

**Report for:** Overview and Scrutiny – 25<sup>th</sup> March 2019

**Title:** **Ombudsman Letter Report 2017/2018**

**Report**

**authorised by :** Richard Grice Assistant Director Customers, Transformation & Resources

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**Ward(s) affected:** All

**Report for Key/**

**Non Key Decision:** N/A – report for noting

## **1. Describe the issue under consideration**

- 1.1 This is the Ombudsman Letter and consists of decisions and reporting for 2017/2018.
- 1.2 Due to the need to prioritise work associated with the General Data Protection Regulations (GDPR) programme of work, this report is later than usual. Going forward we expect the annual Ombudsman letter report for 2018/19 to be issued in July 2019.

## **2. Input Requested from O&S**

- 2.1 It is requested that O&S Committee note the contents of the report and proposed next steps.

## **3. Summary**

- 3.1 Every year the Local Government Ombudsman writes to all Local Authorities with details of the complaints that their office has received about each authority. The format of the letter has changed over recent years. Previously the letter contained commentary on cases and their findings. Now it is just a covering letter with figures on the complaints they have received and the outcomes and commentary on any reports published against the council in this period, these have been articulated in this report.
- 3.2 There is further information on the Ombudsman's website, which provides a comparison with other Local Authorities. Some key statistics are shown below:
  - The Ombudsman registered a total of 17,452 in complaints and enquiries 2017/18 compared to 16,863 in 2016/17

- They carried out 4,020 detailed investigations in 2017/18 compared to 4279 in 2016/17
- Of those detailed investigations they upheld 57% which is up from 54% in 2016/17
- They made 3622 recommendations to put things right compared to 3574 in 2016/17
- The areas in which they held up the highest proportion of investigations was Housing Benefits and Council Tax. (70%). The lowest proportion was Planning and Development (41%)

#### **4. Ombudsman Comments – Timeliness of Implementing Remedies**

- 4.1 The Ombudsman issued one report against Haringey Council in 2017/18. The complaint was about a family placed in unsuitable temporary accommodation for 10 months with no or intermittent cold-water supply and they had identified a number of failings in the way the council had responded to these concerns and complaints made about the situation.
- 4.2 To remedy the injustice caused they recommended a formal apology and financial recompense to the family. They also asked the Council to ensure robust and appropriate action was taken to prevent similar situations occurring for other residents in the future.
- 4.3 It was reported that the council readily accepted the findings and complied in full with the recommendations made. The Ombudsman stated that it was clear from the formal response to the report that the matter had been considered constructively by the officers and councillors and that there was a genuine commitment to learn from the failings in this case.
- 4.4 There were some further issues experienced with regards to responses on two cases, These are not reportable and are highlighted to allow us to review and learn. One response related to a lack of communication about a change to the way Haringey funds complex meal preparation and the other to insufficient records related to an Adoption Support Plan.

#### **5. Ombudsman Comments – Report Findings of Maladministration**

- 5.1 As part of the LGO feedback, Councils have to provide a report detailing investigations that found fault. The format and timing of this report is currently being discussed with legal and we are waiting for a response. This remains a priority.

#### **6. Ombudsman Statistics**

- 6.1 The following table shows the number of enquiries the ombudsman received in 2017/18 and the outcome. Categories of “advice given”, “incomplete/invalid”, and “referred back for local resolution” are all cases that did not involve the

Ombudsman investigating the complaint. This equated to 145 – 77% of the total received.

- 6.2 Cases that are closed after initial enquiries do involve some investigation and input from the Council. The upheld and not upheld cases are the ones that proceeded to a full investigation. Of these 43, only 24 were upheld representing 13% across all enquiries received by the LGO.
- 6.3 Although we recognise that the LGO has passed back a large number of complaints received with no action for us to take, we are concerned that the complainants felt they needed to raise their concern with the LGO in the first place. We are planning further work on this area to understand what we can do to instill confidence in residents that we take their concerns seriously and that the actions we take are fair and appropriate and reflect that we have resolved the issue to the best of our ability.

