



ADJUDICATION AND REVIEW COMMITTEE

5 September 2019

Subject Heading:

Local Government and Social Care
Ombudsman (LGSCO) Annual Review
letter 2018/19

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 2018/19, 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

REPORT DETAIL

The Annual Review letter from Local Government and Social Care Ombudsman for 2018/19

This year, the LGSCO received 95 complaints and enquiries about Havering Council, against 94 the previous year. With similar numbers, the noticeable changes are represented by an 87.5% increase in Children's Service complaints and a 20% decrease in Housing complaints

In the year, the LGSCO made 90 decisions on complaints made against Havering Council, compared to 101 the previous year. Of those 90, detailed investigations were carried out into 14 cases. Nine of them were Upheld and five Not Upheld, which gives an Uphold Rate of 64%. This compares to 63% in similar authorities.

While the Uphold Rate appears high, compared to the previous year's 44%, it should be noted that there were a higher number of detailed investigations in 2017/18 (23) with ten being Upheld.

For the first time this year, the Ombudsman's office has published compliance statistics, where the Council is recognised for complying with Recommendations made by the Ombudsman in their Decisions.

It is pleasing to note that in the nine cases Upheld by the LGSCO, all recommendations were met within the timescales set out by the investigators.

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In the last month, the LGSCO has launched an interactive map of council performance on their website. The data is linked to published decisions and any service improvements that have been agreed by each council.

The intention is to put an emphasis on authority compliance with investigations; it is a useful tool for comparing our own performance against that of neighbouring authorities, or those with a similar demographic.

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 2018/19 the council received 65 decisions by Local Government and Housing Ombudsmen, as follows:

25 x Closed after initial enquiries: No further action

*Adult Services (4); Children's Services (2); Environment (8);
Planning & Building Control (1); Public Protection (1); Housing (7);
Council Tax & Benefits (2)*

12 x Closed after initial enquiries: Out of jurisdiction

Adult Services (1); Environment (3); Housing (7); Council Tax & Benefits (1)

11 x Closed: Premature

Children's Services (7); Environment (2); Housing (2)

6 x Not Upheld: No maladministration

Planning & Building Control (2); Housing (4)

1 x Upheld: No further action

*Environment **S***

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

Adult Services (3); Learning & Achievement (1); Housing (1)

3 x Upheld: Maladministration, injustice, no penalty **S**

Adult Services (1); Planning & Building Control (1); Council Tax & Benefits (1)

There were two Housing Ombudsman decisions:

1 x Maladministration, injustice with penalty **S**.

1x No Maladministration

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 nine upheld decisions against the council, which agrees with the five Maladministration, Injustice with Penalty, three

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Maladministration, Injustice without Penalty decisions and one Upheld, No Further Action the council has recorded, and shown on the Ombudsman Activity Report at Appendix 2.

Following the reporting of the Annual Review letter last year, all Ombudsman decisions are now published on the Havering website, unless specifically requested by the complainant not to publish, in order to preserve their anonymity.

In his letter to authorities, the Ombudsman, Michael King recognised the pressures for many local authorities and recommends the report 'Under Pressure', which is the outcome of a significant piece of research carried out by his office this year; a copy is attached as Appendix 3.

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 2018/19

Appendix 3 – Report: Under Pressure