

**Report for: Governance, Audit, Risk
Management and
Standards Committee**

Date of Meeting:	26 January 2021
Subject:	Failure to comply with actions recommended by Ombudsman
Responsible Officer:	Beverley Kuchar Interim Chief Planning Officer Nick Powell Divisional Director of Housing
Exempt:	No
Enclosures:	None

Section 1 – Summary and Recommendations

This report sets out the Council's response to the Ombudsman in relation to the failure to implement agreed actions following recommendations made by the Ombudsman in February 2020

Recommendations:

The Committee is requested to note the actions taken and to note the recommendation for further training for officers on dealing with cross service complaints.

Section 2 – Report

Background:

On 28 October 2019 the Ombudsman wrote to the council in relation to a complaint about a specific site. In particular the complaint concerned the Council's response to the condition of a house and its curtilage. Officers from both the planning and housing services had been involved in trying to address the concerns raised by the complainant, and enforcement notices had been served, but the condition of the site remained an ongoing concern. This was the start of the ombudsman investigation, and requested information on the background to the case, was provided by officers within agreed timeframes

On 25 February 2020 the Council received the formal decision from the Ombudsman, which concluded that, whilst the Council was not at fault in a number of the actions it had taken, there had been a drift between a further complaint made in August 2018 and formal action taken in August 2019, which had resulted in frustration and uncertainty for the complainant. The Ombudsman made two recommendations, which were agreed by the Council.

1. Apologise for the delay, frustration, uncertainty and time caused by the above failure
2. Pay £200 to the complainant in recognition of this frustration

These recommendations were not actioned immediately, due in part to miscommunication between the services involved in relation to the payment of the £200. This was then compounded as the pandemic began, new priorities taking precedence, and the move to remote working. Unfortunately, the required actions were not

implemented until the Autumn. On 15th September 2020 an apology was sent to the complainant in relation to the payment not being received, and officers visited the complainant and the site on 22nd September. The payment was subsequently authorised and full payment made to the complainant on 3rd November 2020. However, the Ombudsman was not updated at that time in relation to the actions taken.

A final report was received from the Ombudsman on 13 November 2020 concluding that the Council failed to comply with an agreed Ombudsman action to apologise and pay the complainant £200 following a final decision made in February 2020.

The Ombudsman made further recommendations for the council to write to apologise for failing to carry out the previously agreed actions, to pay the original £200 and a further £100 for the frustration caused by the failure to comply with the original agreed actions. These further actions have now been agreed and implemented. The Council has apologised to both the complainant and the Ombudsman for the time taken to implement the recommendations made and acknowledges that the delay in response has caused further concern for the complainant.

Current situation:

All recommendations have been complied with, and officers are proactively working towards a long-term solution to what has been an ongoing matter of concern for local residents on this site

In the light of the final report from the ombudsman, officers have since reviewed the process to ensure that any future recommendations are implemented within reasonable timeframes, and that, in cases which cover more than one service area, a clear lead officer is identified to coordinate the response on behalf of all services involved. Furthermore, going forward officers will ensure there are systems in place to periodically review performance and learning, through performance management reports to be considered at Directorate Management Team meetings.

Financial Implications

The failure to comply with the initial recommendation of the Ombudsman have resulted in £700 of additional costs, which include the cost of placing a notice in the Harrow Times. These costs have been borne by the service and will be met within the existing budget.

Section 3 - Statutory Officer Clearance

Chief Officer: Paul Walker

Signed by the Corporate Director

Date: 14 January 2021

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