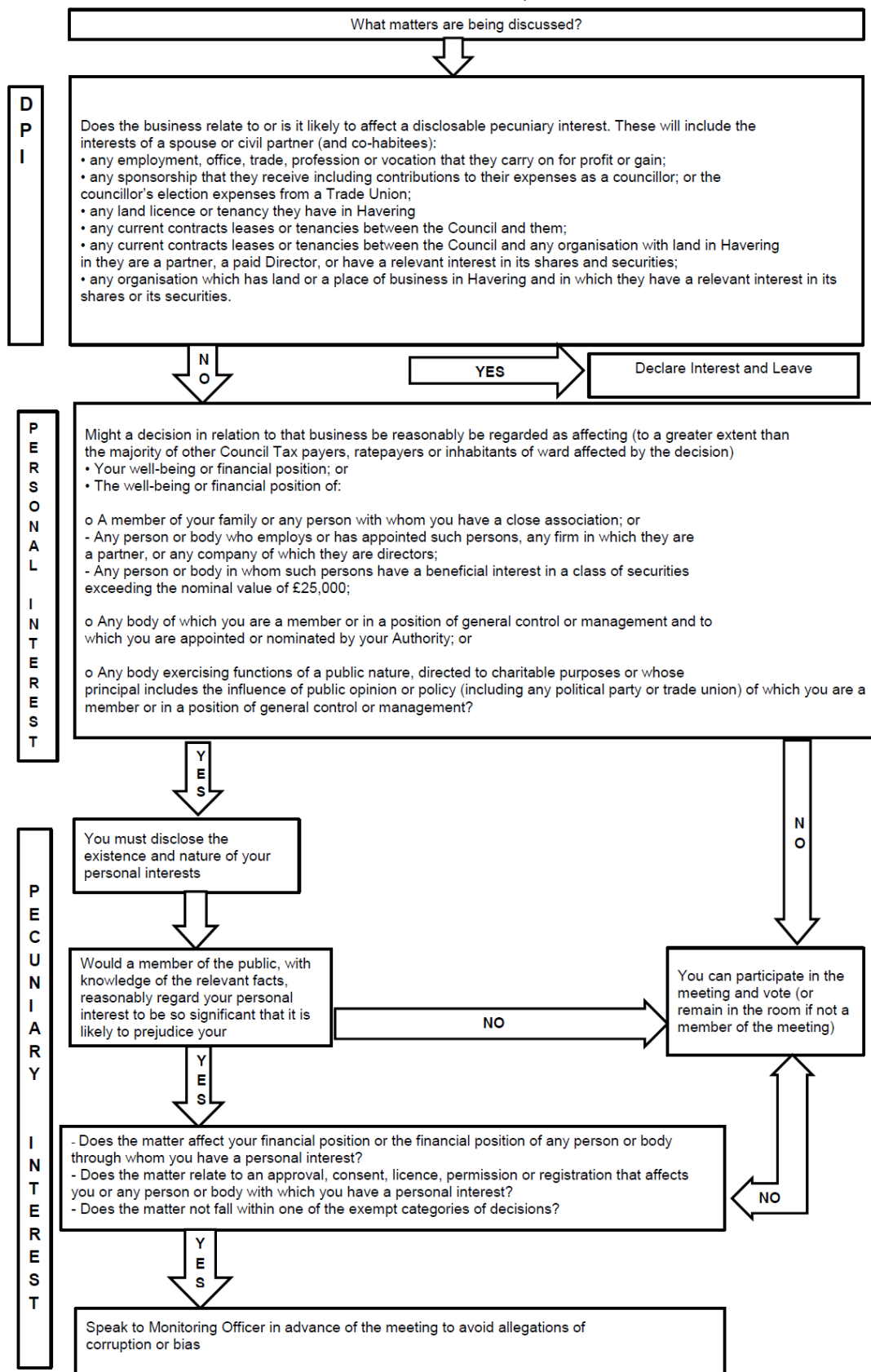
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

(if any) – receive.

3 DECLARATIONS OF INTERESTS

Members are invited to disclose any interests in any of the items on the agenda at this point of the meeting. Members may still disclose an interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 4)

To approve as a correct record the minutes of the meeting of the Committee held on 6 January 2021 (attached) and to authorise the Chairman to sign them.

5 UPDATE ON CORPORATE COMPLAINTS 2020/21 YEAR END (Pages 5 - 24)

Report and appendices attached.

Andrew Beesley
Head of Democratic Services

**MINUTES OF A MEETING OF THE
ADJUDICATION AND REVIEW COMMITTEE
Town Hall
6 January 2021 (7.00 - 7.53 pm)**

Present:

COUNCILLORS

Conservative Group	Ray Best (Vice-Chair), Timothy Ryan (Vice-Chair), Matt Sutton (Chairman) and Ciaran White
Residents' Group	Ray Morgon
Labour Group	Denis O'Flynn
Upminster & Cranham Residents' Group	Linda Van den Hende

5 CHAIRMAN'S ANNOUNCEMENTS

It was agreed that Councillor Best would chair the meeting in the absence of Councillor Sutton at the start of proceedings.

6 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

Apologies were received from Councillor Joshua Chapman, Councillor Ciaran White substituting.

7 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

8 MINUTES

The minutes of the meeting of the Committee held on 5 March 2020 were agreed as a correct record and signed by the Chairman.

9 COMPLAINTS PERFORMANCE REPORT QUARTER 2

Council complaints officers reported that a total of 581 stage 1 complaints had been received in the quarter under review, of which 78% had been responded to within the target timescale. 100 stage 2 complaints had been received in the same period with 65% being responded to within timescale. Only 7.5% of complaints had gone to a full stage 2 investigation, compared with 9% in the equivalent quarter the previous year.

A total of 9 complaints had been upheld by the Omdudsman although in only 6 of these cases had maladministration been found and in only two of these had a financial penalty been awarded. Members felt these were positive results given the ongoing pandemic situation.

It was noted that a significant proportion of complaints related to waste and recycling and Members were advised that a contract officer was now in post to seek to ensure that the waste contractor kept to the specification of the contract. It was felt that it may be useful to include the number of properties in Havering within the report in order to give some perspective to the figures on missed waste collections.

Officers clarified that the figures did include complaints regarding the recycling centre and garden waste collections. Flytipping complaints were also included within waste and recycling although it was possible more detailed categories of complaints could be included in the future. It was clarified that the on-line category of complaint covered those made via the Council's website rather than the app. Members expressed a hope that complaints of missed refuse collections could be resolved more quickly in the future.

The Committee noted the quarter 2 complaints performance report.

10 **LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL LETTER REPORT 2019/20**

The Local Government Ombudsman's annual letter for Havering indicated that 121 complaints and enquiries had been received relating to the Council, compared to 95 the previous year. 85 contacts had required an Ombudsman decision of which 55% had been upheld. This compared well with other Local Authorities and the Council also had to show that it had complied with Ombudsman decisions. Havering had achieved a 100% compliance rate.

A total of 12 cases had been felt by the Ombudsman to have shown maladministration and these cases were summarised in the agenda papers for the meeting.

The biggest maladministration penalty was £7,000 which was related to the foster care service and was not connected to the pandemic.

The Committee noted the Ombudsman Annual Letter 2019/20.

11 **COMMITTEE'S WORK PROGRAMME**

The Committee agreed to recommend to the Overview and Scrutiny Board that the Council's complaints system as a whole be scrutinised.

Members thanked officers for their work in dealing with complaints.

