



ADJUDICATION AND REVIEW COMMITTEE

8 December 2020

Subject Heading:

Local Government and Social Care
Ombudsman (LGSCO) Annual Review
letter 2019/20

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

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

Responsibility for reporting and liaising with the LGSCO falls to the CEO Complaints team within the Senior Leadership Support office. The Senior Complaint and Investigation Manager is the Link Officer for all Ombudsman transactions, acting as a conduit between Ombudsmen and services.

This ensures a smooth transition from Stage 2 complaints through Stage 3 and to the Ombudsman. Case officers, having carried out a Stage 2 investigation and

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potentially prepared papers for a Stage 3 Member Panel, will be familiar with the complaint and able to assist with Ombudsman enquiries.

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 Annual Review letter for 2019/20, 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 2019/20
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 2019/20

This year, the LGSCO received 121 complaints and enquiries about Havering Council, against 95 the previous year. The following table gives a comparison between services for both this year and 2018/19.

Service	2019/20	2018/19	Percentage difference
Adults Services	16	15	+6.3%
Education & Children	12	15	-20%
Benefits and Tax	7	6	+16.6%
Corporate	4	1	+300%
Environment (including Public Protection and Highways)	41	19	+116%
Housing	30	28	+7%
Planning	10	9	+11%
Not classified by LGSCO	1	2	n/a

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In the year, the LGSCO made 85 decisions on complaints made against Havering Council, compared to 90 the previous year. Of those 85, detailed investigations were carried out into 22 cases. Twelve of them were Upheld which gives an Uphold Rate of 55%. This compares to 70% in similar authorities.

Within his Annual Review letter, the Ombudsman also publishes compliance statistics, where councils are recognised for complying with recommendations made in decisions.

It is pleasing to note the 100% compliance rate the Council has achieved this, compared to 99% in similar authorities.

In addition, 17% of our cases upheld by LGSCO had been provided with satisfactory remedies before the complaint reached the Ombudsman.

The high compliance rate achieved by the Council could be attributed to the rigorous follow-up monitoring undertaken by the CEO Complaints team.

The LGSCO has 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 2019/20 the council received 85 decisions by Local Government and Housing Ombudsmen, as follows:

35 x Closed after initial enquiries: No further action

Children's Services (1); Environment (12); Learning & Achievement (1); Planning & Building Control (6); Public Protection (1); Housing (9); Leisure Services (1); Council Tax & Benefits (2); Business Rates (1); Legal Services (1)

13 x Closed after initial enquiries: Out of jurisdiction

Adult Services (1); Environment (5); Housing (4); Council Tax & Benefits (1); Business Rates (1); Planning & Building Control (1)

10 x Closed: Premature

Adult Services (3); Children's Services (1); Environment (2); Housing (3); Council Tax & Benefits (1)

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12 x Not Upheld: No maladministration

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

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

Adult Services (3); Children's Services (2); Housing (2); Council Tax & Benefits (1)

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

Environment (2)

2 x Upheld: Maladministration, no injustice **S**

Adult Services (1); Housing (1)

There were three Housing Ombudsman decisions:

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

2 x 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 12 upheld decisions against the council, which agrees with the eight Maladministration, Injustice with Penalty decisions; two Maladministration, Injustice without Penalty decisions and two Upheld, No Further Action decisions the council has recorded, and shown on the Ombudsman Activity Report at Appendix 2.

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 2019/20