

Part A

Report to: Cabinet

Date of meeting: Monday, 6 December 2021

Report author: Group Head of Democracy and Governance

Title: Ombudsman Decisions

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 of fault by the Local Government and Social Care Ombudsman.

1.2 On 29 October 2021 and 15 November 2021 the council received final decisions from the Ombudsman in 2 matters, one relating to Housing and the other Revenues and Benefits. The anonymised decisions are attached as appendices 1 and 2.

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)
That the lessons learned are not followed	Similar findings of fault in the future leading to a loss of reputation	That the findings be actioned	Treat	2

3.0 Recommendations

3.1 That the decisions be noted.

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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 fault by the Local Government and Social Care Ombudsman.
- 4.2 On 29 October 2021 the council received the Ombudsman's final decision in relation to a complaint about Housing. The complainant complained about the council's refusal to award him higher priority on medical grounds under the council's Nominations Policy. The Ombudsman decided to partially uphold his complaint that in the final review decision the council failed to give clear reasons in accordance with the policy as to why the complainant was not awarded a higher banding. The Ombudsman also found fault in the delay in considering the complainant's request for a first review from February 2020 to the decision in October 2020.
- 4.3 The council has accepted the Ombudsman's findings and has apologised to the complainant for the delay and arranged for the payment of £200 to the complainant for the uncertainty, time and trouble he had to go to, to chase a reply to his review request. The council has also agreed to undertake another review of the decision on medical and social and welfare grounds. In addition it has amended its guidance to Now Medical the council's independent medical advisors on the criteria they need to consider when advising on banding reviews under the Nominations Policy. To avoid further delays in decision making all requests for review are diarised in each Caseworker, Senior Housing Solutions Officers and Housing Solutions Manager's diary, alerts set up at four weeks to enable better monitoring and they are discussed at the Caseworker morning meetings. The final decision is attached as appendix 1.
- 4.4 On 15 November 2021 the council received the Ombudsman's final decision in relation to a complaint about Revenues and Benefits. The complainant complained that the council was wrong to refuse him a discretionary grant and handled his complaints poorly causing him financial hardship and distress. The Ombudsman found no fault in the decision not to award the grant but found fault in the way it handled his subsequent complaint which caused him injustice.
- 4.5 The council has accepted the Ombudsman's findings and has apologised to the complainant for failing to reply to his emails or progressing his calls. The Revenues and Benefits service has also arranged for the payment of £200 to be made to the complainant to recognise the uncertainty caused him and the time and trouble he had to go through to get his complaint dealt with. The service was extremely busy during the time of the complaint dealing with applications for these discretionary grants. However it accepts it could have managed customers' expectations better by explaining that it was busy and that there was likely to be a delay in responding. It also accepts it ought to have had an escalation route and provided officer names and contact details. Having also deactivated the email address for the scheme after the scheme has closed it could have provided an alternative email address that

customers could have contacted if they still had queries about the scheme. The service now also checks a random sample of work to ensure it has been thorough when making decisions as a result of the lessons learned from this complaint. The final decision is attached at appendix 2.

4.6 All decisions are published on the Ombudsman's website in anonymised form.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that the compensation will be met from the services existing budgets.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Group Head of Democracy and Governance comments that all findings of fault are required to be reported to cabinet.

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

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

5.4 **Staffing**

5.4.1 No implications.

5.5 **Accommodation**

5.5.1 No Implications

5.6 **Community Safety/Crime and Disorder**

5.6.1 No implications

5.7 **Sustainability**

5.7.1 No implications

Appendices

Appendix 1 Final Decision Housing

Appendix 2 Final Decision Revenues and Benefits

Background papers

No papers were used in the preparation of this report.