Chairman

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ADJUDICATION AND REVIEW COMMITTEE

24 June 2021

Subject Heading:	Update on Corporate Complaints 2020/21 Year End
SLT Lead:	Andrew Blake-Herbert
Report Author and contact details:	Carol Ager carol.ager@haverling.gov.uk 01708 434389
Policy context:	Corporate Complaint Policy and Procedure 1st April 2015
Financial summary:	There are no financial implications to this report.

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

This report updates Members of Adjudication and Review on complaint handling performance, across all Council services.

The Corporate Complaint Policy and Procedure was introduced on 1st April 2015. Some changes to the Corporate timescales were made, effective 1st October 2018. Turnaround was set to 10 working days for Stage 1 complaints and 25 working days for Stage 2 complaints. Services should aim to respond to 95% of cases within time.

Statistics are reported to Committee on a quarterly basis.

This report attaches written information for Members to consider on complaint statistics for the year 2020-2021, indicating numbers received and performance on timeliness and quality.

RECOMMENDATIONS

That the Committee consider and discuss any further action required on the following:

1. The Corporate Complaints Performance Statistics for reporting year April 2020 to March 2021.
2. Decisions made by both the Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman (HO) throughout the year.

REPORT DETAIL

The Corporate Complaints Policy and Procedure has been in place since 1st April 2015. This report summarises the performance under the Council's complaints handling process, and identifies Services response turnaround times, together with those areas in need of additional attention.

Statutory complaints, those related to the care of children and adults, are subject to a separate Statutory Complaint Policy with different timescales and data relating to those complaints is not included within this report.

It should be noted, the reporting year 2020-21 has been impacted by the effect on Council services of the COVID-19 pandemic. At the end of March 2020, the Council suspended its Corporate Complaint Policy and Procedure, following similar action by the Local Government and Social Care Ombudsman. This was agreed under the special (urgent) decision making process during the first lockdown.

The Council resumed corporate complaint activity at the end of June 2020. As a result, this report provides data for nine months of the year. Where a comparison is made with the previous year's data, this will be for the period July 2019 to March 2020.

During the suspension of the Complaint Policy and Procedure for the first quarter of the reporting year, customers with immediate, urgent concerns were directed to the relevant service areas for assistance, rather than have the matter dealt with via the complaints process.

Corporate Complaints Performance Statistics

The 2020-2021 performance statistics for all complaints under the procedure is attached as **Appendix 1**.

In short, the council received 1587 Stage 1 complaints during the period July 2020 to March 2021. 77% of them (1215) were responded to within the required timescale of ten days.

The council received 318 requests for escalation to Stage 2 of the process, 68% (216) of them dealt with within 25 days, in line with current timescales.

This equates to an escalation request rate of 20% however, this is reduced to 8.7% when considering the number of cases that were not escalated to Stage 2. This is a slight increase from 8.1% in the same period last year.

The following table provides an easy view of complaints completed at Stages 1 and 2.

	2020-21	2019-20
Stage 1 percentage to time	77%	89%
Stage 2 percentage to time	68%	70%
Cumulative percentage Stages 1 & 2	75%	86%

Performance across both stages of the complaints process is not at an acceptable level. However, it should be noted, due to the unprecedented situation the Council has gone through in the last year, complaint performance has understandably been affected. With resources across many service areas having been re-directed to essential Covid-19 support teams, complaint teams have found it extremely difficult to secure information to inform investigations.

Ombudsmen Decisions

During the year, there were 52 decisions by Local Government and Social Care Ombudsman(LGSCO) and the Housing Ombudsman, as follows:

Local Government and Social Care Ombudsman

5 x Closed: Premature

(Housing (3); Children's (2))

16 x Closed after initial enquiries: No further action

(Adult Services; Children's Services; Planning (4); Housing (4); Environment (6))

7 x Closed after initial enquiries: Out of jurisdiction

(Adult Services; Planning, Environment (2); Housing (2); Council Tax)

5 x Not Upheld: No Maladministration

(Planning (2); Environment: Adult Services; Children's Services)

2 x Upheld: Maladministration, injustice with no penalty **S**

(Environment; Housing)

8 x Upheld: Maladministration, injustice with penalty **S**

(Adult Services (3); Children's Services (2); Housing (2); Environment)

Housing Ombudsman

There were nine Housing Ombudsman decisions during the period as follows:

5 x Resolved locally: No further action

2 x No Maladministration

2 x Maladministration with penalty (**S**)

See table below for comparison of significant (**S**) decisions made during the year in 2019 and 2020:

Significant decisions (where maladministration and injustice found)					
Ombudsman	Decision	Year end 2020-21		Year end 2019-20	
LGSCO	Maladministration, injustice with penalty	3	Adult Services	3	Adult Services
		2	Children's Services	2	Children's Services
		2	Housing	3	Housing
		1	Environment	1	Benefits
LGSCO	Maladministration, injustice, no penalty	1	Housing		
		1	Environment	2	Environment
Housing	Maladministration with penalty	2	Housing	0	Housing

Ombudsman decisions are shown in more detail on attached Appendix 2.

IMPLICATIONS AND RISKS

There are no financial, legal, human resource or equality implications or risks from this report.

BACKGROUND PAPERS

The Corporate Complaints Policy and Procedure is published on the internet and as it has been mentioned previously, may provide background to the information in this report.

Attached are two appendices:

Appendix 1 – Year end 2020-21 Complaints statistics

Appendix 2 – Ombudsman Activity Report for year ending 31st March 2021

The Council defines a complaint as any expression of dissatisfaction about the Council's provision of, or failure to provide, a service for which it has responsibility and when it has not put right any service failure in a reasonable timescale.

The Corporate Complaints Policy and Procedure sets out timescales in which we have to respond to a complaint; 10 working days for Stage 1 and 25 working days for Stage 2. Stage 3 (Adjudication and Review) also has a target; this is 30 working days.

The target to achieve for both Stage 1 and Stage 2 responses and is 95% to time.

The following performance figures relate to complaints under the process.

Information on the following pages show:

The number of complaints logged at Stage 1 and Stage 2 against the service area and the response times

A graphic of Stage 1 and Stage 2 by topic showing those logged compared with those closed within time.

The method of contact by our customers

The complaint outcomes

The reasons for complaints

Stage 3 complaints and the outcome

Cumulative complaint figures for both Stage 1 and Stage 2 complaints from April 2020 until March 2021

Performance for 2020/21 (in short) is therefore:

Stage 1 received	1587
Stage 1 percentage to time overall	77% (1215)
Percentage of Stage 2 escalation requests	20%

