



ADJUDICATION & REVIEW COMMITTEE

26 NOVEMBER 2015

Subject Heading:

CMT Lead:

Report Author and contact details:

Policy context:

Financial summary:

LOCAL GOVERNMENT OMBUDSMAN AND STAGE THREE UPDATE

Andrew Blake Herbert – Group Director of
Communities & Resources
Grant Soderberg, Committee Officer
01708 433091
grant.soderberg@onesource

To ensure the Council has a robust and
flexible complaints process and ensure
that good practice is maintained

None directly associated with this report

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

Havering will be clean and its environment will be cared for	[X]
People will be safe, in their homes and in the community	[X]
Residents will be proud to live in Havering	[X]

SUMMARY

From 1 October 2015 the responsibility for managing issues considered by the Ombudsmen as well as the management of the Stage Three process transferred from Committee Administration to the Chief Executive's office. This report seeks to provide the Committee with a summary of LGO and Stage Three activity from the last meeting of the Committee in August to date.

RECOMMENDATIONS

That the Committee **notes** the report.

REPORT DETAIL

LGO position:

1. Since the start of August 2015, there have been a total of fourteen contacts from the LGO. Of these, four cases involved two contacts at different levels, all the others were single contacts. During the period, the Council received six Ombudsman decisions, none of which involved the Council in having to make any formal responses. At the 31 October there were no on-going, active investigations - though three cases awaited final decisions and one referred case needed an answer to be sent to the LGO (this has now been done) and, at the time this report was drafted, only one case was left for which a final decision was expected.

2. In summary there were:

Six Enquiries involving Adult Services (1), Estate Services (1), Council Tax (1), Housing Needs (1), and School Appeals (2). Of these two came back to the Council as referrals, one each for Adult Services and Council Tax. In addition, there was a referral late in October which involved Learning and Achievement which had not been previously the subject of an enquiry.

In addition, two cases for which a response had been given to an enquiry, were notified as LGO decisions. They involved Estate Services and a School Appeal. In both cases, the LGO had chosen not to investigate either matter – which is considered to be a favourable outcome for the Council as the LGO clearly considers that it had done nothing to warrant concern.

The last category covers those cases about which the Council knew nothing prior to the Ombudsman's "Decision". This is becoming more common and almost always finds no fault with what the Council has done. The exception to this rule is where the Ombudsman states that the matter is "Outside Jurisdiction". This in itself does not imply that the Council *might* have done something wrong but the LGO could not investigate it, it simply states that the Ombudsman does not have the legal capacity to consider the matter. One such decision was received in this period – in a general complaint against Adult Social Care. The Ombudsman simply noted that it was "Not investigated: OSJ".

The remaining LGO decisions were for: An issue involving Environmental Health, one relating to Highways and one concerning Housing Needs.

3. Appended to this report are some charts which provide a "screen-shot" of the position at 31 October.

Stage Three position:

4. The Chief Executive's office effectively took over the administration of the Corporate Complaints procedure from 1 April and instituted a revised a

procedure for escalating complaints to Stage three. During the intervening months Members have largely been reviewing issues which had commenced before 1 April and, to date, only two issues have come before review panels which originated under the new procedures.

5. At this point in time all complaints escalated to Stage Three have been addressed and, at the time of this report there are no cases pending Members' attention. Most of the issues for which Members have been engaged in considering have involved aspects of the Housing Service – predominantly having a root cause in repairs and maintenance, but which have become overlaid by allegations of service failures either to rectify faults first time and in a timely manner or that a complaint has apparently languished which has increased a sense of frustration felt by the complainant.
6. Members will appreciate that the essence of effective public service is the ability to engage with service users at every point and, wherever possible, seek to resolve issues before they harden into entrenched positions and escalate for want of good-will. It is a fact that whilst no-one is happy with having to deal with faults (which are likely to occur and which are often innocent mistakes or the result of a faulty component the failure of which could not reasonably been foreseen), they become positively intransigent if they then consider that they are either being “fobbed-off” with platitudes or ignored.
7. Over the past decade, there has been a marked change in attitude across the Council's front-line services and a growing awareness that the Council needs to be seen to be proactively engaging with its service users that used to be the case. This change in attitude has accelerated over the last few years as the Council's resources have dwindled and it has become a necessity to get it right first time. This is a journey which has only recently begun and no doubt, under the direction of the Chief Executive, it will become ever more embedded in the Council's consciousness.
8. It is to be hoped that in time the Committee will have fewer complaints to review as more and more resolutions are reached at the outset. The picture as at the 31 October is appended at the end of this report.

IMPLICATIONS AND RISKS

Financial implications and risks:

None associated with this report.

Legal implications and risks: There are no direct legal implications arising 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