

Report Title:	<b>Local Government &amp; Social Care Ombudsman Report – 16 003 062</b>
Contains Confidential or Exempt Information?	NO - Part I
Meeting and Date:	Planning & Housing Overview and Scrutiny Panel - 18 April 2018
Responsible Officer(s):	Andy Jeffs, Executive Director Jacqui Hurd, Head of Library and Resident Services
Wards affected:	None

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## REPORT SUMMARY

- 1 On the 28 November 2017, the Local Government & Social Care Ombudsman (LGO) issued a draft report to the council following an investigation into a complaint originating in December 2015, against the Royal Borough of Windsor and Maidenhead, ref 16 003 062, finding fault causing injustice, and as a result the LGO made a number recommendations to the council. Officers responded to the draft report and immediately began working on implementing all the recommendations.
- 2 On 15 February 2018, the LGO issued its final report to the council (embargoed until 23 March 2018). The head of service dealt with service improvements in November and it was not until the final report that the relevant Lead Member or Leader were notified on the 26 February 2018. The Lead Member at the time the incident occurred was notified on the 8<sup>th</sup> March 2018.
- 3 On 23 March 2018, the Local Government & Social Care Ombudsman (LGO) published the report.
- 4 Officers regret and have apologised for any distress that has been caused to Mr X through their actions.
- 5 All the recommendations made by the LGO were accepted at the draft report stage and they were actioned shortly after receipt of the draft report from the LGO on 28 November 2017.
- 6 The council is taking additional steps to ensure the housing service is strengthened, including having the housing enabling and housing options services under the leadership of one Executive Director, investing in a new housing system, developing a new housing strategy, updating the homeless strategy and allocations policy driven by the council's priorities, best practice and taking account of the new requirements from the Homeless Reduction Act.
- 7 In 2016/17, the LGO received 48 complaints about the Royal Borough, of which:
  - Three were incomplete or invalid
  - 20 were referred back for local resolution
  - 12 were closed after initial enquiries
- 8 The remaining 13 resulted in detailed investigations, of which six were upheld and seven were not. This gives the Royal Borough an upheld rate of 46%, which is below the national average of 53%.

## 1 DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION: That Planning and Housing Overview and Scrutiny Panel notes the report and:**

- i) **Notes the actions implemented, following the report, to improve services.**

## 2 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 On the 28 November 2017, the Local Government & Social Care Ombudsman (LGO) issued a draft report to the council following an investigation into a complaint originating in December 2015, against the Royal Borough of Windsor and Maidenhead, ref 16 003 062, finding fault causing injustice, and as a result the LGO made a number recommendations to the council. Officers responded to the draft report and immediately began working on implementing all the recommendations
- 2.2 On 15 February 2018, the LGO issued its final report to the council (embargoed until 23 March 2018). The head of service dealt with service improvements in November and it was not until the final report that the relevant Lead Member or Leader were notified on the 26 February 2018. The Lead Member at the time the incident occurred was notified on the 8<sup>th</sup> March 2018.
- 2.3 On the 23 March 2018, the Local Government & Social Care Ombudsman (LGO) published the report.
- 2.4 Officers regret and have apologised for any distress that has been caused to Mr X through their actions
- 2.5 In 2016/17, the LGO received 48 complaints about the Royal Borough, of which:
  - Three were incomplete or invalid
  - 20 were referred back for local resolution
  - 12 were closed after initial enquiriesThe remaining 13 resulted in detailed investigations, of which six were upheld and seven were not. This gives the Royal Borough an upheld rate of 46%, which is below the national average of 53%.
- 2.6 If the LGO decide it is in the public interest to highlight issues emerging from an investigation, they will write and publish a public interest report which is the case here. Publishing a public interest report may not, of itself, be a direct judgement on the council and most common reasons for deciding to do so are:
  - There are wider issues from which other authorities could learn
  - What went wrong was so significant or is recurrent
  - The complaint highlights systemic problems within the authority or the wider sector
  - The issues relate to the implementation of new legislation and how authorities have taken this forward.

They will also usually issue a public interest report if an organisation does not agree with the findings or recommendations from their investigation, or put things right to their satisfaction.