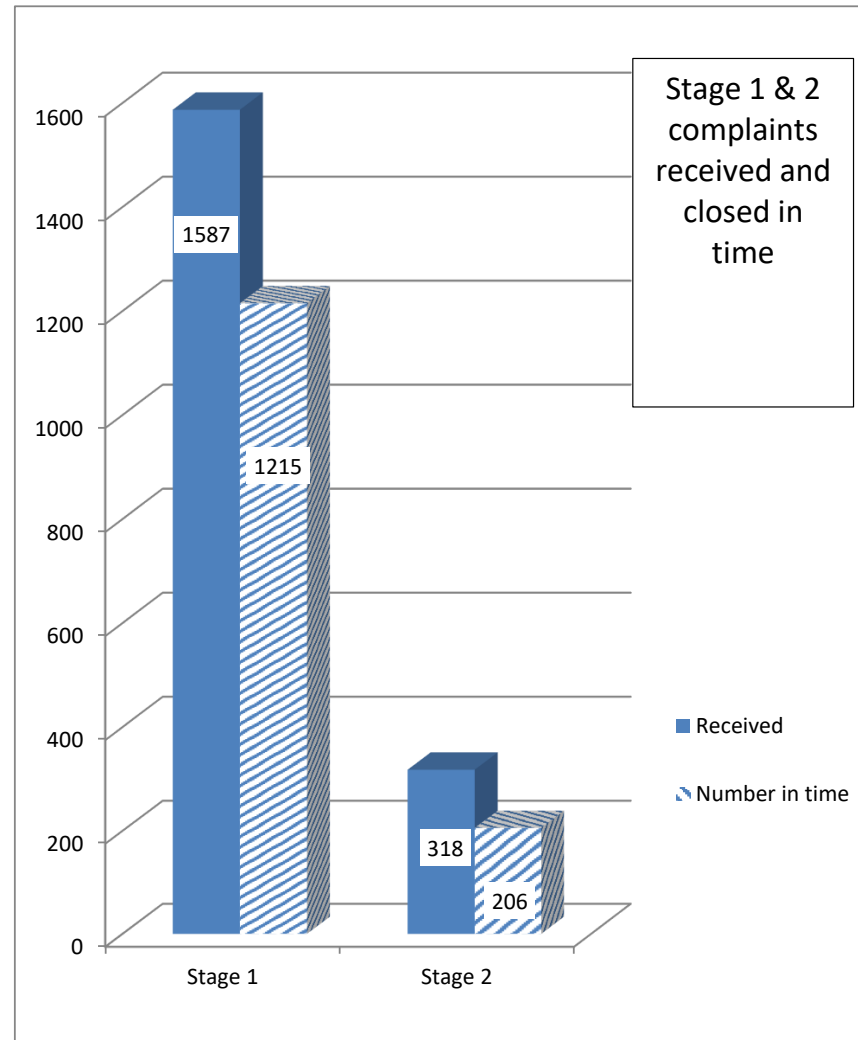
Stage 2 received	318
Stage 2 percentage to time overall	68% (216)
Percentage of Stage 3 escalation requests	2.5%

Stage 3 received	6
Stage 3 percentage to time overall	83% (5)
Stage 1 & Stage 2 cumulative % to time	75%

Corporate Complaints Year End Report 2020/21

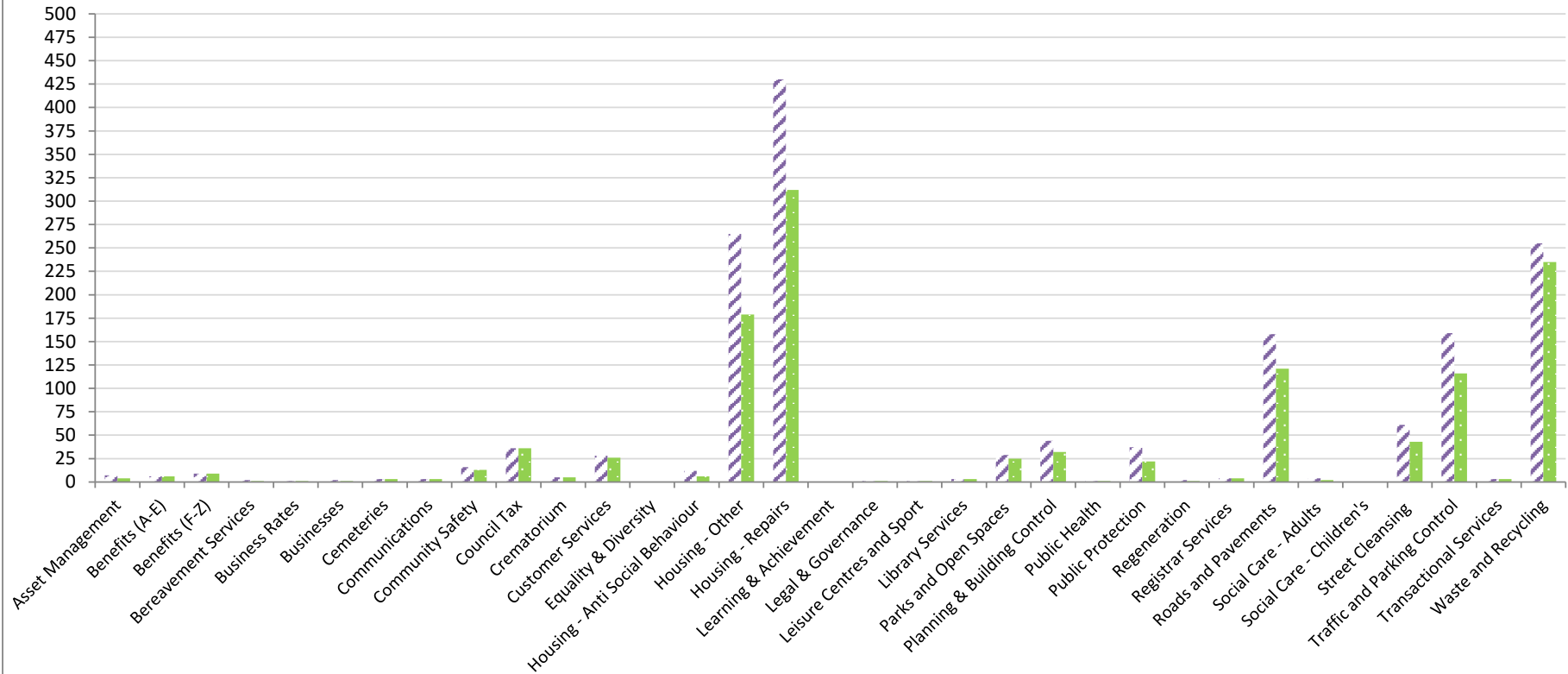
	Stage 1			Stage 2		
	Number Logged	Closed in time	% in time	Number Logged	Closed in time	% in time
Asset Management	7	4	57%	1	0	0%
Benefits (A-E)	6	6	100%			
Benefits (F-Z)	9	9	100%			
Bereavement Services	2	1	50%			
Business Rates	1	1	100%			
Businesses	2	1	50%			
Cemeteries	3	3	100%			
Communications (Inc Living Magazine)	3	3	100%			
Community Safety	16	13	81%	3	2	67%
Council Tax	36	36	100%	11	9	82%
Crematorium	5	5	100%	1	1	100%
Customer Services	28	26	93%			
Equality & Diversity						
Housing - Anti Social Behaviour	12	6	50%	6	4	67%
Housing - Other	265	179	68%	52	33	63%
Housing - Repairs	430	312	73%	99	57	58%
Learning & Achievement						
Legal & Governance	1	1	100%			
Leisure Centres and Sport	1	1	100%			
Library Services (Inc Having Museum)	3	3	100%			
Parks and Open Spaces (Inc allotments)	29	25	86%	3	3	100%
Planning & Building Control	44	32	73%	17	8	47%
Public Health	1	1	100%			
Public Protection (Inc Trading Standards, Environmental Health & Noise Nuisance)	37	22	59%	6	5	83%
Regeneration	3	1	33%			
Registrar Services (Inc Birth, Death and Marriages)	3	4	133%			
Roads and Pavements (Inc Street Lighting)	158	121	77%	19	16	84%
Social Care Adults	4	2	50%	3	3	100%
Social Care Children's				8	6	75%
Street Cleansing (Inc Trees)	61	43	70%	24	22	92%
Traffic and Parking Control	159	116	73%	34	21	62%
Transactional Services	3	3	100%			
Waste and Recycling	255	235	92%	31	26	84%
Total	1587	1215	77%	318	216	68%

