



Communities and Local Government Committee

Oral evidence: [Pre-appointment hearing with the Government's preferred candidate for the post of Local Government Ombudsman](#), HC 737

Tuesday 1 November 2016

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Members present: Mr Clive Betts (Chair); Helen Hayes; Kevin Hollinrake; Mary Robinson.

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Questions 1 – 24

Examination of witnesses

Witness: Michael King, the Government's preferred candidate

Q1 **Chair:** Good morning, Mr King. Thank you very much for coming. As you are probably aware, this is a pre-appointment hearing for the Government's preferred candidate for the post of Local Government Ombudsman. Welcome. Just before we begin our discussions with you, we will put on record any interests that we might be perceived to have in this matter. I am a vice-president of the Local Government Association.

Helen Hayes: I employ a local councillor in my staff team.

Kevin Hollinrake: As do I.

Chair: Those are our interests on the record. Thank you for coming this morning. We know who you are; we normally ask witnesses to say who they are at the beginning, but we are aware of that. Can I begin by talking to you about the recruitment process? Did you find it challenging, or was it pretty straightforward as a whole?

Michael King: Yes, I thought it was a very robust and rigorous process. I originally applied back in June, so it has been a multi-stage process since then. The panel interview stage of the process involved the chief executive of the Local Government Association; an independent chair; a senior director from the Department for Communities and Local Government; and the head of one of the leading ombudsman schemes in the country. That was a very searching and challenging interview.

Q2 Chair: You said that you applied in June.

Michael King: I think it was June.

Chair: You obviously knew that the ombudsman was retiring. Was it your initiative to apply or did someone come and say, "There is a job there. Have a go for it"?

Michael King: No, it was absolutely my own initiative. As you say, the ombudsmen obviously have fixed terms of appointment. We have known for many years that Dr Martin's term of appointment would finish in January of next year. I had reflected on whether or not I wanted to apply for the post some time ago, and around 12 to 18 months ago I decided that I was ambitious and ready to do that job. I made up my mind that I would apply when the opportunity arose. When it was advertised on the public appointments website, I downloaded a form and applied, as would anyone else.

Q3 Chair: No one came to have a chat to you about it; it was just your own initiative.

Michael King: Absolutely not, no. I have applied as an external candidate. Obviously, the process is run by CLG and not by the LGO, so I am an external candidate to that process.

Q4 Kevin Hollinrake: Congratulations on being the preferred candidate. How did you convince the people at various stages of the interview process that you were the right person for the job?

Michael King: I am in a unique position, having both been the deputy ombudsman within the organisation and the CEO. I have a unique perspective on the organisation and how it works. I spent eight years as deputy ombudsman, responsible for literally tens of thousands of cases in the north of England and the midlands. I have a really in-depth understanding of the jurisdiction and the casework, and that is really what everything in the ombudsman is built upon. That is fundamental to the role of ombudsman.

Secondly, I have been at the heart, with my colleagues, of massive transformation in the organisation over the last five years. I have a very detailed understanding of the systems, the structures and how the organisation works. It is quite an unusual organisation in many ways, so that background puts me in a very strong position to lead as chair, going into the next phase of changing the organisation.

Q5 Kevin Hollinrake: Does that mean that there will not be any transformational change? There are always opportunities for change. Are things going to carry on as they are?

Michael King: No, absolutely not. I hope that I can be a safe pair of hands for the organisation. The organisation will benefit from continuity and stability following a significant period of change. However, I am absolutely not putting myself forward as the

candidate of static inertia. I have been at the heart of a lot of the changes in the organisation over the last 10 years.

Most recently, we have transformed the organisation, taking 37% of the costs and 28% of the staff out, and really changed every single aspect of the organisation. I would continue to build on the changes we have made. There are a great many opportunities and challenges ahead for us, and certainly I would want to keep on developing the organisation. At the moment, we are seen as one of the innovative organisations in the landscape. I would certainly want to maintain that momentum.

