

Part A

Report to: Cabinet

Date of meeting: 4 March 2019

Report author: Head of Democracy and Governance

Title: Ombudsman Decision

1.0 Summary

- 1.1 Under Section 5A of the Local Government and Housing Act 1989 the Council's Monitoring Officer is obliged to report to Cabinet any finding of maladministration by the Local Government and Social Care Ombudsman.
- 1.2 On 8 February the Council received a final report from the Ombudsman relating to a failure to properly consider an Applicants request for reconsideration of her priority on the Housing Register due to medical circumstances. A copy of the decision is attached as Appendix 1.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
The Council does not comply with the Ombudsman's recommendation	The Council gets a bad reputation with the Ombudsman	The Council agrees with the Ombudsman's recommendation and implements it	treat	1
The Council does not learn from the issues raised in the report	Further findings of maladministration against the Council	The Revenues and Benefits team have implemented revised procedures regarding enforcement	treat	2

3.0 **Recommendations**

3.1 That the Ombudsman's decision be noted

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4.0 **Detailed proposal**

4.1 Under section 5A of the Local Government and Housing Act 1989 the Monitoring Officer is obliged to report any Ombudsman findings of maladministration to Cabinet. When the Ombudsman finds fault that is classified as maladministration.

4.2 On 8 February 2019 the Council received the final report of the Ombudsman in relation to a complaint that the Council had failed to consider properly medical needs when determining the applicant's priority on the Housing Register. A copy of the decision is attached at Appendix 1.

4.3 The Council has accepted the Ombudsman's findings and has agreed to reassess the applicant's application based on the medical information provided.

4.4 The Deputy Managing Director comments that as a result of the Ombudsman's decision the Housing Department have introduced a two stage Banding Review Process so a more senior officer will conduct the second review if the applicant is not satisfied with the first decision.

4.5 The Ombudsman now publishes all her decisions so this will be available to view on the Ombudsman's website.

Implications

5.1 **Financial**

5.1.1 There are no financial implications in this report

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that as stated there is a legal requirement for Cabinet to be made aware of any findings of maladministration

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 None applicable to this case.

Appendices

Appendix 1 Ombudsman Report

Background papers

No papers were used in the preparation of this report.