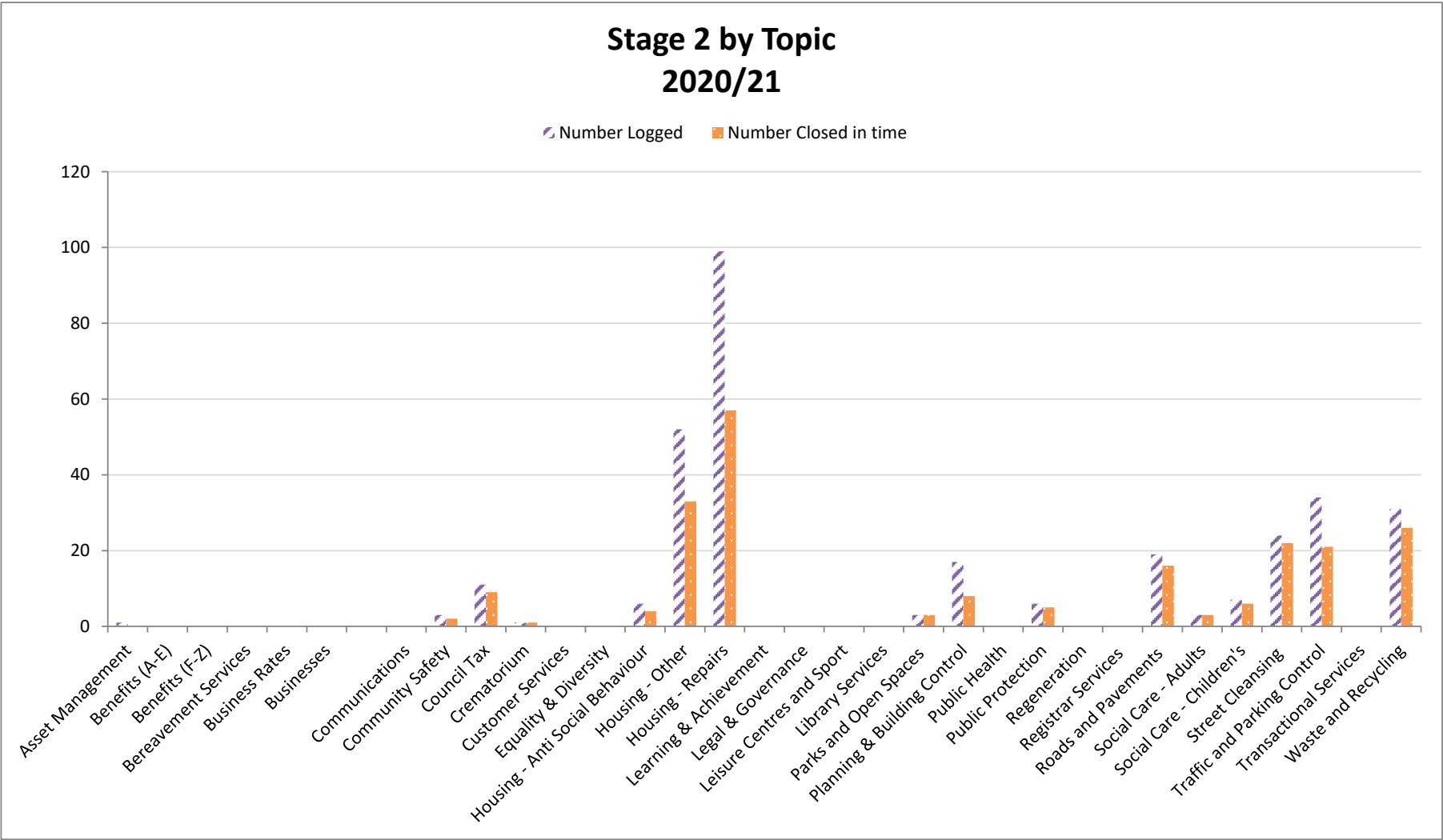
Corporate Complaints Year End Report 2020/21



Stage 1 by Topic 2020/21

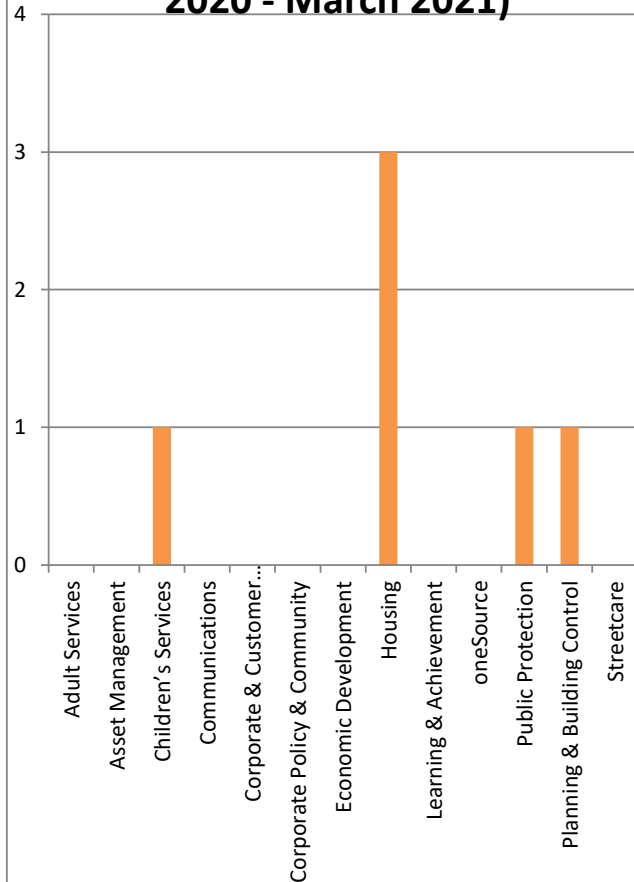
Number Logged Number Closed in time



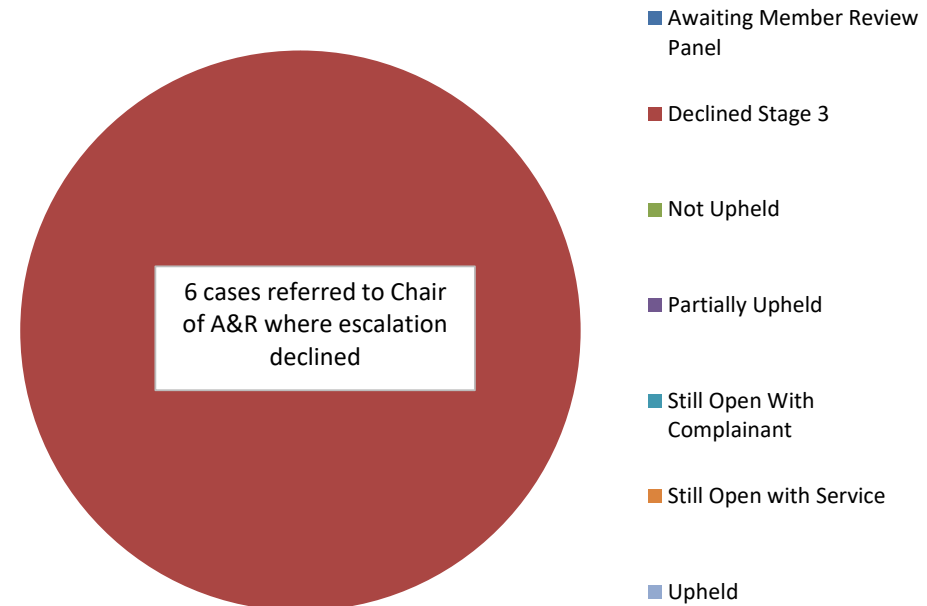


Summary of Stage 3 Complaints

Stage 3 - Complaints Logged Annual (Cumulative April 2020 - March 2021)