Q6 Kevin Hollinrake: As you will have noticed, we have seen a change of leadership in this place over the last few months, and there have been some changes resulting from that. Are there one or two particular areas within your organisation where you think, "Yes, this is where we should take it"?

Michael King: There are a number of challenges ahead. One of them is the changing structure of local government itself. In 1974, when the ombudsman was created, local authorities delivered most of the services in their area; you knew who you dealt with. In the 40 years since then, the landscape has changed fundamentally. The way in which local authorities deliver their services, through charities and private sector contracts, has changed, and there has also been the development of combined authorities and the integration of health and social care.

They have created what we call a complaints maze, which the public increasingly do not know how to navigate through when things go wrong. One area I want to focus on is making that much simpler for the public. How can we make it so that all the innovations going on in the local government landscape do not act as a barrier against the public raising concerns when they need to?

Q7 Chair: You referred to transformational change. When the Committee looked at the ombudsman service, I think in 2012, we found an awful lot of problems. You were around in the service before 2012 and you have been around since. Should we consider you to be part of the mess before 2012, or part of the successful transformation afterwards?

Michael King: I have certainly been at the heart, with my colleagues, of the transformation of the organisation subsequently. We took 37% of the cost and 28% of the staff out of the organisation. At the same time, we managed to increase our quality of service on our key quality measures from 54% to 92% over that period. On staff productivity, when we spoke to you in 2012, our average number of cases per investigator was 101. If somebody did more than 120 it would be considered an outstanding performance and they would get a performance bonus. Our average is now 131 cases per investigator and our productivity has gone up 31%.

Last time we came, one of the concerns was about time targets. When we spoke to you, our performance against how many cases we completed in 13 weeks was 45%, and we were failing to meet the target of 50%. Since then, we have completely changed our processes. We now do 80% of our cases in that time, a 35% improvement. I have certainly been at the heart of those changes.

The LGO had problems five years ago. However, there was lots of good work going on prior to that. I was involved, for example, in work to broaden our jurisdiction for social care, so that we could deal with complaints about privately funded and arranged social care. I would not like to paint a picture that there was unmitigated failure previously. Certainly, we ran into a period of problems, and I have been at the heart of trying to sort those out.

Q8 Helen Hayes: Could you explain to us the differences between your current position and that of ombudsman?

Michael King: I have worked very closely with Dr Martin, the outgoing ombudsman. We have worked together on a lot of the problems we have been talking about, with the management team we have in place. I am certainly not coming here today saying that I will rip up all we have done in the last few years and we must embark on a completely different path.

On a personal level, though, it marks a fundamental change. I joined the organisation because I am absolutely passionate about what it can achieve, both in terms of delivering justice for individuals and driving improvement in public services. I spent eight years as deputy ombudsman dealing with the core casework. That is where my passion lies and where my heart is. Given the ability to serve as ombudsman, I would really refocus on that core casework. It would be a fantastic opportunity for me.

We are also potentially on the brink of a significant change in the ombudsman landscape of this country. There is a once-in-a-generation opportunity for us to reform and improve the way we deliver our service, potentially working together with other ombudsman schemes to create a unified service. The chance to be chairing the organisation, using my experience to help steer that, is an opportunity I would really welcome.

Q9 Helen Hayes: How are you preparing for the new role?

Michael King: I have worked directly with Dr Martin throughout the time that she has been chair. She and I have had a number of conversations about where we feel the organisation is going next. I have lots and lots of ideas for where we need to go, building on the success that we have had in recent years rather than embarking on a completely different direction.

Q10 Helen Hayes: Do you expect the pressures on local authority budgets to increase the workload of the ombudsman service?

Michael King: We are certainly seeing examples of where pressures on local authority budgets are having an effect, but not necessarily in terms of volumes, interestingly. We are seeing an effect most in two areas. The first is in the actual content of complaints. We are seeing more and more complaints about service reductions. For example, we recently issued a report against a local authority in the north-west, where somebody had complained to us that their support for respite care had been unilaterally cut.

