

AGENDA ITEM 7

CORPORATE AFFAIRS COMMITTEE

27 SEPTEMBER 2006

**LOCAL GOVERNMENT OMBUDSMAN:
ANNUAL LETTER 2005/2006**

R G LONG:DIRECTOR OF LEGAL AND 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 slight increase in complaints to the Ombudsman in respect of Middlesbrough Council compared to 2004/2005, but still fewer than in each of the previous two years:

Complaints received by subject area	Education	Highways	Housing	Housing Benefit	Local Taxation	Planning	Social Services	Other	Total
2005/2006	1	3	11	1	2	3	5	8	34
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 Whilst the largest single increase in complaints was in respect of Housing services, the Ombudsman notes that in 2003/2004 there were 27 complaints relating to Housing. Comparing last year's figures with those of previous years, there do not appear to be any trends to cause concern.
- 5 Although the number of complaints reported to the Ombudsman during 2005/2006 increased, the number of decision made by the Ombudsman reduced:

Decisions (see Appendix 2 attached)	Maladmin	Local Settlement	No Maladmin,	Ombudsman Discretion not to pursue complaint	Outside Ombudsman Jurisdiction	Premature Complaints	Total Excluding Premature Complaints
2005/2006	0	4	5	4	2	5	15
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 decrease in the number of local settlements. These are where the Council has settled the complaint to the satisfaction both of the Complainant and the Ombudsman. The fact that there are fewer Local Settlements reflects well on the Council, as this indicates that there are fewer complaints where some sort of settlement was felt, by the Ombudsman, to be needed. It also reflects well on the Council that in the four cases where fault was found, the Council was willing to accept this and settle locally. The Ombudsman has previously praised the Council for its willingness to take positive action where fault is found.

RESPONSE TIMES

- 7 In relation to the response times by the Council to Ombudsman referrals, the trend is again satisfactory. Whilst the response times increased slightly over the previous year, they are well within the 28 days required by the Ombudsman's office.

Response Times	First Enquiries	
	No of first enquiries	Average no of days to respond
2005/2006	14	22.8
2004/2005	5	19.4
2003/2004	15	28.5
2002/2003	15	22.1

Whilst the average response time for Middlesbrough Council was 22.8 days, approximately 60% of similar Authorities (Unitary Councils) exceeded the 28 time limit for responses.

LIAISON ARRANGEMENTS

- 8 The Ombudsman's letter notes that new liaison arrangements have been introduced in the last year. Additionally, there has been one other major change in the past year. Previously, most of the complaints against Middlesbrough Council were investigated by a single investigator. Over the years that this arrangement was in place, good liaison arrangements were developed, which led to efficient communications and administrative arrangements between the Council and the Ombudsman's office. It was never felt by the Council that a 'cosy' relationship developed, and it was the view of the Council that the investigator remained thorough and rigorous in his approach to investigations.
- 9 More recently, this arrangement has been revised, and complaints are now allocated to one of a number of investigators. This has led to a less efficient system. Communications are less satisfactory, and voicemail and e-mail messages to the Ombudsman regularly remain unanswered, and have to be pursued. Overall, it is the view of the Council that the level of service from the Ombudsman's office has deteriorated since the revised arrangements were introduced.

TRAINING

- 10 During 2005/2006 the Council took advantage of the training in complaints handling that is available from the office of the Ombudsman. The training comprises a full day, and concentrates on 'best practice' issues. The Council purchased two of these sessions, and 48 staff attended. Feedback from participants was very positive, and we are looking to extend this facility to more staff over the forthcoming year.

SUMMARY AND CONCLUSIONS

- 11 The Ombudsman's Annual Letter has demonstrated that the Council is performing well in respect of complaints to the Ombudsman. One contributory factor is that the Council's Corporate Complaints Procedure appears to be effective and robust, and that most complaints relating to Council services are dealt with internally and to the satisfaction of the complainant. Of those that are progressed to the Ombudsman, it is only in a minority of cases that the Ombudsman requires further action from the Council.
- 12 Of more concern are the general liaison arrangements and the new arrangements with respect to investigators: these appear to us to be less effective and less efficient than was previously the case. We shall be monitoring this over the forthcoming year, and will report back to Members when the next Annual Letter is received from the Ombudsman.
- 13 Overall, Members will note that this is a very positive report from the Ombudsman, and that the Ombudsman has been generally positive both in respect of the process and outcomes relating to complaints.
- 14 This Report was presented to the Standards Committee on 5th September 2006.

RECOMMENDATIONS

- 15 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