

ADJUDICATION & REVIEW COMMITTEE

17 April 2014

Subject Heading:

**UPDATE ON LGO ACTIVITY FOR THE
YEAR 1 April 2013 – 31 March 2014**

CMT Lead:

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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

The appended pages show the figures for complaints received by the Ombudsman and which the Council has been notified.

RECOMMENDATIONS

That the Committee note the report

REPORT DETAIL

1. During the past twelve months, the Council has seen a much changed approach by the Local Government Ombudsman (LGO / Ombudsman) to complaints received by her from those who considered the Council's services had not been provided in an appropriate manner.
2. As will be seen from the attached charts, the largest single change was the reduction in the number of issues referred back to the Council to be dealt with through its Corporate Complaints procedure (Premature cases) from 49 in 2010/11 to 10 this year.
3. It will also be seen that there has been a dramatic rise in the number of "enquiries" made by the LGO – most of which were followed-up by either an LGO decision (not to investigate, no evidence of fault, outside jurisdiction and the like).
4. During the year, there have been far fewer actual investigations conducted by the LGO than the Council has experienced for many years. Whether this is the beginning of a new trend, it is too soon to say, but clearly, with far less funding at her disposal, the Ombudsman is – along with all public services – having to make more strategic choices about how and where to allocate resources and clearly, one way of conserving those resources is to cherry-pick the cases her investigators spend their time on.
5. Even so, it is remarkable that during the whole twelve months there have only been two cases which have attracted penalties (totalling £205.00). The rest – 26 (which included four cases open at the end of the year and two which were discontinued) - generally found that the Council had done nothing wrong or, if it did find fault, that it was not enough to cause "injustice".
6. Looking forward, this is about to change as the Ombudsman has redefined the decision terminology (in her view, to return it to the intentions expressed in the 1974 Local Government Act and "upholding" and "not upholding" complaints (which, she suggests, is akin to the terminology of local authorities).
7. For the foreseeable future, decisions will be shown with far more use of the term "maladministration" and it may well be that the Council will have to weather unwarranted criticism (possibly in the press) as Ombudsman decisions are more noticeably couched in the terms "maladministration and (or without) Injustice".

IMPLICATIONS AND RISKS

Financial implications and risks:

None associated with this report. Though there have been cost implications associated with the amount of time spent on processing and dealing with the LGO's investigations as well as costs to those services found to have been at fault.

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 – though services will find that some complex investigations could absorb considerable officer time and energy in providing the information requested by the Ombudsman.

Equalities implications and risks:

There are none associated with this report

BACKGROUND PAPERS

None