

COUNCIL

**Wednesday 17
July 2019**

**Local Government and Social Care Ombudsman Public
Report**

Final Decision-Maker	Council
Lead Head of Service	Head of Legal Partnership and Head of Policy, Communications and Governance
Lead Officer and Report Author	Angela Woodhouse, Head of Policy, Communications and Governance
Classification	Public
Wards affected	All

Executive Summary

The Local Government and Social Care Ombudsman has issued a public report following an investigation into a complaint from a local resident regarding the Housing Service. The report finds fault with the Council's actions and sets out a number of actions that have since been implemented.

Purpose of Report

Decision

This report makes the following recommendations to Council:

To accept the report and findings made by the Local Government and Social Care Ombudsman and note the actions that have been taken by the Council.

Timetable

Meeting	Date
Council	17 July 2019

Local Government and Social Care Ombudsman Public Report

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Council has a strategic objective on Homes and Communities complying with the recommendations from the LGSCO is supportive of this priority	Head of Policy, Communications and Governance
Cross Cutting Objectives	The report recommendations supports the achievement(s) of the cross cutting objectives for health inequalities.	Head of Policy, Communications and Governance
Risk Management	Already covered in the risk section.	Head of Policy, Communications and Governance
Financial	The actions proposed by the LGSCO can be delivered within already approved budgetary headings and so need no new funding for implementation.	Section 151 Officer & Finance Team
Staffing	The actions proposed by the LGSCO have been implemented within current resources.	Head of Policy, Communications and Governance
Legal	The LGSCO's powers to investigate the complaint and require action are set out in part III of the Local Government Act 1974. Specifically, s31 requires the Council to consider the report, take effective action to address the findings and report back to the LGSCO. Accepting the recommendations will fulfil the Council's duties under the Act. Failure to accept the recommendations would likely lead to further action by the LGSCO	Principal Solicitor (Corporate Governance)
Privacy and Data Protection	No implications	Policy and Information Team
Equalities	The recommendations of the LGSCO have been implemented to ensure the Council complies with equality requirements.	Equalities and Corporate Policy Officer

Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	No implications	Head of Policy, Communications and Governance
Procurement	No implications	Head of Policy, Communications and Governance

2. INTRODUCTION AND BACKGROUND

- 2.1 The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils, all adult social care homes and some other organisations providing local public services. The LGSCO act as an independent body established through the Local Government Act 1974 to investigate alleged or apparent service failure of maladministration.
- 2.2 Following an investigation into complaint 18 000 166 the LGSCO have issued a public report with recommended action in relation to our Housing Service. As required by legislation the Council placed a notice in the Local Press to inform the public of the issuing of the report and copies of the report have been made available for public inspection.
- 2.3 The Council is required to consider the LGSCO's report within three months of issue. The report was embargoed by the LGSCO until the 9th of May 2019 so this is the first Council meeting at which it can be considered.
- 2.4 The LGSCO report into the complaint finds that there were failures which were faults which resulted in causing the complainant who is referred to as Mr K injustice. The injustice to Mr K was the incorrect interpretation of the Council's policy when dealing with the applicant's request to review his application for housing on medical grounds. The failures caused him uncertainty as he was improperly refused access to join the Council's Housing Register.
- 2.5 Following the investigation the LGSCO recommended a number of actions which are set out in paragraph 75 of the report attached at **Appendix A**.
- 2.6 The Council has carried out all the actions as requested at paragraph 75 and the LGSCO has been updated with evidence of completion.
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3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 Council is requested to note the report, its findings and the action taken by the Council. The fault found has not been disputed and the Housing Service has taken all actions requested by the LGSCO in the report.
 - 3.2 If the Council refuses to accept the report and findings a follow up report is likely to be issued by the LGSCO which will have to be considered by the Council.
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4. RISK

- 4.1 There is reputational risk with the issuing of a public report by the LGSCO, but as we have implemented the actions requested, the risk has been somewhat mitigated. If no action were taken there would be a substantial reputational risk particularly as we do not dispute the fault that has been found.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 A public notice was published in two local press publications in accordance with s.30 of the Local Government Act 1974 following receipt of the public report. The action taken by the Council in response to the report has been communicated to the LGSCO.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The decision made by Council will be reported to the LGSCO.
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7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- *Appendix A: Report by the Local Government and Social Care Ombudsman - 18 000 166*
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8. BACKGROUND PAPERS

None