



AGENDA ITEM 5

CORPORATE AFFAIRS COMMITTEE

24 AUGUST 2005

**LOCAL GOVERNMENT OMBUDSMAN:
OMBUDSMAN ANNUAL LETTER 2004/2005**

RICHARD LONG: HEAD OF LEGAL & DEMOCRATIC SERVICES

PURPOSE OF THE REPORT

- 1 This report is to inform Members of the Local Government Ombudsman's annual letter, which comments on the performance of the Council in respect of complaints to the Ombudsman.

BACKGROUND

- 2 Each year the Ombudsman writes to the Council providing statistics relating to the complaints made against the Council, offering observations on the performance of the Council in relation to Ombudsman complaints, and commenting on general working relationships between the Council and the Ombudsman's office. A copy of the Ombudsman annual letter is attached as Appendix 1 to this report.

COMPLAINTS TO THE OMBUDSMAN AND OMBUDSMAN FINDINGS

- 3 There has been a general downward trend in complaints to the Ombudsman in respect of Middlesbrough Council:

Complaints received by subject area	Education	Highways	Housing	Housing Benefit	Local Taxation	Planning	Social Services	Other	Total
2004/2005	2	2	5	0	1	4	1	10	25
2003/2004	1	0	27	2	1	18	2	8	59
2002/2003	1	2	11	1	6	9	0	13	43

- 4 In addition to the overall reduction in complaints, the Ombudsman notes that as the largest number of complaints, relating to housing, amount to only 5 in total, there are no apparent trends to cause any concern.
- 5 In view of the reduction in complaints received, there is also a reduction in the number of decisions relating to Middlesbrough Council:

Decisions (see Appendix 2 attached)	Maladmin	Local Settlement	No Maladmin	Ombudsman Discretion	Outside Ombudsman Jurisdiction	Premature Complaints	Total Excluding Premature Complaints
2004/2005	0	9	6	11	2	5	28
2003/2004	0	6	10	11	12	15	39
2002/2003	1	7	16	3	8	11	35

Members will be pleased to note that this is the second year in succession where there have been no findings of maladministration against the Council.

LOCAL SETTLEMENTS

- 6 There has been a small increase in the number of local settlements, where the Council has settled the complaints to the satisfaction both of the Complainant and the Ombudsman. The Ombudsman notes her gratitude to the Council for its co-operation in regard to settling complaints locally, and indicates that this reflects well on the Council. She also notes that she has found the Council to be commendably quick to respond to suggestions of a local settlement, and has congratulated the Council for its willingness to respond when approached informally.

PREMATURE COMPLAINTS AND THE COUNCIL'S CORPORATE COMPLAINTS PROCEDURE

- 7 The Ombudsman also comments that of the 5 premature complaints referred to the Council for consideration through our internal Corporate Complaints Procedures, only 1 was subsequently resubmitted to the Ombudsman by the complainant. This, the Ombudsman observes, indicates a robustness in the Council's internal complaints procedure.

RESPONSE TIMES

- 8 In relation to the response times by the Council to Ombudsman referrals, the trend is again satisfactory.

Response Times	First Enquiries	
	No of first enquiries	Average no of days to respond
2004/2005	5	19.4
2003/2004	15	28.5
2002/2003	15	22.1

- 9 Members will be pleased to note that the Council’s average response time of 19.4 days puts us amongst the best performers nationally, and amongst the top 11% of Unitary Authorities.

Local Authority average response times			
Types of Authority	Lees than or equal 21 days	22 – 28 days	29 or more days
	%	%	%
Unitary Authorities	11	24	65
Districts Councils	22	38	40
Metropolitan Authorities	17	44	39
County Councils	12	59	29
London Boroughs	9	21	70

- 10 The Ombudsman notes that our performance in respect of response times is “highly commendable, and something for which the Council is due great credit”. The Ombudsman thanks the Council for its co-operation in this regard.

LIAISON ARRANGEMENTS

- 11 In respect of liaison arrangements, the Ombudsman remains satisfied with the working relationships between her office and the Council, and is happy with the quality of information received from the Council.

SUMMARY AND CONCLUSIONS

- 12 The Ombudsman’s annual letter has demonstrated that the Council is performing well in respect of the decrease in the number of complaints to the Ombudsman; that the Council’s corporate complaints procedure appears to be effective and robust; that the Council has reduced its response times to initial referrals by the Ombudsman; and that general liaison arrangements are working well.
- 13 Overall, Members will be pleased to note that this is a very positive report, and that the Council have been praised by the Ombudsman both in respect of the process and outcomes relating to Ombudsman complaints.

RECOMMENDATIONS

- 14 Members are asked to note and approve the report.

BACKGROUND PAPERS

The Local Government Ombudsman : Annual Letter

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Ombudsman Decisions: Notes

Maladministration

Where the Ombudsman has undertaken and concluded an investigation and issued a formal finding of Maladministration causing injustice.

Local Settlement

Decisions by letter discontinuing an investigation because action has been agreed by the Council and accepted by the Ombudsman as a satisfactory outcome for the complainant.

No Maladministration

Decisions by letter discontinuing an investigation because no, or insufficient, evidence of maladministration has been found.

Ombudsman Discretion

Decisions by letter discontinuing an investigation in which the Ombudsman has exercised discretion not to pursue the complaint, most commonly because no, or insufficient, evidence of maladministration has been found.

Outside Ombudsman Jurisdiction

Complaints which the Local Government Ombudsman has no power to investigate

Premature Complaints

Usually where a complaint is made to the Ombudsman before the Council has had the opportunity to process it through the internal Corporate Complaints Procedure