When we investigated, we found that it was not just that individual; it was actually a blanket cut right across the piece without any reassessment of needs. We found against the authority. We were clearly saying that provision of social care is meant to be led by people's needs, not by an arbitrary cut. We see cases like that more and more frequently these days, with both collective cuts and cuts to individual people's services.

I am particularly concerned about the other area in which we are seeing an effect as a result of budget cuts. There is a sense that the local authority complaints system itself is under

greater pressure than it has ever been before. We did a survey last year in which we asked complaints handlers in local government what sort of resources they had. 55% of authorities said either that they had had cuts to their complaint handling team, or that they were dealing with more duties and work. Alongside that, the same survey showed that 43% of the complaints that came to us had not been signposted to us by the authority. That worries me. Anecdotally, individual officers in local government have said to me that they are increasingly reluctant to signpost to us because of the downstream work it would create for them.

The survey also showed that the average time a complaint spends in local government before it comes to us is nine months, which seems extraordinarily long to me. That is a false economy. If we are seeing a significant reduction in local authorities' capacity to handle complaints, that is a really retrograde step. There has been some work done in Scotland showing that it is 40 times cheaper to deal with a complaint at first instance than to let it run. That is certainly our experience of looking at complaints.

We would be advocating to local government that the sensible thing to do at a time of tightening budgets is to invest in good complaint handling. A complaint handled well can give them free information about what is going wrong in their organisation, better and cheaper than any consultant. It can also restore public confidence in the organisation, rather than eroding it if they handle it badly. We see an effect from that already.

Q11 Helen Hayes: Notwithstanding what you have said about the volume of complaints, complaints concerning adult social care have been going up significantly in volume. As a Committee, we are looking at adult social care at the moment, and it is clear that there are some very significant stresses, strains and problems across the country. I wonder whether you expect to see that increase in volume of complaints concerning adult social care continue to rise at its current rate of close to 20%.

Michael King: As you say, the complaints in adult social care are rising year on year, and they have done for about five years now. That presents a big challenge for us, in that those complaints are by their nature more complex. We deal with around 3,000 complaint enquiries every year on adult social care. Interestingly, the rate at which we uphold those complaints is higher than other complaints. We uphold 58% of our adult care complaints compared to 51% more generally.

In some areas, that is even higher. In the very first stages of the social care process, local authority needs assessment and planning, we uphold 70% of our investigations, which is quite high. We see some real issues there. Home care has gone up 25% this year, and we have an uphold rate there of 65%. There are some real issues. I am going to publish an annual review of our social care complaints on 10 November.

In terms of what we can do about that, there are a number of different factors. Volumes alone going up do not necessarily tell us that the service is going badly. One of the things we are conscious of is that we have the jurisdiction for private sector social care. That makes up only 13% of our caseload, yet it is 20% of the market. There are a number of people who are not getting access to the ombudsman simply because they are unaware of our work in that area. To some extent, an uplift of complaints in that area would be a welcome correction for what is missing at the moment.

What worries me more, though, is the number of complaints we are upholding in that sector. We are certainly seeing some serious problems. The report we are going to publish, as well as giving you the statistics, tells you some of the stories that we investigate. One of the home care complaints was from a lady who had a live-in carer at the end of her life. Her family wanted to make sure that she died with dignity and without pain. She ended up dying sitting in a chair half-dressed in soiled clothing, half-covered in a towel, with no call button to summon her carer. That kind of thing is unacceptable, and we see it over and over again in the complaints that we deal with. There are some real issues around social care.

We try to work with bodies like the CQC to ensure that we are working in partnership effectively. We have an arrangement with them whereby we signpost people who have come to the wrong organisation; we will transfer their call live, seamlessly, from one organisation to another. We have helped around 1,000 people this year through that mechanism. We have also set up a joint-working team with the Parliamentary Ombudsman to make sure that, where we have a complaint that overlaps health and social care, the family will have one investigator to look at both sides of the house. Sometimes we are looking at seven or eight different bodies and jurisdictions in one complaint. We are trying to make sense of a very, very complicated landscape, but it is certainly an area where there will be growing issues in the future.