Stage 3 - Cumulative Complaint Outcomes

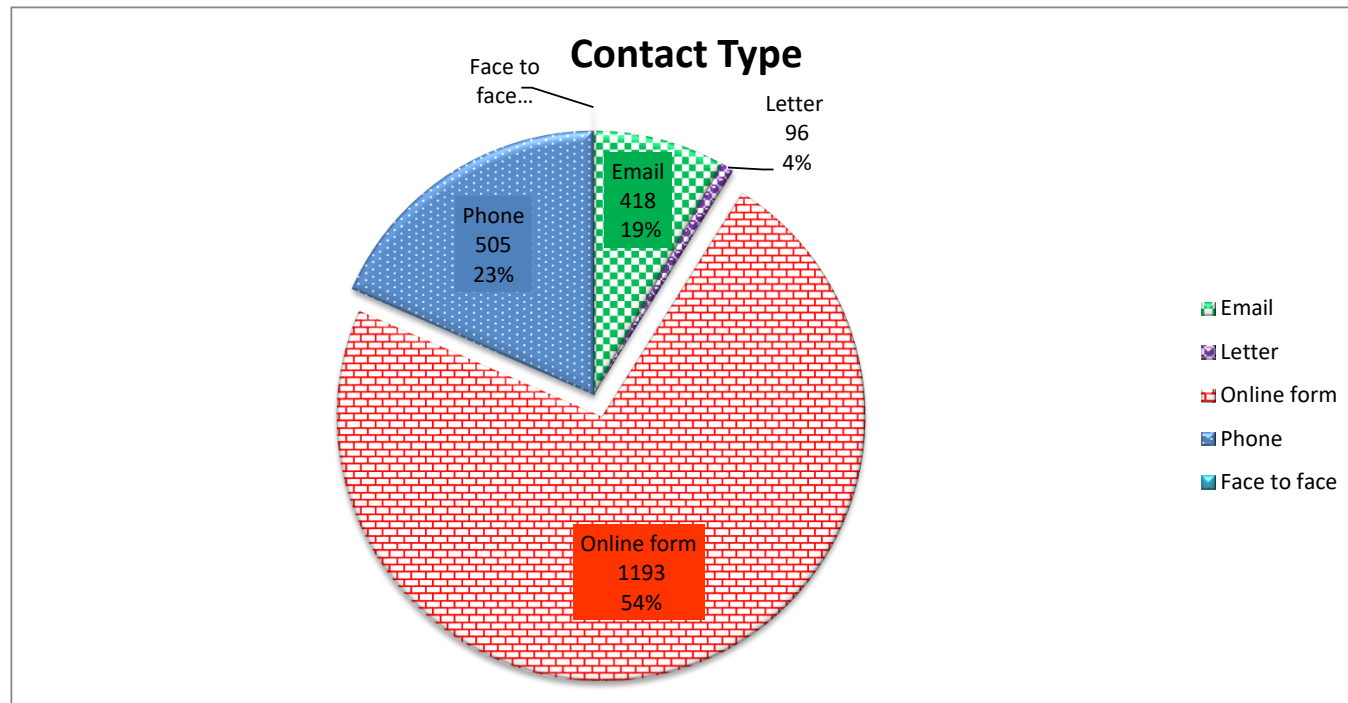
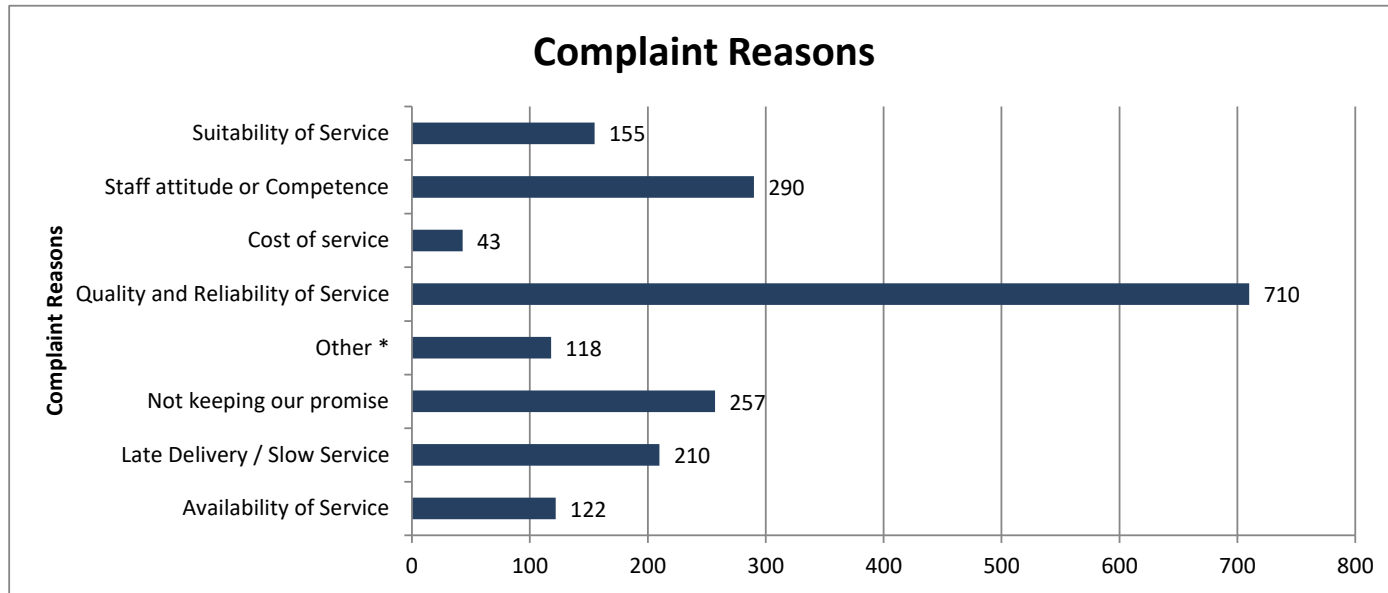


