

MONITORING OFFICER'S REPORT TO STANDARDS COMMITTEE

JANUARY 2015

1. LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW LETTER 2014

Submitted by: Legal Practice Administrator/Local Government Ombudsman Link Officer

Ward(s) affected: All

Purpose of the Report

To inform Members of the Local Government Ombudsman's Annual Letter 2013/14.

RECOMMENDATION:

That Members note the content of the Local Government Ombudsman's Annual Letter 2013/14.

1. Background

1.1 The Local Government Ombudsman (LGO) was formed in 1974 by the Local Government Act 1974 and is one of three public sector ombudsmen in England – Local Government; Parliamentary and Health Service and Housing.

1.2 The LGO looks at complaints about councils and other bodies acting on their behalf such as care homes and school appeals panels, resolving about 11,000 complaints a year. The LGO's role is to provide redress in cases of service failure which has caused injustice to the public and seeks to resolve cases informally where it can, determining the reasonableness of decisions of bodies complained about and aims to put complainants back in the position they were in before the maladministration occurred.

1.3 The LGO has published its review of local government complaints for 2013/14 and provides this information to councils each year in a set of annual letters. This Council's annual letter is attached at Appendix A.

2. Decisions made

Page 3 of Appendix A shows two tables, the first shows the number of complaints and enquiries received and in what areas, and the second shows the decisions made. A description of each decision category is given below.

UPHELD:

These are complaints where the LGO has decided that an authority has been at fault in how it acted and that this fault may or may not have caused an injustice to the complainant, or where an authority has accepted that it needs to remedy the complaint before the LGO makes a finding of fault. If the LGO has decided there was fault and it caused an injustice to the complainant, the authority will usually have been advised by the LGO to take some action to address it.

NOT UPHELD:

This is where the LGO has investigated a complaint and decided that a council has not acted with fault.

ADVICE GIVEN:

These are cases where the LGO has given advice about why it would not look at a complaint because the body complained about was not within the LGO's scope or the LGO had previously looked at the same complaint from the complainant, or another complaints handling organisation or advice agency was best placed to help them.

CLOSED AFTER INITIAL ENQUIRIES:

These cases are when the LGO has made an early decision that they could not or should not investigate the complaint. This is usually because the complaint is outside the LGO's jurisdiction and they either cannot lawfully investigate it or they decide that it would not be appropriate in the circumstances of the case to do so. The LGO's early assessment of a complaint may also show there was little injustice to a complainant that would merit an investigation, or that an investigation could not achieve anything, either because the evidence shows at an early stage that there was no fault, or the outcome that a complainant wants is not one the LGO could achieve, for example overturning a court order.

INCOMPLETE/INVALID:

These complaints are where the complainant has not provided the LGO with enough information to be able to decide what should happen with their complaint, or where the complainant tells the LGO at an early stage that they no longer wish to pursue their complaint.

REFERRED BACK FOR LOCAL RESOLUTION:

The LGO works on the principle that it is always best for complaints to be resolved by the service provider wherever possible. Furthermore, the Local Government Act 1974 requires the LGO to give authorities an opportunity to try and resolve a complaint before they get involved. In many instances, authorities are successful in doing this.

3. Complaint outcomes

- 3.1 Members will see from the first table on page 3 of Appendix A that two complaints are shown as having been received in respect of adult care services and highways and transport, both of which are County Council functions and not within the jurisdiction of the Borough Council. These have both been queried with the LGO but they were not prepared to amend the Council's Annual Letter statistics to reflect this. However in reality this means that 25 and not 27 complaints/enquiries were received about the Borough Council.
- 3.2 Members will see from the second table on page 3 of Appendix A that 5 complaints were upheld. Three of these were complaints about the Housing Advice Service provided to the Borough Council by Aspire Housing (*since March 2014 this service is delivered by Midland Heart*) - (all were made by the same complainant). One was in relation to a planning matter and the fifth was in relation to Council Tax. Of the 3 not upheld one was in relation to Revenues and Benefits, one was in relation to Council Tax and one was in relation to Planning.
- 3.3 The LGO advises that it should be remembered that the numbers of complaints against an authority do not prove that it is a 'bad' or 'good' council. The larger the population an authority serves, the more likely it is that the LGO will receive complaints about it. A significant uplift in complaint numbers does not necessarily show that a council has become worse at what it does. The LGO may have received several complaints about the same issue from different residents, i.e. a controversial planning decision or application.
- 3.4 In 2013 the LGO significantly changed the way in which it handles and records complaints and did not produce an Annual Letter, so we cannot make a like-for-like comparison with last

year. However, records show that the LGO'S decisions on 4 complaints were the equivalent of the new classification 'upheld', and 3 were not investigated, i.e. 'not upheld'.

4. Legal and Statutory Implications

There are no new legal or statutory implications.

7. Equality Impact Assessment

No differential equality impact issues have been identified.

8. Major Risks

There are no specific risk issues.

9. Financial Implications

There are none flowing from this report but the Council does face the risk of financial penalty should the LGO recommend that compensation be paid to a complainant.

10. List of appendices

Appendix A – Annual Letter