



<b>Full Council</b>	<b>Thursday, 20 February 2020</b>	<b>Matter for Information</b>
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**Report Title:** **Report of the Local Government & Social Care Ombudsman**

**Report Author(s):** **David Gill (Head of Law & Democracy / Monitoring Officer)**

<b>Purpose of Report:</b>	To inform Members of the receipt of a report from the Local Government & Social Care Ombudsman ("the Ombudsman").
<b>Report Summary:</b>	This report sets out the receipt of a report from the Ombudsman and the response of the Council to that report.
<b>Recommendation(s):</b>	<b>That the contents of the report and appendix be noted.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a>  David Gill (Head of Law & Democracy / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a>
<b>Corporate Objectives:</b>	Providing Excellent Services (CO3)
<b>Vision and Values:</b>	Accountability (V1) Respect (V2) Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	The implications are as set out at paragraphs 2.1-2.2 of this report.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	As the author, the report is satisfactory.

<b>Consultees:</b>	<ul style="list-style-type: none"> <li>• Leader of the Council (Councillor John Boyce)</li> <li>• Chair of Service Delivery Committee (Councillor Bill Boulter)</li> </ul>
<b>Background Papers:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Council's Constitution (Last Revised July 2019)</a></li> </ul>
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Report of the Local Government &amp; Social Care Ombudsman dated 5 February 2020 (Complaint Ref. 19 009 723)</li> </ol>

## **1. Background**

- 1.1 On 11 December 2019, the Council was informed that the Ombudsman was investigating a housing related matter referred to him by Miss X.
- 1.2 Miss X said the Council offered her and her young family unsuitable accommodation when she applied to the Council as homeless in November 2017. Miss X also said that when she appealed the Council's decision; it failed to properly review her case.
- 1.3 The Ombudsman has said that there is fault with the way that the Council carried out its review, and with the advice it provided Miss X over the past two years. Members should note that the review was carried out by an external independent housing consultant.

## **2. Ombudsman's Recommendations**

The Ombudsman has recommended that:

- 2.1 The Council pays Miss X £500 for the avoidable time, trouble and distress she experienced whilst contesting her housing allocation and pursuing the complaint;
- 2.2 Pay Miss X £2400 to remedy the injustice of her family living in unsuitable accommodation for two years after the fault occurred during the review of the Council's decision; and
- 2.3 Backdate Miss X's Band 2 priority on the housing register to the date of the review decision (6 February 2018) to ensure she receives priority for suitable accommodation.

## **3. Review and decision on the recommendations**

- 3.1 On Tuesday 21 January 2020 the council received a draft copy of the investigators report that required a response by 5:00pm on Wednesday 5 February i.e. confirmation that the Council accepted the findings and recommendations.
- 3.2 Following internal consideration of the report by officers, the Statutory Officers (The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer) advised the Leader of the Council and the Chair of the Service Delivery Committee that whilst the compensation payments were on the high side there was no basis on which to challenge the findings of the investigator.

## **4. Report to Council**

- 4.1 Under Part 3 Section 6 Paragraph 1.4.10 of the Council's adopted Constitution the Chief Executive (as Head of Paid Service) has delegated authority to 'To consider and report on any report of the Local Government Ombudsman and to decide on and implement the action to be taken'.
- 4.2 In addition under Part 5 Section 12 of the Constitution (Monitoring Officer Functions) the monitoring officer is required under Section 5 of the Local Government and Housing Act 1989 to report to Council where any maladministration or injustice has been identified by the Ombudsman following an investigation.

- 4.3 The report of the Ombudsman is attached at **Appendix 1** for Members information and consideration.