Cumulative complaint figures

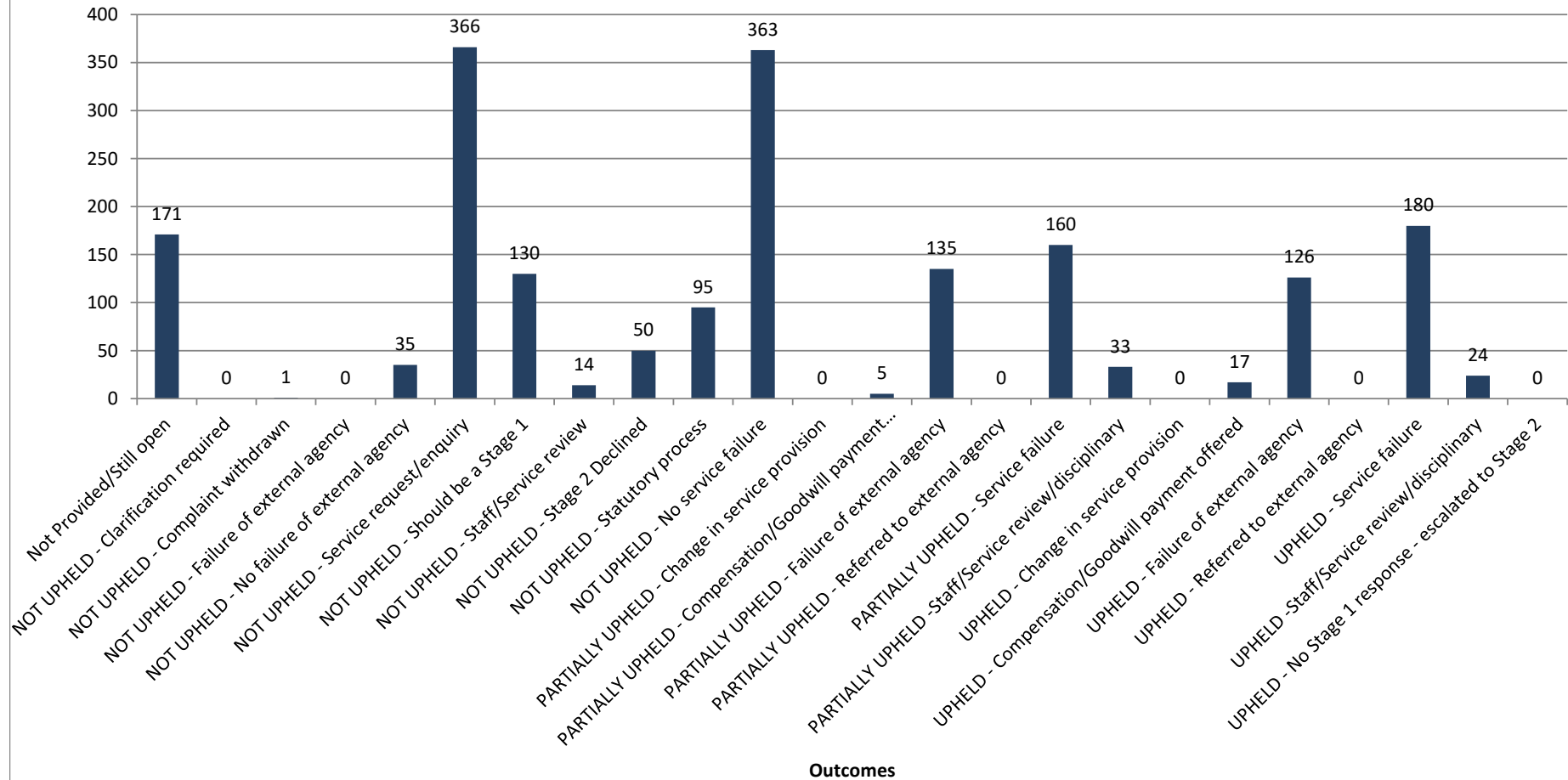
April 2020 - March 2021

Table below shows all corporate complaint stage 1 & 2 figures logged between April '20 and March '21

	Cumulative numbers logged April 16-March 17 (Stage 1&2)	% of total	April '20	May '20	June '20	July '20	August '20	September '20	October '20	November '20	December '20	January '21	February '21	March '21
Asset Management	8	0.42%	0	0	0	3	3	0	0	0	0	1	0	1
Benefits (A-K)	5	0.26%	0	0	0	0	1	0	2	0	1	0	0	1
Benefits (L-Z)	10	0.52%	0	0	0	0	0	2	3	1	1	0	2	1
Bereavement Services	2	0.10%	0	0	0	0	1	0	1	0	0	0	0	0
Business Rates	2	0.10%	0	0	0	1	0	0	0	0	0	1	0	0
Businesses	1	0.05%	0	0	0	0	1	0	0	0	0	0	0	0
Cemeteries	3	0.16%	0	0	0	0	0	0	2	0	0	0	0	1
Communications (inc Living Wills)	3	0.16%	0	0	0	0	0	0	0	3	0	0	0	0
Community Safety	18	0.94%	0	0	0	2	5	0	3	0	1	5	2	0
Council Tax	48	2.52%	0	0	0	3	3	6	4	5	6	5	7	9
Crematorium	5	0.26%	0	0	0	0	0	0	1	0	1	0	1	2
Customer Services	29	1.52%	0	0	0	4	3	7	4	1	3	4	0	3
Equality & Diversity	0	0.00%	0	0	0	0	0	0	0	0	0	0	0	0
Housing - Anti Social Behaviour	18	0.94%	0	0	0	5	1	2	3	2	0	1	2	2
Housing - Other	317	16.64%	0	0	0	24	50	31	29	38	31	27	37	50
Housing - Repairs	529	27.77%	0	0	0	31	53	55	82	59	36	64	77	72
Human Resources	0	0.00%	0	0	0	0	0	0	0	0	0	0	0	0
Learning & Achievement	0	0.00%	0	0	0	0	0	0	0	0	0	0	0	0
Legal & Governance	1	0.05%	0	0	0	0	0	0	1	0	0	0	0	0
Leisure Centres and Sport	1	0.05%	0	0	0	1	0	0	0	0	0	0	0	0
Library Services (inc Reading Rooms)	3	0.16%	0	0	0	0	2	0	0	1	0	0	0	0
Parks and Open Spaces (inc Allotments)	32	1.68%	0	0	0	5	7	3	6	0	1	1	3	6
Planning & Building Control	61	3.20%	0	0	0	12	9	8	4	4	4	4	14	2
Public Health	1	0.05%	0	0	0	0	0	0	0	0	0	0	1	0
Public Protection (inc Trading Standards, Environmental Health & Regeneration)	43	2.26%	0	0	0	5	6	2	4	2	1	8	4	11
Registrar Services (inc Birth, Death & Marriage)	2	0.10%	0	0	0	0	1	0	0	0	0	0	0	1
Roads and Pavements (inc Street Lighting)	4	0.21%	0	0	0	1	0	1	0	0	1	1	0	0
Social Care Adults	177	9.29%	0	0	0	17	25	26	17	15	16	14	18	29
Social Care Children's	7	0.37%	0	0	0	0	0	1	2	0	1	0	0	3
Street Cleansing (Inc Trees)	8	0.42%	0	0	0	0	0	1	0	1	0	1	2	3
Traffic and Parking Control	85	4.46%	0	0	0	11	7	16	6	12	5	6	16	6
Transactional Services	193	10.13%	0	0	0	29	18	32	27	20	21	13	14	19
Waste and Recycling	3	0.16%	0	0	0	0	0	0	0	0	1	0	1	1
Total complaints logged	286	15.01%	0	0	0	60	34	44	18	24	11	26	30	39
Overall % of complaints 1&2 completed within time	1905	75%	0	0	0	214	230	237	219	188	142	182	231	262
						77%			74%			74%		



Outcome of Complaints

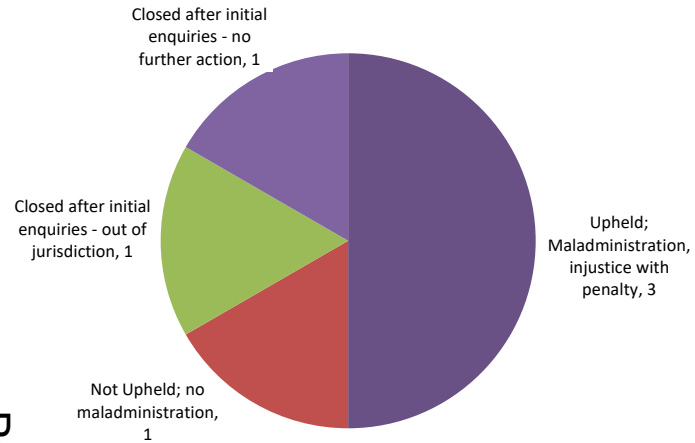


Complaints determined:

