

Part A

**Report to:** Cabinet

**Date of meeting:** Monday, 7 September 2020

**Report author:** Group Head of Democracy and Governance

**Title:** Ombudsman's Decision

## 1.0 Summary

1.1 Under the Local Government and Housing Act 1989 the council's Monitoring Officer is legally obliged to make a report to cabinet of any finding by the Local Government and Social Care Ombudsman of maladministration.

1.2 On 7 August 2020 the council received the Ombudsman's final decision in a matter relating to the handling of a claim for housing and council tax benefits. The decision is attached at appendix 1.

## 2.0 Risks

2.1

<b>Nature of risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> (treat, tolerate, terminate or transfer)	<b>Risk Rating</b> (combination of severity and likelihood)
That the lessons learned are not followed	Further complaints and resulting action by the Ombudsman leading to a loss of reputation	That the recommendations are followed and agreed actions are monitored	Treat	4

## 3.0 Recommendations

3.1 That the Ombudsman's decision be noted.

### **Further information:**

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#### 4.0 **Detailed proposal**

4.1 Under s5A of the Local Government and Housing Act 1989 the council's Monitoring Officer is legally obliged to report to cabinet any findings of maladministration by the Local Government and Social Care Ombudsman.

4.2 On 7 August 2020 the council received the Ombudsman's final decision in relation to a complaint by a couple in relation to the handling by the Revenues and Benefits Department of their claim for Housing Benefit and Council Tax reduction.

4.3 The decision letter attached at appendix 1 sets out the history of the matter and acknowledges the fact that the Head of Revenues and Benefits appreciated before the complaint had reached the Ombudsman that the claim had not been handled well and that an independent investigator had been used to try to learn lessons from it. As a result new processes and procedures were introduced to try to avoid a similar situation arising in the future.

4.4 The council has accepted the Ombudsman's findings in full and a letter of apology and the suggested payment of compensation has been made.

4.5 All Ombudsman decisions are now published on their website in anonymised form.

#### 5.0 **Implications**

##### 5.1 **Financial**

5.1.1 The Shared Director of Finance comments that the Council will meet the compensation payment of £600 from existing budgets.

##### 5.2 **Legal Issues (Monitoring Officer)**

5.2.1 The Group Head of Democracy and Governance comments that as stated in the body of the report all findings of maladministration are required to be reported to cabinet by virtue of the Local Government and Housing Act 1989

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

5.3.1 Having had regard to the council's obligations under s149 Equality Act 2010, it is considered that there are no direct equalities impacts arising from this report

##### 5.4 **Staffing**

5.4.1 As a result of this case staff training has been instituted and is ongoing.

## 5.5 **Accommodation**

5.5.1 Not applicable

## 5.6 **Community Safety/Crime and Disorder**

5.6.1 Not applicable

## 5.7 **Sustainability**

5.7.1 Not applicable

## **Appendices**

- Ombudsman's final decision

## **Background papers**

No papers were used in the preparation of this report.