



# ADJUDICATION & REVIEW COMMITTEE

26 October 2011

# BRIEFING

## Introduction:

This briefing aims to provide an overview of conclusions reached by the Local Government Ombudsman in investigations concluded during the year April 2010 / March 2011 which were either Maladministration (with or without injury), and Local Settlement with penalty and to show which service areas were involved and what compensation was paid to the complainants over and above other remedial work which itself would have some cost implication.

## Analysis:

The table below shows the service area, finding, award and gives a brief description of what that penalty was for.

<b>Service</b>	<b>Notes/Details of penalty</b>	<b>Amount</b>
HiH – Repairs	Compensation	900.00
HiH – Repairs	Compensation & 50% cost of roof	150.00
	Cost to Council via HiH	652.50
		<b>1,702.50</b>
Housing Needs	Compensation (plus appt with OH)	250.00
Children Svce (SEN)	Compensation & refund of school fees	300.00
		15,000.00
Housing Needs	Compensation	300.00
Additional Educational Needs	Compensation & letter of apology	250.00
	Cost to Council:	<b>16,100.00</b>
	<b>Total costs for the year:</b>	<b>17,802.50</b>

## **Observations:**

The above represent less than 8% of Ombudsman activity (last year, the figure was around 15%) and the settlement figure for the year is seriously skewed by the Ombudsman's awarding a refund of school fees in one case. Even with that, the cost to the Council for 2009/10 was £5,650.00 out of a total of £8,954.20 whilst in 2008/09 the sum was £21,820.00, of which £20,565.00 was the responsibility of the Council. Again, the figure is distorted by a single award of £20k in respect of the Council's previous finding of Maladministration. [A recent (September) finding of Maladministration – also relating to Housing – has attracted a penalty of £5,000 – to be confirmed].

## **Current Position:**

The LGO continues to be headed up by Dr Jane Martin following the retirement of Tony (now Sir Anthony) Redmond, though – it is rumoured - a new Ombudsman may be appointed during the autumn. During the year, the LGO's Advice Team (based in Coventry) has become more settled into its filtering role. In the Council's new CRM system, the Advice Team's contact details are being added to the standard wording in the letters / e-mails sent to complainants at the end of each stage of the complaints process. Apart from a sensible way of informing complainants about their rights to request the Ombudsman to consider issues with Council departments, the Ombudsmen are now becoming more insistent that the provision of this sort of information is necessary in any complaint in order to ensure proper transparency.

The Ombudsman is also making more use of the "informal" approach to ascertain whether an investigation is the correct course of action. By informal in this sense, I mean that the Council receives a request for confirmation as to whether the Council is already dealing with the complaint and if it is, where it is in the complaints process. This usually comes from the Advice Team and the Council is given 10 working days in which to respond, but this year there have been two instances of similar approaches from Investigators (and in one of those the Council was given *five* days in which to respond). Changes in the working methods mean that the monitoring and management of the Ombudsman's business has to be modified and refined in order to ensure the Council's high standard of response is returned as often as possible within the 28 days response period.

## **Future Developments:**

In July I attended a meeting of the Public Sector Complaints Network where Dr Martin and the Housing Ombudsman Dr Mike Biles presented what we hoped was going to be a "road map" for the way in which public sector housing was to be dealt with between the two ombudsmen. After an hour it became apparent that either neither of them genuinely had any real idea how the process was to function (referring to the fact that the matter was still in the House of Lords and then had to re-pass the Commons), or they were being very careful about what they said. The result was that we were none the wiser.

**Adjudication & Review Committee, 26 October 2011**

The change in Education provision, with the creation of Academies, means that the LGO's involvement with school appeals is greatly lessened. Whilst it was envisioned that the Ombudsman's authority would be extending into school management, this remains a pilot scheme and may not materialise. Appeals against Independent Panels' decisions made for academy places are now to the Secretary of State for Education in the form of the Young Peoples Learning Agency. It will be interesting to see how that works, but it should be noted that Havering has not had any large number of Education appeals challenged – and those that were have invariably been found to be without merit.

Finally, the Ombudsman has new powers and scope to investigate Adult Social care complaints – particularly in respect of care homes - and it is important that when reviewing and revising monitoring procedures, the advice offered by the Ombudsman should be incorporated wherever appropriate. Failure to do so could well leave the Council open to criticism and even findings of maladministration. With this in mind, a member of Adult Social Care responsible for complaint handling, attended a training seminar on that subject at Millbank Tower on 12 September. The Service reports that it appeared as though the Council was already applying many of the recommendations being presented