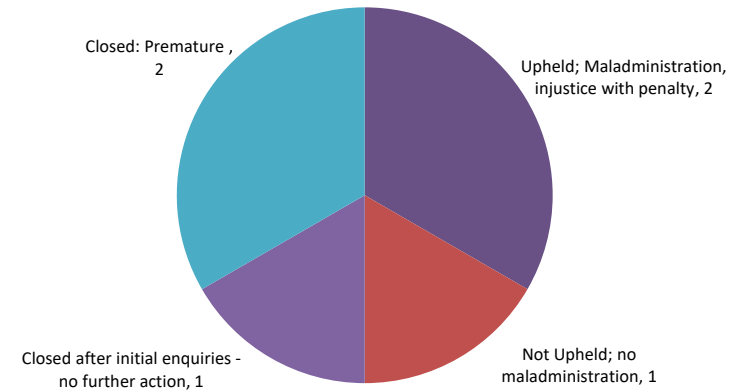
		Report Issued: Upheld; maladministration and injustice	Report issued: Upheld; maladministration, no injustice	Report issued: Not upheld; no maladministration	Upheld; Maladministration, injustice with penalty	Upheld: Maladministration, injustice, no penalty	Upheld ; Maladministration, no injustice	Upheld: No further action	Not Upheld; no maladministration	Closed after initial enquiries - out of jurisdiction	Closed after initial enquiries - no further action	Closed: Premature	HO: No maladministration	HO: Maladministration with penalty	HO: Resolved locally - No further action	Not upheld: No further action	
Adult Social Care	Adult Services				3				1	1	1						6
Children's Services	Children's Services Learning & Achievement				2				1		1	2					6
																	0
Chief Operating Officer	Libraries																0
Neighbourhoods	Environment Planning & Building Control				1	1			1	2	6						11
	Public Protection								2	1	4						7
	Housing (incl repairs)				2	1				2	4	3	2	2	5		21
	Legal Services																0
oneSource	Council Tax & Benefits									1							1
	Business Rates																0
	Legal Services																0
Total :		0	0	0	8	2	0	0	5	7	16	5	2	2	5	0	52

Decisions

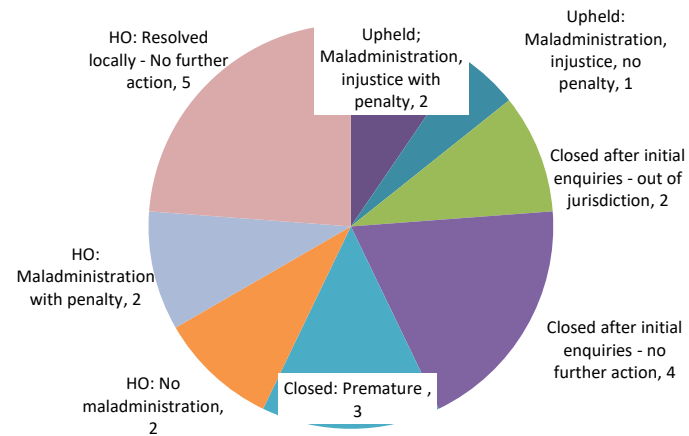
Adult Social Care



Children's Services

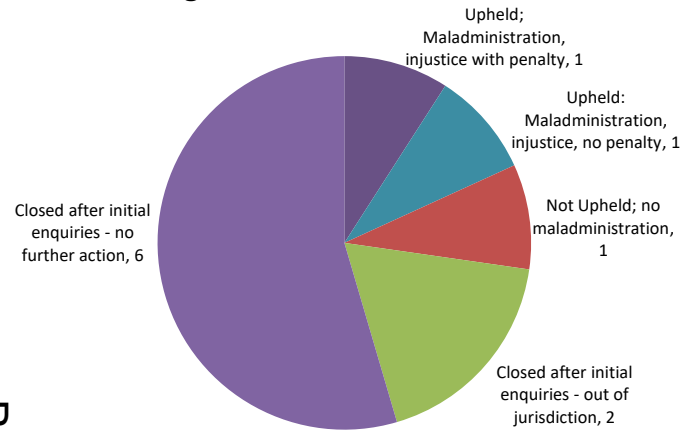


Housing (incl repairs)

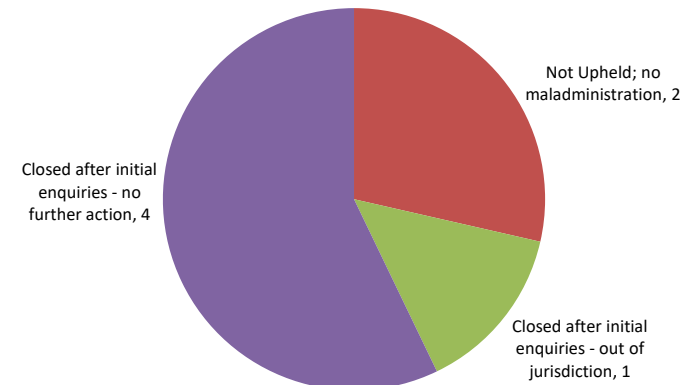


Decisions

Neighbourhoods Environment



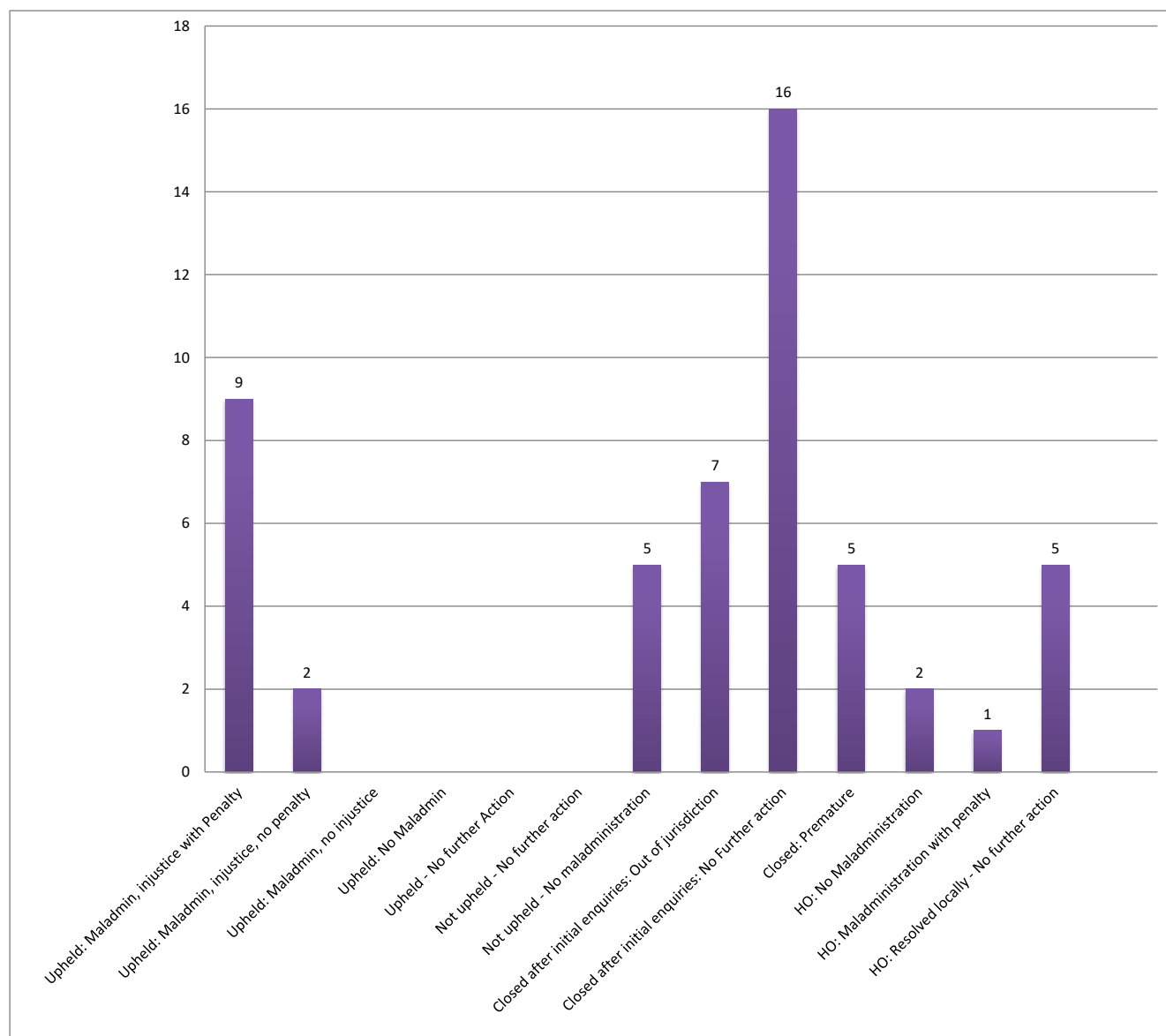
Neighbourhoods Planning & Building Control