- 2.7 Mr X left his family home on 8 December 2015 following the breakdown of his marriage. The same month he asked the council for help with housing as he was homeless.
- 2.8 Mr X had numerous contacts with the council after that initial contact and he was provided with accommodation in Windsor in April 2016, moving to alternative accommodation in July 2016. However, it was not until March 2017 that Mr X moved to a permanent housing association property in Windsor.
- 2.9 Mr X first complained to the council in April 2016, and he complained to the Local Government & Social Care Ombudsman when he received no response.
- 2.10 The LGO referred the matter back to the council in June and again in August 2016 as the LGO thought the council should have the opportunity to deal with the complaint properly. The LGO contacted the council again in September 2016, but the council did not respond until November 2016, when a letter was also sent to Mr X.
- 2.11 The LGO decided to investigate Mr X's complaint and on 9 February 2017 asked the council for further information.
- 2.12 Despite reminders, telephone contact the council did not respond to the LGO's enquiries. As a result the LGO arranged to inspect the council's files and to interview an officer on 4 May 2017. The LGO cancelled these arrangements, however, when the council assured the LGO that a response would be sent by 2 May 2017. The council did respond but did not answer all the questions or provide all the information requested.
- 2.13 As a result the LGO interviewed officers in June 2017. On 16 June the LGO asked the council for further information, but only received this after informing the council it would issue a witness summons if it did not do so.
- 2.14 Mr X's complaint to the Local Government & Social Care Ombudsman (LGO) was that the council:
  - Failed to protect his belongings when he became homeless – Not upheld
  - Did not offer him suitable accommodation – Upheld
  - Did not help find him permanent housing – Upheld
  - Would not rehouse him in central Windsor – Not Upheld, and
  - Did not deal with his complaint about these matters properly – Upheld.
- 2.15 The conclusions of the investigation by the LGO identified the following faults where the council:
  - Did not keep proper records of some of its decisions and of its contact with Mr X
  - Offered Mr X unsuitable interim accommodation
  - Took too long to provide Mr X with temporary accommodation and the accommodation it eventually offered was unsuitable

- Used one standard letter when it offered interim and temporary accommodation, and failed to notify applicants of their right to request a review of the suitability of temporary accommodation
- Uses current standard letters that are both interim accommodation offer letters, but one is incorrectly titled “Offer of Temporary Accommodation”
- Does not have a standard letter for offers of temporary accommodation
- Failed to nominate Mr X for an available ground floor flat in an area of Mr X’s choice after a housing association rejected an earlier nomination
- Failed to deal with Mr X’s complaint in accordance with its complaints procedure
- Failed to deal properly with the LGO

2.16 The LGO found these faults caused injustice to Mr X and made a recommendation that the council must consider the report and confirm within three months what action it has taken or proposes to take.

2.17 In addition the LGO recommended the council should:

- Apologise to Mr X for the identified faults and for the injustice this caused him, and provide the LGO with a copy of its letter
- Pay Mr X £1,050 for the three and a half months he was without any accommodation
- Pay Mr X a further £2,875 for the eleven and a half months he lived in unsuitable temporary accommodation
- Pay Mr X £250 for his time and trouble pursuing his complaint. This makes a total payment of £4,175. The council should provide proof it has made this payment
- Amend its interim accommodation offer letters so that both are correctly titled, and provide the LGO with copies
- Create a separate temporary accommodation offer letter and provide the LGO with a copy, and
- Review and improve its complaint handling arrangements and its Ombudsman liaison arrangements, and tell us what it has done to improve its arrangements, including those arrangements for handling complaints in relation to outsourced services.

2.18 The council received and reviewed these recommendations when the LGO issued their draft report to us on 28 November 2017. All the recommendations were accepted and the following actions were completed:

- An apology was made to Mr X on 19 December 2017
- £4,175 was paid to Mr X on 9 January 2018
- The two interim accommodation letters were amended as required
- Implemented a separate temporary accommodation letter
- Reviewed and improved complaints handling arrangements along with its LGO liaison arrangements including:
  - Implementing a complaints database where all complaints are logged centrally and assigned to a service manager for response with auto notifications being sent when deadlines are approached. The system also logs all interactions between officers and a complainant
  - Reports are sent weekly to the relevant services for review
  - Strengthening the strategic management of the service
  - Implementing a new structure from March 2018
  - Changing responsibility for LGO liaison to the complaints team in order to streamline the process.

