

Audit & Governance Committee

Date of Meeting: 31 July 2018

Report Title: Maladministration Decision Notices from Local Government
Ombudsman – February – March 2018

Portfolio Holder: Councillor Liz Wardlaw – Deputy Leader

Senior Officer: Daniel Dickinson – Acting Director of Legal Services

1. Report Summary

- 1.1. This report provides an update on the Decision Notices issued by the Local Government Ombudsman when their investigations have found maladministration causing injustice to complainants. Decisions between 1st April 2017 and 31st January were reported at the Audit & Governance Committee on 31st May. This report details the decisions made between 1st February 2018 and 31st March 2018 only. There were two decisions where it was found that there was maladministration causing injustice; the relevant departments have taken the recommended actions and learned lessons from the investigation outcomes. It is not possible to report on any Decision Notices issued during April and May 2018, as the LGO impose a three month reporting embargo. Any decisions received after 31st March will be reported at a subsequent Audit & Governance meeting.

2. Recommendation

- 2.1. That the Committee notes the contents of this report and makes any further response it considers appropriate.

3. Reasons for Recommendation

- 3.1. The Terms of Reference for the Audit & Governance Committee include seeing assurance that customer complaint arrangements are robust and that recommendations agreed with the LGO are being implemented.

4. Background

- 4.1 The Local Government Act 1974 established the Local Government Ombudsman (LGO). It empowers the Ombudsman to investigate complaints against councils and adult social care providers and to provide advice and guidance on good administrative practice. Once a complainant has exhausted the Council's Complaints procedure, their next recourse, should they remain dissatisfied with the Council's response, is to contact the LGO.
- 2.2 The LGO will assess the merits of each case escalated to them and seek clarification from the Council as necessary before making the decision to investigate a complaint. Once the LGO decides to investigate, they will try to ascertain if maladministration has occurred and whether or not there has been any resulting injustice to the complainant as a result of the maladministration.
- 2.3 In instances where maladministration and injustice is found, the LGO will make non-legally binding recommendations which they consider to be appropriate and reasonable. Although not legally binding, refusal to accept the LGO's recommendation will trigger a Public report. A Public Report is a detailed account of the complaint, outlining the failures by the Council in this particular investigation; this can have a significant damaging effect on the Council's reputation.

3. Briefing Information

- 3.1 During the period between 1st February and 31st March 2018 the Council received two Decision Notices in which the LGO have concluded that there has been maladministration causing injustice. These are detailed in Appendix 1.

4. Implications

4.1 Legal Implications

There are no legal implications flowing directly from the content of this report.

4.2 Financial Implications

If fault causing injustice is found, the Council can be asked to pay compensation to a complainant. In the period being reported, the Council was not required to make any compensation payments.

4.3 Policy Implications

Adherence to the recommendations of the LGO is key to ensuring that customer have objective and effective recourse should they be unhappy with the way in which the Council has responded to their complaint.

4.4 Equality Implications

There are no equality implications flowing directly from the content of this report.

4.6 Human Resources Implications

There are no HR implications flowing directly from the content of this report.

5.0 Contact Information

Any questions relating to this report should be directed to the following officer:

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