oneSource Council Tax & Benefits

Closed after initial enquiries - out of jurisdiction, 1

Outcomes



Significant decisions from Local Government or Housing Ombudsmen

Qtr 1

1. Mr S - Housing Services

The Housing Ombudsman found failure in the Council's handling of outstanding window, brick, mould, wall and crack repairs at Mr A's home. Orders were issued to make a payment of £300, review staff and contractors training needs in relation to repairs, record keeping and ensure any outstanding works were progressed to completion.

Housing Ombudsman decision: Upheld - Maladministration, Injustice with penalty

2. Miss X - Traffic & Parking Control

Miss X complained the Council had confiscated and retained her father's blue badge, causing him inconvenience and distress. Ombudsman found fault with the Council's actions and recommended it apologise to the family and make compensatory payments totalling £950.

Ombudsman decision: Upheld - Maladministration, Injustice with penalty

Qtr 2

3. Mr and Mrs B - Adult Services

Mr and Mrs B complained the Council failed to provide their daughter with a suitable home chair, wrongly began a safeguarding investigation and delayed responding to a complaint. Delays providing the home chair were not due to fault by the Council. A single assessment completed by the Council was inaccurate and the Council delayed responding to Mr and Mrs B's complaint. That led to Mr and Mrs B having to go to time and trouble to pursue their complaint and caused them distress. The Council agreed to make a payment of £250 to Mr and Mrs B and offer an apology.

Ombudsman decision: Upheld - Maladministration, Injustice with penalty

4. Mr B - Adult Services

The Ombudsman found the Council was at fault for failing to properly explain why it refused Mr B's freedom pass application. The reason it gave (that Mr B did not live in the area) was incorrect, and it failed to explain its actual reason (that Mr B did not meet its learning disability criteria). The Council agreed to write to Mr B's mother and explain its decision. It has also agreed to make a payment of £150 to recognise the uncertainty its handling of Mr B's application caused her.

Ombudsman decision: Upheld - Maladministration, Injustice with penalty

5. Mrs H - Adult Services

Ombudsman found the Council frequently failed to complete adult social care calls on time or failed to turn up at all. On many occasions the Council still met Mrs H's needs, but on other occasions it did not. Mrs H was paying in full for the poor service. The Council agreed to waive 50% of the care fees and pay £100 each to Mrs H and her daughter in recognition of their distress, time and trouble.

Ombudsman decision: Upheld - Maladministration, Injustice with penalty

6. Mrs B - Roads and Pavements

Mrs B complained the Council refused her application for a dropped kerb. Mrs B says this caused her inconvenience because she cannot park outside her house. The Council was at fault because its terms and conditions for a dropped kerb were not comprehensive. The Ombudsman found the Council had remedied the injustice caused by this fault during its complaints procedure.

Ombudsman decision: Upheld - Maladministration, Injustice, no penalty

7. Mr Y - Housing Services

The Ombudsman found no fault on Mr Y's complaint about the Council's failure to promptly return the property it rented from him. It followed proper legal procedures to evict its tenant. The Ombudsman found fault by the Council failing to keep him properly updated about progress with its return. It also failed to meet the timescale in its complaint procedure at stage 2. Its offer of £420, and this investigation, remedies any injustice caused.

Ombudsman decision: Upheld - Maladministration, Injustice no penalty

Qtr 3

8. Mr A - Housing Services

Mr A complained about the level of compensation offered by the Council, following the loss of electricity to his property, as well as the delay in handling his complaint. The Housing Ombudsman awarded a payment of £101.63

Housing Ombudsman decision: Upheld - Maladministration, Injustice, with penalty

9. Mr B - Housing Services

Local Government and Social Care Ombudsman considered this case as part of a joint investigation with the Parliamentary and Health Service Ombudsman as the complaint was made against the Council as well as North East London NHS Foundation Trust (the Trust) and Havering Clinical Commissioning Group (CCG). The Ombudsmen were satisfied the Trust, Council and CCG provided largely appropriate care to Mr A's mother with complex care and housing needs. However, the Ombudsmen found fault with the initial support provided by the Council's housing team. This caused the woman's son avoidable frustration and distress. The Ombudsmen also found the Council contributed to the woman's delayed discharge from hospital as it failed to clearly establish her housing needs. The Council agreed to apologise and make payments totalling £500 to Mr B and his mother.

Ombudsman decision: Upheld - Maladministration, Injustice with penalty

Qtr 4

10. Mrs S - Children's Services

Mrs S complained about the way the Council responded to her request for school transport for her son, T, who has an Education and Health Care Plan and attends an out-of-borough school. The Ombudsman found fault in the way the Council considered Mrs S's response to the refusal of her school transport application. At the time of the Ombudsman's investigation, the Council had offered to repay Mrs S' costs from the September and offered an inconvenience payment of £250. The Ombudsman asked the Council to make a further payment of £110 and send an apology to Mrs S, which it agreed to do.

Ombudsman decision: Upheld - Maladministration, Injustice with penalty

11. Ms X - Children's Services

Ms X complained that both Kent and Havering councils failed to take safeguarding action when her older, adult son disclosed that he had sexually abused her younger son, who is a child, six years previously. Kent was at fault for a two-month delay in telling Havering about the disclosure, and both councils were at fault for failing to tell Ms X about it in good time. Both councils also failed to properly communicate with each other when considering safeguarding action, which meant neither held a strategy discussion to explore the potential risk. Ms X's younger son, who, it appears, was not actually a victim of abuse, suffered no injustice. Havering agreed to make a payment of £500 to Ms X in recognition of the distress caused, and to change procedures and train staff to prevent similar failures in future.

Ombudsman decision: Upheld - Maladministration, Injustice with penalty

12. Mr X - Housing Services

Mr X complained about how the Council responded to his reports of rats and drainage problems that affected his property. The Ombudsman agreed with the Council's previous assessment that there was some fault because it failed to carry out an inspection on one occasion and did not respond to some of Mr X's complaints properly.

To remedy the distress caused by these faults, at the time of the Ombudsman's investigation, the Council had already apologised and offered a payment of £510 to Mr X. The Ombudsman considered this to be a suitable outcome to remedy the injustice caused to Mr X.

Ombudsman decision: Upheld - Maladministration, Injustice, with penalty