



ADJUDICATION & REVIEW COMMITTEE

30 January 2014

Subject Heading:

**UPDATE ON LGO ACTIVITY FOR THE
YEAR TO DATE**

CMT Lead:

Ian Burns, Acting Assistant Chief
Executive

Report Author and contact details:

Grant Soderberg, Committee Officer
01708 433091
grant.soderberg@havering.gov.uk

Policy context:

The effective and efficient provision of
public services

Financial summary:

None associated with this report

**Has an Equality Impact Assessment
(EIA) been carried out?**

Not required.

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

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

Changes to the way in which the Local Government Ombudsman (LGO/the Ombudsman) operates have had an impact on the way in which she interacts with authorities. Changes have been seen to the methodology used and decisions made by the Ombudsman over the past 18 months and this report seeks to alert Members to those changes and seeks to anticipate what the effects of those changes are likely to have on the relationship between the Council and the Ombudsman in the foreseeable future and whether changes might be necessary in the way in which the Council manages complaints referred or investigated by the Ombudsman.

RECOMMENDATIONS

That the Committee note the report

REPORT DETAIL

Background

1. In 2010 – at the start of the current Administration – the workload on the Council in dealing with referrals from the Ombudsman of complaints considered “premature” as well as active investigations, whilst not particularly heavy (in comparison with other London boroughs and other authorities), was at least steady.
2. During the following two years and continuing, the LGO – in common with all public services – had its funding reduced which meant that, after a period of several years expansion under the leadership of Tony (now Sir Tony) Redmond, the Commission was obliged to re-think its strategies, review its capabilities and “down-size”.
3. Tony Redmond who as Chairman of the Commission for Local Administration was the senior of three Ombudsmen who, between them, dealt with all matters concerning local government across England. There was a further Ombudsman for Wales one for Scotland and another for Northern Ireland.
4. Each Ombudsman had his or her own jurisdiction and with the limited exception of some joint working with the Parliamentary and Health Service Ombudsman (PHSO), all complaints dealt with related to all council services (whether provided directly or by a sub-contractor or an arms-length management organisation (ALMO)).
5. Before Tony Redmond retired in 2012, the LGO had set up a centralised reception office in Coventry to receive and evaluate complaints, notifying authorities of premature complaints which they had to address through their complaints procedures and forwarding matters which were considered to merit investigation.
6. Since then the situation has changed radically. After Tony Redmond’s retirement a recruitment drive to find a successor was halted as the financial cuts were announced. Dr Jane Martin took the lead role with her colleague Anne Seex to cover England.
7. The records show that during this period, a good number of complaints were referred back to the Council for consideration through its corporate

Adjudication & Review Committee, 30 January 2014

complaints procedure and a steady number of complaints were regularly being investigated by the LGO's team in London.

8. Around the same time, changes proposed by the Secretary of State for Communities and Local Government which would remove the authority of the LGO to investigate complaints against social landlords and increase the scope of the Housing Ombudsman came into effect – a blow to the jurisdiction of the LGO. Simultaneously, plans to expand the LGO's scope to investigate the internal organisation of schools and to take on additional powers concerning social care were stopped and staff recruited for these more specialised roles were either released or reintegrated into new structures of generalised teams which had access to specialists.
9. Internally, the LGO's operation was also being radically revised. Ms Seex was on long-term absence and Dr Martin had effectively assumed responsibility for the whole of England. As 2013 progressed, the LGO announced a number of changes – one of which was the vacation of its London offices (Millbank Tower) and, whilst still having a presence in London, all administration is now centred on Coventry.

Current position

10. The last ten months or so has seen a very noticeable shift in emphasis concerning the treatment of complaints by the LGO. The number of referrals for example, has dropped to almost zero over the past six months whilst there has been a surge in formal enquiries (usually about whether a complainant has passed through all stages of the council's complaints process) and these have tended to lead to either provisional views (normally confirming that the Council has done nothing wrong) or final decisions (most frequently that the matter is "outside the Ombudsman's jurisdiction").
11. The net effect is that whilst the number of LGO contacts remains at a level comparable to earlier years, the Council is receiving more enquiries or "instant" decisions and full investigations are few and even then, findings against the Council are scarce.
12. It may not be a coincidence that during the same period – when the LGO found herself with fewer resources to pursue investigations and had to "cherry pick" which to invest resources in – the number of complainants seeking to have their complaint escalated to Stage Three of the council's complaints process has increased. It is known that whilst the LGO's "Council First" policy (introduced during 2010/11) was designed to deter complainants short-circuiting the council's complaints process and making use of the Ombudsman's service to pursue their complaint against a council on their behalf, the LGO still pursued a respectable number of complaints.
13. More recently, the insistence on complainants returning to council complaints processes appears more routinely applied and this is borne out in the change in emphasis of the Ombudsman's involvement in matters referred to her (see appendix).

IMPLICATIONS AND RISKS

Financial implications and risks:

None associated with this report. Though there may be cost implications if the recommendations of the Parliamentary report are implemented.

Legal implications and risks:

There are no direct legal implications from this report.

Human Resources implications and risks:

There are none associated with this report.

Equalities implications and risks:

There are none associated with this report

BACKGROUND PAPERS

None

Changes in emphasis from “Premature” referrals to “Enquiries” between 2010/11 and 2013/14

Year	Enquiries	Prematures	TOTALS
2010 – 2011*	LGOAT = 8	48	56
	LGO = 0		
2011 – 2012*	LGOAT = 16	23	43
	LGO = 4		
2012 – 2013*	LGOAT = 10	29	57
	LGO = 18		

* = Figures are for full 12 months (1 April – 31 March)

2010 - 2011	LGOAT = 5	45	52
	LGO = 2		
2011 - 2012	LGOAT = 0	32	32
	LGO = 0		
2012 – 2013**	LGOAT = 10	25	45
	LGO = 10		
2013 – 2014**	LGO = 26	8	34

LGOAT = Local Government Ombudsman Advice Team

** = Figures are for 10 months (1 April – 31 January)

The following charts show how the figures above were distributed across Council service areas.