

Local Government Ombudsman (LGO) Advisory Forum

Notes from meeting held on 11 December 2015

Attendees

Name	Representing
CB	LGO Service User
JM	LGO Service User
LW	LGO Service User
NC	LGO Service User
RH	LGO Service User
KB	LGO Service User
VH	LGO Service User
MW	Coventry Law Centre
J Martin	Local Government Ombudsman
M King	Chief Executive, LGO (Chair)
TM	Head of Policy and Communications, LGO
M	Policy and Research Manager, LGO (secretariat)

Apologies – ER, BO, DM

1) Welcome

Members of the Advisory Forum were welcomed to the LGO by Jane Martin and thanked for attending the meeting.

2) Introductions

Mick King (MK) invited members of the Forum to introduce themselves and briefly outline the nature of their involvement with the LGO to date, as well as any other relevant experience to share with the group.

MK explained that although we cannot resolve individual complaints through the meeting, their experience of the service will be invaluable to hear.

The Terms of Reference for the Forum were outlined and agreed. A frank and candid discussion was encouraged. The influence of the previous two forum groups was outlined, specifically, their feedback on our website, changes to which are soon to be launched.

Membership of the forum is for a year, during which three meetings will be held. Members were encouraged to shape the agendas of those meetings by considering the kinds of things they would like to discuss.

The meeting will be held under Chatham House rules. Views given during the meetings will be used externally but comments and experiences will not be attributed to individuals.

3) Discussion 1: Expectations of an ombudsman service

MB and TM introduced the first discussion. Ahead of hearing feedback on the experiences of the LGO's service, members were asked what expectations they had about what an ombudsman service would or wouldn't do before they used the service. In addition, they were asked to consider if these expectations had changed now that they had used the LGO's service.

To frame the discussion, customer satisfaction research findings were shared with the meeting, alongside some feedback quotes from customers that demonstrated that customers' view of our role, remit, powers and approach to investigation were not met.

Members fed back their thoughts on how they would describe the role of an ombudsman before using the LGO's service:

- Independent reviewers who will tackle the issue raised and determine if the organisation complained about did what they were supposed to do, and if not, put it right for the individual and others affected.
- Investigate in an impartial way.
- Decisions of the ombudsman would be enforceable.
- To investigate the facts of a matter. To be informed, objective and impartial and have some clout.
- Ombudsmen are reactive, looking at things after they have occurred rather than proactively preventing things from happening. In response, it was agreed that while this is largely true, through our recommendations to put right identified fault we can recommend a wider review of cases. An individual complaint about Liverpool City Council and its treatment of friends and family carers resulted in 380 other people identified as potentially affected.

It was noted that low awareness of ombudsman schemes means people may have very little prior understanding about the role. Members also noted that while it was relatively easy to search on the internet for our organisation, the information on the LGO's website would not be accessible to many, including people with a learning disability.

The different roles ombudsman and regulators play in complaints was also explained; ombudsmen investigate complaints from individuals, while regulators

inspect institutions. Members of the forum recognised that regulators often have a higher profile with the public than ombudsmen.

Members fed back that people need to be very strong willed to go through the full complaints process locally and then to seek an investigation from the LGO.

In response to a question about the LGO's lack of power to enforce recommendations, it was explained that as local councillors are elected to make local decisions, Parliament should not be able to create a body that can overrule the democratic mandate. While we agree with this principle, in practice, it can mean that we are limited in what we can achieve for an individual where the council refuses to accept the recommendations. We can make use of local media outlets to make the local population aware of their council's decision, in order to increase accountability.

Members asked if there are any checks made to confirm that a council has followed through the recommendations the LGO made. In response, MK confirmed that there has been a focus on ensuring the wording of our recommendations is much more specific, measureable and, wherever appropriate, a timescale for implementation is stated. This more focused approach will allow us to follow up and seek evidence of implementation. Members suggested that checking with the complainant, as well as with the council, that recommendations have been implemented would be a good approach.

A member described their experience of having to chase up their council for payment of the monetary sum they were awarded by the LGO. Although the payment was eventually made, it felt disingenuous because it had to be chased.

Members asked for clarity on how legislation is taken into account during the course of an investigation. The Care Act, Equalities Act and Human Rights Act were specifically referenced. It was clarified that investigators would take the relevant legislation into account but wouldn't make a determination on the law.

4) Discussion 2: Three things the LGO does well and three things the LGO needs to improve most

Forum members were asked to describe their experience of using the LGO's service, focusing on what went well and less well.