<b>Outcomes</b>	<b>Number</b>
Advice given	7
Incomplete / invalid	9
Not Upheld	19
Upheld	24
Referred to local resolution\ closed after initial enquiry	126
<b>Total</b>	<b>185</b>

## **7. Ombudsman Statistics – Cases Where the Ombudsman Found Maladministration (Fault)**

- 7.1 Of the cases investigated, 24 were upheld, the outcomes of these are as follows:

<b>Remedy</b>	<b>No</b>
Apology, Financial Redress	2
Apology, Financial Redress, Procedure Change	1
Apology, Financial redress: Avoidable distress/time and trouble	1
Apology, Financial redress: Avoidable distress/time and trouble, Financial redress: Loss of service, Procedure or policy change/review	1
Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review	1
Apology, Financial redress: Avoidable distress/time and trouble, Provide services, Procedure or policy change/review	1
Apology, Financial redress: Loss of service	2
Apology, Financial redress: Loss of service, New appeal/review or reconsidered decision, Training and guidance	1

Apology, Financial Redress: Quantifiable Loss, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review	1
Apology, Improved remedy	1
Apology, New appeal/review or reconsidered decision, Procedure or policy change/review	1
Financial Redress, Other Remedy	1
Financial Redress, Training	1
Null – No remedy necessary	3
Other Remedy	2
Procedure or policy change/review	1
Reassessment	1
Reassessment, Other Remedy	1
Training	1

7.2 These 24 cases have been broken down below:

7.3 Adult Social Services, (8). These complaints ranged from restriction of visiting hours, care provided in a home, delay in making a care assessment and reduction from live in carers to 3 hours daily visits. These cases have all been remedied.

7.4 HFH (5). These cases ranged from the case detailed in 4.1, where the Ombudsman reported on regarding the lack of access to cold water, to a delay in processing an appeal, a refusal to a resident for the “Right to Buy” and an investigation to alleged damage and threatening behaviour.

7.5 Children’s Services (3). These cases were in a delay in finding an appropriate school for a child with special needs, an agreement to provide certain support on an adoption plan then changing the plan and lastly the Council did not comply with its statutory duty for a young person who required accommodation.

7.6 Environmental Services, now Commercial & Operations, (3). These complaints were upheld about excessive removal charges, bins being placed back wrongly and enforcement action taken against a resident regarding cockroach infection.

7.7 Planning (1). This case was how the Council handled a planning application approval. There was no fault found on how the Council granted planning permission however the Council delayed responding to the complaint and failed to properly explain its reasoning.

7.8 Corporate Governance (1). This case was due to the delay in the sale of a property under the “Right to Buy” scheme and the unreasonable enquiries made by the Council. The investigation found that there had been some fault on the Council’s behalf in processing the application.

7.9 Benefits (1). This case was due to the delay in dealing with the claim and the subsequent two appeals. The Council was found at fault due to the confusing way they requested information and subsequent missing paperwork.

7.10 Schools and learning (1). This case related to the Council not paying due regard to equality of opportunity for pupils applying for school places at their preferred school. The case was upheld as the clerk's notes of the appeal were so brief and inadequate that it was not possible to be satisfied there had been a fair appeal.

7.11 We continue to work closely with the Ombudsman and welcome their feedback. Haringey's performance against our neighbouring boroughs is shown below.

Authority Name	Invalid or Incomplete	Advice Given	Referred Back for Local Resolution	Closed after Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total	Complaints Remedied by LGO	Complaints Remedied by Authority
London Borough of Barnet	7	3	74	49	13	19	59	165	18	0
London Borough of Camden	4	11	55	32	8	17	68	127	13	0
London Borough of Enfield	7	12	70	23	12	16	57	140	16	0
London Borough of Hackney	3	7	63	21	7	20	74	121	13	4
London Borough of Haringey	9	7	77	49	19	24	56	185	20	1