- Changed the process for responding to LGO queries. The complaints service will now manage the queries which ensure better oversight as the service manage the original complaint. LGO queries will also be incorporated into the complaints report to corporate overview and scrutiny and the senior management team.

2.19 In addition to this the council is taking further steps to ensure the housing service is strengthened, including:

- Moving the housing enabling and housing options services into one directorate under the leadership of one Executive Director, and one Principal Member from 1 April 2018.
- Investing in a new housing system to ensure there is one database for the recording of all decisions, with an estimated implementation date of the end of September 2018.
- Developing a new housing strategy, updating the homeless strategy and allocations policy driven by the council's priorities, best practice and taking account of the new requirements from the Homeless Reduction Act.

### 3 KEY IMPLICATIONS

3.1 Table 1 contains the key implications.

**Table 1: Key implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Housing service led by one Executive Director	Not achieved by 01/04/18	Achieved by 01/04/18	Achieved before 01/04/18	Achieved before 25/03/18	01/04/18
New housing system implemented	No system in place	System in place by 30/09/18	System in place by 15/09/18	System in place by 01/09/18	30/09/18
Monthly complaint reporting to Senior Management Team	No reporting in place	In place by 30/04/18	In place by 31/03/18	N/A	30/04/18

### 4 FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The LGO recommended that Mr X was paid an amount totalling £4,175. This was paid to Mr X on 9 January 2018.

### 5 LEGAL IMPLICATIONS

5.1 The LGO has no legal power to force councils to follow its recommendations, but most always do. Some of the things the LGO might ask a council to do are:

- Apologise
- Pay a financial remedy
- Improve its procedures so similar problems do not happen again

5.2 Section 30 of the Local Government Act requires the council to place two public notice announcements in local newspapers within two weeks of a report being published, and in addition we need to make copies of the report available free of charge at one or more of our offices for a period of three weeks from the date the public notice is published.

5.3 Where there is injustice as a result of fault, Section 31(2) of the 1974 Act, the LGO report must be laid before the authority concerned, and within three months of receiving the report tell the LGO the action it has taken or proposes to take.

## **6 RISK MANAGEMENT**

None.

## **7 POTENTIAL IMPACTS**

None.

## **8 CONSULTATION**

None.

## **9 TIMETABLE FOR IMPLEMENTATION**

9.1 The stages and deadlines for implementing the recommendations are in Table 5.

**Table 2: Implementation timetable**

<b>Date</b>	<b>Details</b>
1 April 2018	Housing Enabling and Housing Options under leadership of one Executive Director
18 April 2018	Considered by Planning and Housing O&S Panel
26 April 2018	Any recommendations from Planning and Housing considered by Cabinet
30 April 2018	Monthly complaint reporting to Senior Management Team
30 September 2018	New housing system implemented

## **10 APPENDICES**

10.1 The appendices to the report are as follows:

- Appendix A – Report by the Local Government and Social Care Ombudsman, reference number 16 003 062

## **11 BACKGROUND DOCUMENTS**

None

## **12 CONSULTATION (MANDATORY)**

<b>Name of consultee</b>	<b>Post held</b>	<b>Date issued for comment</b>	<b>Date returned with comments</b>
Cllr McWilliams	Principal Member for Housing and Communications	20/03/18	21/03/18
Alison Alexander	Managing Director	19/03/18	19/03/18
Russell O'Keefe	Executive Director	19/03/18	
Rob Stubbs	Section 151 Officer	19/03/18	
Kevin McDaniel	Director of Children's Services	19/03/18	19/03/18
Hilary Hall	Deputy Director Strategy & Commissioning	19/03/18	19/03/18
Nikki Craig	Head of HR and Corporate Projects	19/03/18	19/03/18
Louisa Dean/Milly Camley	Communications	19/03/18	

### **REPORT HISTORY**

<b>Decision type:</b> Non-key decision	<b>Urgency item?</b> Yes	<b>To Follow item?</b> No
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