Feedback: What the LGO does well:

- Investigator took the time to telephone so that specific communication requirements could be explained.
- Easy read documents were sourced, but had to be requested.
- Met with the person affected at a face to face meeting, while this was positive, it seemed like it was something the investigator was not used to.
- Initial prompt response and communication.
- The invitation to and the existence of the Advisory Forum itself.

- Professional and factual.
- Communication was clear and full.
- Treated as an equal and with respect.
- Easy to access.
- Communication was timely – quick responses via email.
- Having opportunity to comment on the draft decision is positive.
- Involvement of the LGO can trigger the local authority to respond .
- Investigation was quick.
- Clear, plain English used in letters.
- Asked for feedback on the service.
- Investigator was able to understand the complaint and untangle all of the issues.
- Received a payment for time and trouble, which was unexpected.

Feedback: What the LGO needs to improve most:

- Administrative errors (e.g. wrong names on notes).
- Powers too limited, terms of reference outdated and not fit for purpose.
- Appears biased in favour of local authorities.
- Focuses on processes in favour of common sense.
- Investigation process did not meet expectations – it needs to dig deeper and ask awkward questions.
- The timeline originally set out was not stuck to.
- Poor communication.
- To respond in ten days to the decision seemed unreasonable, especially in light of the numerous delays incurred to get to that point.
- Failed to meet the requirements under the Equalities Act.
- The process lacked kindness or personal care.
- Did not feel like I was treated with respect.
- Queried the competence of the investigator.
- There is no next step after the decision from the LGO. That is only acceptable when you feel like the matter has been through a proper investigation.
- Investigators should shift to working on a basis of wariness rather than trust when dealing with local authorities. Recommendations may be implemented but people can still have issues getting the services they are entitled to.
- Rethink the definition of injustice. Having to go the LGO is, in itself, an injustice.
- The process is slanted towards people who are articulate.
- Complaints about the same issue with the same council were not linked.
- The council did not respond to the recommendations.
- The process takes too long. Investigators should let people know beforehand what the likely timescales will be.
- There are no consequences for the council – a ‘toothless tiger’.

- Inaccuracies in draft decision (dates, names, evidence not taken into account).
- Became more defensive of and biased towards the council as the case progressed.
- An acceptance about what the council says is true, they are “professional” therefore the person bringing the complaint has to prove that the council is in the wrong.
- More powers needed to use legislation to support a complaint outcome.
- Policy to publish decisions may make some people feel vulnerable.
- A request to delay the publication of a decision statement on the basis that it would interfere another legal process was ignored.
- Paperwork can often be curt, statements such as, “you can make a complaint but we won’t change our minds.”
- Should look for trends in complaints and to identify systematic failure.
- There should be more sanctions available to the LGO.
- The remedy was not enforceable.
- The opportunity to make a recommendation to improve the overall process was missed.

Wider issues and suggested ideas:

- Local advice agencies losing funding affects the level of support available to people.
- A ‘top tips’ for complaining document would be helpful for councils to have available. The challenge is that most people never set out with the intention of complaining.
- Councils should advise people who make a complaint to keep their own timeline of events; it would be very useful to have if the complaint escalates to the LGO.
- Additional support for people who need it could include a trained peer support network to help others navigate the process and the creation of timeline templates that outline what to expect and when.

MK thanked the forum members for their input and valuable contributions. Several themes had emerged from the feedback that could potentially be the focus of future forum meetings, including issues around tone and culture, accessibility and competence. MK encouraged any further additions to the discussion to be sent to MB along with any thoughts on future agenda items.

5) Closing remarks

Jane Martin (JM) reflected on the meeting and highlighted several key messages:

- The authority of the Ombudsman to remedy a complaint is key – we must be satisfied with the action the council takes.

- How we can widen the impact of our work – linking cases together, widening scope and always looking to make recommendations that policies and procedures are reviewed.
- Use of evidence – asking challenging questions.
- At the core, investigations should always cover what happened, what should have happened and how can it be remedied.

JM summarised that the LGO is operating with significantly reduced budgets and, in response, efficiencies have been successfully made creating a lean business process. However, she noted we should be mindful that this efficiency does not set up more issues later on in the process. Our tone, expressions of kindness and acceptance that some matters take time to consider and resolve need to be taken into account in the way in which we ask our investigators to work.

Members were thanked for giving up their time to attend the meeting and for their contributions.

December 2015