Q12 Helen Hayes: I was very interested in what you said about capacity within local authorities to handle complaints properly. I wondered what preventative work you do with local authorities to reduce the number of complaints that are arising.

Michael King: We have been pioneers in this area. We set up local authority training around 10 years ago; I think we were one of the first ombudsman schemes to do that. We provide training to front-line staff in local government and social care to try to equip them better to deal with complaints. Last year, we trained over 700 front-line members of staff in local authorities. That is a huge part of what we do, and we want to continue to invest in that. Next year, we will expand that work so that we have a wider range of support for complaint handlers in local government. The Scottish ombudsman hosts an online forum so that there is a community of best practice among complaint handlers. That is one of the things I want to look at.

We also have online resources, particularly for social care providers. We are conscious that some of those organisations are very small and do not necessarily have the capacity to develop their own policies and procedures around complaints. We have model complaints procedures that they can simply download from our website. We also do a range of different focus reports, which try to pull together learning from our work. We share those with local authorities and elected members so that we can try to get upstream of problems and help people identify issues in advance.

Q13 Mary Robinson: Looking at performance and how the LGO is viewed by people, what are you doing to continue to improve the transparency and efficiency of the LGO's work?

Michael King: The background to where we are at the moment is a significant period of change. We have really changed every single aspect of what we do and achieved significant improvement in efficiency. In terms of transparency, we have also made similar changes. When we came to the Committee in 2012, we probably published around 50 complaint

outcomes a year. We now publish every single decision that we make, and what we publish is exactly the same decision outcome that the complainant sees; it is not edited or changed in any way. We now have 24,000 complaint decisions on our website, and that can be searched by local authority or subject matter. We know that it is used by local authority officers and councillors to try to improve their service. We have made significant steps to improve our efficiency and transparency.

One of the challenges we now face is that we are operating with one of the lowest costs per complaint, not just in the public sector but also compared to a lot of private sector schemes. How do we sustain that performance when we are operating at the margins of what is sustainable and achievable? Having said that, there are still things we can do to improve. One of the drivers for the next stage of improvement in our efficiency is around the use of technology rather than changing systems.

I have daughters in their teens and 20s, and I am conscious that their age group does not really use our service very much. One of the things I want to see next year is for us to develop a digital strategy for how we can use social media; develop an app so that people can complain to us using their mobile phone; and develop a portal into our website so that people can deal with us electronically throughout the lifetime of a complaint. We are actually harnessing new technology, to increase both access and the efficiency of what we do.

There is also work we can do around transparency, building on the work we did following the last Select Committee. The Committee recommended that we appointed an external reviewer to look at our complaints. We have done that, and it has been a hugely valuable source of input into our work. We also appointed an external advisory panel made up of former complainants. They have really enriched our understanding of the user experience of our work. I want to build on that to make sure that we put the citizen view at the heart of the way we develop the service.

Q14 Mary Robinson: The things you have mentioned sound really great and positive. What is it that you would be able to do as an LGO, rather than the chief exec?

Michael King: The change for me is moving away from a focus on operations and finance, and moving back to the thing that attracted me to the organisation in the first place: a focus on our core complaints business. We have fantastic staff, and we can only achieve what we do because of their excellence. One thing that is incumbent on the ombudsman is to create a framework around casework, where our staff can make decisions with clarity and confidence about what is expected of them. As ombudsman, I want to make sure that I use my knowledge of the jurisdiction to be absolutely clear about what we want to achieve with our core complaints business.

Q15 Mary Robinson: Notwithstanding what you have said, there seems to be a continuing perception that the LGO favours local authorities. What can you do to counter that?

Michael King: That perception probably has its origins in how we were set up around 10 years ago. At the time, we had three ombudsmen. Each of those was appointed directly from being chief execs in local government. I mean absolutely no disrespect to those individuals, but that situation did not help to build public confidence that we had sufficient distance and neutrality from local government.

