



ADJUDICATION AND REVIEW COMMITTEE

22 August 2018

Subject Heading:

Local Government and Social Care
Ombudsman (LGSCO) Annual Review
letter 2017/18

SLT Lead:

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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

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

SUMMARY

This report provides Members of Adjudication and Review details relating to the Local Government and Social Care Ombudsman's Annual Review letter.

In October 2015 responsibility for reporting and liaising with the LGSCO was moved to the CEO Complaints team within the Senior Leadership Support office. The Senior Complaint and Investigation Manager became the Link Officer for all Ombudsman transactions, assuming the responsibility from Democratic Services.

The purpose of the change was to ensure a smooth transition from Stage 2 complaints through Stage 3 and to the Ombudsman. Case officers, having carried out a Stage 2 investigation and potentially prepared papers for a Stage 3 Member Panel, will be familiar with the complaint and able to assist with Ombudsman enquiries.

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LGSCO and Housing Ombudsman decisions are reported to Committee on a quarterly basis.

Attached to this report is a copy of the Local Government and Social Care Ombudsman report for 2017/18, detailing the number of decisions made by them against the council.

RECOMMENDATIONS

That the Committee consider and discuss the following:

1. The Annual Review letter from Local Government and Social Care Ombudsman for 2017/18
2. The council's Ombudsman Activity report and any differences between the council's records and those contained within LGSCO Annual letter
3. Suggested way forward to ensure transparency of LGSCO decisions to staff, Members and the general public.

REPORT DETAIL

The Annual Review letter from Local Government and Social Care Ombudsman for 2017/18

Generally speaking, the council has improved results in the Ombudsman's 2017/18 Annual Review, when compared to 2016/17.

This year, the LGSCO received 94 complaints and enquiries about Havering Council, against 104 the previous year. Of those 94, there are reductions for almost all Service Areas, most noticeably for Council Tax and Benefits who had seven complaints logged against them this year; down from 16 in 2016/17

When considering the decisions made, and in particular the Detailed Investigations, 13 were Not Upheld compared to nine the previous year, (where more is better); while ten were Upheld, against 12 in 2016/17 (where less is better). The overall Uphold rate equates to 44%, down from 57%, again, less is better.

In his letter, the Ombudsman, Michael King, has emphasised the need for council's to evidence their learning from complaints. As a result, the LGSCO will be making some changes to the format of their Annual letter from next year, to encourage transparency in the work of the Ombudsman's office, and also to recognise the improvements councils have made following intervention.

The council's Ombudsman Activity report and any differences between the council's records and those contained within LGSCO Annual letter

The Ombudsman recognises that the numbers reported by them on their Annual Review letters do not necessarily tally with those recorded by councils. This is because the Ombudsman's office may close a complaint without making any enquiries of the council, for example, if it is apparent that the complainant has not exhausted the council's complaints process, they may be referred back to the authority in the first instance

During 2017/18 the council received 73 decisions by Local Government and Housing Ombudsmen, as follows:

30 x Closed after initial enquiries: No further action

*Adult Services; Customer Services; Environment (7);
Planning & Building Control (3); Public Protection; Housing (12);
Council Tax & Benefits; Legal (2)*

6 x Closed after initial enquiries: Out of jurisdiction

Adult Service (2); Customer Services; Environment; Housing (2)

12 x Closed: Premature

Adult Services; Environment; Housing (8); Council Tax & Benefits (2)

13 x Not upheld: No maladministration

*Adult Services; Environment; Planning & Building Control (3);
Public Protection; Housing (5); Council Tax & Benefits; Legal*

1 x Upheld: No further action

Children's Services

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

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

5 x Upheld: Maladministration, injustice, no penalty

Environment (2); Housing (2); Legal

There was one Housing Ombudsman decision: Maladministration, injustice with penalty.

While the statistics recorded by the council may not fully align with those reported by LGSCO, data relating to decisions, described in this report as Significant, tend to agree.

The LGSCO Annual Report shows ten upheld decisions against the council, which agrees with the five Maladministration, Injustice with Penalty and five Maladministration, Injustice without Penalty decisions the council has recorded, and shown on the Ombudsman Activity Report at Appendix 2.

Suggested way forward to ensure transparency of LGSCO decisions to staff, Members and the general public.

Currently, LGSCO and Housing Ombudsman decisions are not published on the Havering website. The council could be perceived as not being open and transparent in their complaint handling. While this is not the intention, as Decisions

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are reported regularly to this Committee, it is accepted that there is definite room for improvement.

It is therefore proposed that all Decisions be published on the London Borough of Havering website at the end of each month they are issued; with significant Decisions also being distributed to Members of this Committee via internal email. It is intended that the Decisions will be accessed via the Complaints pages.

This course of action will enable staff, Members and the general public to see where the Ombudsman has found fault, or not, with the services we provide; it will also demonstrate the improvements the council agrees be put in place, as learning outcomes.

IMPLICATIONS AND RISKS

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

BACKGROUND PAPERS

Attached are two appendices:

Appendix 1 – Local Government and Social Care Ombudsman Annual Review
Letter

Appendix 2 – Ombudsman Activity Report for 2017/18