

ADJUDICATION & REVIEW COMMITTEE

11 April 2013

Subject Heading:

CMT Lead:

Report Author and contact details:

Policy context:

Financial summary:

**Has an Equality Impact Assessment
(EIA) been carried out?**

**CHANGES BY THE LOCAL
GOVERNMENT OMBUDSMAN
AFFECTING HAVERING**

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Review of how the impact of changes to
the LGO's resources affect external
monitoring of complaints in Havering

Reduction in LGO activity could have a
financial impact on the Council as more
complaints escalate to Stage Three
hearings.

Not required.

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

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

The reduction in funding received by the LGO was communicated to Members in a report to the Committee last November. Since then, there has been a reduction in new investigations against Council services to zero and all outstanding investigations have (at the time of writing this report) also been closed.

Currently, the only contact from the LGO has either been requests for information, referral of a few cases back to the Council for progression through its Corporate Complaints process or notification of non-investigation outcomes or complaint considered outside the Ombudsman's jurisdiction.

RECOMMENDATIONS

That the Committee note the report.

REPORT DETAIL

1. In the report to Committee on 6 November 2012, Members were informed about significant changes being implemented by the LGO in the wake of funding being reduced by some 27%.
2. Initially, this had very little day-to-day impact on the receipt and response to Ombudsman investigations, but since the start of 2013, there has been a radical change in the through-put of LGO work. From having anything between four and over a dozen investigations open at any one time, the number of new investigations suddenly ceased. The only cases referred were those either not investigated or assessed as being outside jurisdiction or even no evidence of administrative fault. During February and March, the Council was notified of the final decisions in the remaining cases technically open (though provisional views had already been received which meant they were no longer technically “active”). The Council therefore starts April 2013 with no Ombudsman investigations.
3. Enquiries are still received on a (fairly) regular basis, but more often than not they only result in a “not to initiate an investigation” follow-up. On occasion – and if this trend continues it could have an impact on the Corporate Complaints process above Stage Two – a complaint will be referred back to the Council for processing through its complaints procedure. Whilst this is nothing new in itself, the Ombudsman has removed herself from monitoring progress of these referrals (though a failure to pursue the complaint by the Council could trigger an investigation into possible maladministration).
4. The potential impact of this development is that as the Council becomes responsible for ensuring that more complainants are fully dealt with “in house” a rising proportion are likely to escalate their complaints beyond Stage Two. This will have financial implications for the Council. IAPs do have a cost in the preparation of each case, but if more complaints go to hearings for resolution, the cost in officer time, Councillor attendance and printing costs alone will grow. Currently, this is speculative, but it is something the Committee – and Council – needs to be conscious of.

5. It may be that a clearer picture of what the Council is facing will not begin to become apparent until later this year. At a recent LGO Seminar (8 February) the LGO revealed that this was uncharted territory for it as well as for councils and that changes to its structure and the way it managed complainants' expectations was going to be very much improvised. At present, it can be safely assumed that the LGO is still in her transition phase, but what happens when she has had time to evaluate how the Ombudsman service is working, we may see a different relationship developing.
6. The year 2012/13 has seen some considerable change and this is illustrated in the charts covering the year to the end of March which will be made available to Members at the meeting.

IMPLICATIONS AND RISKS

Financial implications and risks:

The impact of changes in LGO funding on the level and nature of complaints remains uncertain at this time. There is a risk of an escalation in the number and cost of complaints proceeding through the corporate process but this position will need to be kept under review.

Legal implications and risks:

There are no 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