There are a number of things we can continue to do to work on that. When we set up our user group, we put to them this question of why there was a perception that we were too close to local government and what we could do about it. Interestingly, they fed back to us that, because we are dealing every day with local authorities, we start to speak the same language; we start to use their jargon and phraseology. One thing we have done, based on that user feedback, is work with our staff to make sure that we are conveying our decisions and writing our letters in plain English, and not lapsing into the kind of language that makes the letter from the LGO look pretty much the same as the letter they have had already from the council. There are subtle things like that we can do.

Ultimately, though, we are judged on our casework outcomes. Surprisingly, it is only recently that we have been able to publish figures for how many cases we uphold. We can now demonstrate in how many cases, when we do an investigation, we find fault with a local authority. As I mentioned earlier, the overall number is 51%. We can look the public in the eye and tell them that we are more likely when we investigate to find fault with the local authority than we are to find that they have done everything satisfactorily. In some areas, that is considerably higher.

We also have to be able to demonstrate that, where there are difficult issues, we are not afraid to raise those. A good example of that recently has been the issue around emergency accommodation for homeless people. That was a massive issue for a large number of London local authorities particularly. We were finding fault time and time again with the kind of accommodation people were being put in. Local authorities were saying to us, "There is nothing we can do. This is a structural problem, so there is no point continuing to criticise us."

We did not accept that. We were finding cases where people had attempted suicides, families living in one room of bed and breakfast hostels and young women in vulnerable positions being put into hostels with men. We did not shy away from calling out those problems, even though we knew that was deeply unpopular with the local authorities concerned. We continue to raise that. We also published a focus report to highlight those problems, so that we could contribute to the national debate about how to solve that. We have to be seen to be willing to speak truth to power. We have to be seen to be willing to tackle difficult issues. As chief exec, I have been willing to do that. As ombudsman, I would certainly carry on.

Q16 Mary Robinson: What sort of challenges will you face as LGO that other ombudsmen do not?

Michael King: There are a number of unique challenges within LGO. As I mentioned earlier, how do we maintain the service we provide at the moment? It is an excellent service, but it is very vulnerable to changes in demand, because we are operating on such a lean budget. That is one of the challenges.

Another challenge I have mentioned is the changes in local government itself. Local government looks very, very different now than it did even 10 years ago. We are working with some of the pioneer combined authorities to try to make sure that, in their constitutions and the way they are being set up, they are thinking about citizen redress and complaint handling from the start. We have been talking to the West Midlands combined authority, for example, to make sure they build that in from the inception of their work.

One of the other challenges we face is around our role as social care ombudsman. 10 years ago, there was a piece of legislation that enabled us to look at absolutely any type of care, public or private. That brought 26,000 care providers into our jurisdiction, most of those

independent and private sector providers. We still have quite a long way to go in raising public understanding of our role in that sector. As I say, only 13% of complaints are from that sector, when it represents a far bigger share of the market. There are some unique challenges, around our work in both local government and social care, to make sure that we remain relevant to a very rapidly moving external landscape.

Q17 Chair: You have described measures you have taken to try to deal with the perception that the ombudsman service is too close to local government. Currently, you are a board member of the Association of Chief Executives. Would that give a perception of being too close to local government and working with people you are going to be investigating?

Michael King: The Association of Chief Executives is different from the Society of Local Authority Chief Executives. The Association of Chief Executives is a body for the chief execs of primarily arm's-length bodies of government. It comprises other bodies like the LGO. There is no local government representation.

Chair: It is not local authority chief executives.

Michael King: No, it is all arm's length bodies of government.

Q18 Chair: That is helpful and has clarified the point very nicely. Thank you. We are aware of the changes the Government are indicating they want to bring in for the ombudsman service across the board. Have you seen the draft Bill yet?

Michael King: I have not seen the draft Bill itself; I believe that it is still being worked on. I have seen individual clauses, where the Cabinet Office has invited me to provide advice on technical, legal and practical issues. I have certainly worked very closely both with the Robert Gordon review and the Cabinet Office on developing some of these proposals. I have not seen the Bill itself, but I certainly welcome the direction of travel we are going in.

The prize here is to learn from our colleagues in Wales, Scotland and Northern Ireland, where they have a single public sector ombudsman. If you have a complaint, say, about anti-social behaviour, you do not have to go to two different ombudsmen, one about the landlord-tenant relationship and one about the local authority's role; you can go to one body. Similarly, if you have a complaint that overlaps health and social care, you can go to one body. The landscape in this country is still too complex. If we can create a single ombudsman, it will aid public understanding and access to redress

Q19 Chair: You mentioned the issue of anti-social behaviour, but that will not resolve itself into one ombudsman, because we are still going to have a separate housing ombudsman.

Michael King: At this stage, yes, in this country. In Scotland, it is the case that they will expand across all those services.

Q20 Chair: With all respect to Scotland, it is a relatively small area compared with England. Is there a danger that the new challenges of adult social care in the private sector and cuts to complaint handling in local councils, which you told the Committee about, are likely to get lost in a mega service that covers every single complaint anyone could possibly have about a public body?

Michael King: That is a really good point. One of the things the LGO have tried to contribute to the process is to make that point. What we cannot do, in trying to simplify the landscape, is create a London-centric, Whitehall, Westminster body that does not understand what it is like to deliver a local authority in the north-east of England or a social care provider in the south-west of England. Whatever we create has to have sufficient understanding of the diverse sectors within its reach to make sure that it does not lose touch. Certainly, I have been at pains to make sure that is part of the debate. It has to be a public service ombudsman that respects local democracy and delivery as well as central government and parliamentary issues.

Q21 Chair: Are we likely to end up with an ombudsman that has a deputy for local government, for the health service and for other areas?

Michael King: One of the things we talked about at the time of the Robert Gordon review was a structure like that. Perhaps we would need a chief ombudsman, with sector leaders to be their public face in particular sectors such as local government or social care. That would mean we could provide a joined-up service to the public, with one phone number and website.

Q22 Chair: You have just told us you could already do that. You have told us, in terms of the health ombudsman, how you would join together on health and social care inquiries. Why do you need a massive reorganisation to do what you are doing anyway?

Michael King: At the moment, part of the issue is whether people get lost in the maze of different organisations. A typical case that might come to our joint working team would be somebody towards the end of their life who is getting bounced between their hospital, GP, social care provider and local authority social services. They would be trying to make sense of perhaps the seven or eight different agencies they are involved in. If they then have to make sense of where to turn in the external landscape, it would be just too confusing. Certainly, the experience in Wales and Scotland, of joining up those services, has been that it has made it much simpler for the public to engage with them.

Q23 Chair: In terms of your own personal position, the final, very obvious question we have to ask is: are you just here as a stop-gap until the service is amalgamated, we have one ombudsman for everything and you can go into a happy retirement?

Michael King: Absolutely not. I am probably too young to retire, and I certainly do not see myself as the Gareth Southgate of the LGO. If legislation goes ahead, I would want to use my experience and expertise to help build a modern, 21st century ombudsman that addresses the issues you have raised, and to make sure the new service serves the public better and retains a focus on social care and local government. If legislation does not go ahead, I will be very proud to lead the Local Government Ombudsman as a continuing, vibrant, developing organisation providing justice to thousands of people.

Q24 Chair: Where do you see yourself in two or three years' time?

Michael King: That depends on whether or not legislation has gone forward. If it has not, as I say, I will be very proud to continue to be the Local Government Ombudsman. If it has, I would want to contribute to the development of the new organisation.

Chair: Thank you. I am interested in the Gareth Southgate comparison. I do not know whether Jane Martin would like herself being compared to either Roy Hodgson or Sam Allardyce.

Michael King: I probably would not extend it that far.

Chair: On that point, we will leave it. Thank you very much for coming this morning and talking to the Committee about this position.