



**AGENDA ITEM: 6**

## **CORPORATE AFFAIRS COMMITTEE**

**26 September 2007**

**LOCAL GOVERNMENT OMBUDSMAN: ANNUAL LETTER 2006/2007**

**RICHARD LONG: DIRECTOR 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 decrease in complaints to the Ombudsman in respect of Middlesbrough Council compared to 2005/2006, reflecting a general downtrend in Ombudsman complaints. A breakdown of complaints over the past 5 years is given in the table contained in Appendix 2.

Members will note that the Ombudsman has started using slightly amended categories for complaints, in order to recognise the separate administration and management of Adult Care Services and Children Families & Learning services. The old categorisation is given in the second table in Appendix 1.

- 4 Members will note the anticipated decrease in complaints relating to Housing services, as the management of Housing stock has now been transferred to Erimus Housing. The Council retains certain Housing responsibilities, including responsibility for homelessness cases.
- 5 Although the number of complaints reported to the Ombudsman during 2006/2007 decreased, the number of decisions made by the Ombudsman increased:

Decisions (see Appendix 3 attached)	Maladmin	Local Settlement	No Maladmin,	Ombudsman Discretion not to pursue complaint	Outside Ombudsman Jurisdiction	Premature Complaints	Total Excluding Premature Complaints
2006/2007	0	3	17	3	4	10	37
2005/2006	0	4	5	4	2	5	20
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 fourth year in succession where there have been no findings of maladministration against the Council. The largest increases in decisions relate to findings of No Maladministration (up from 5 in 2005/2006 to 17 in 2006/2007) and Premature Complaints, that is where a complaint is made to the Ombudsman before the Council has had the opportunity to consider it through the Council's Corporate Complaints Procedure (up from 5 in 2005/2006 to 10 in 2006/2007).

## LOCAL SETTLEMENTS

- 6 There has been a continued 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 again increased slightly over the previous year, they continue to be within the 28 days maximum response time required by the Ombudsman's office.

Response Times	First Enquiries	
	No of first enquiries	Average no of days to respond
2006/2007	10	25.7
2005/2006	14	22.8
2004/2005	5	19.4
2003/2004	15	28.5
2002/2003	15	22.1

## **SOCIAL SERVICES**

- 8 Members will note that the Ombudsman's letter draws attention to findings of maladministration against other Councils in respect of failings in home care services provided on behalf of the Council under contract by private providers, and to the report of the Commission for Social Care Inspection entitled "Time to Care? An overview of Home Care services for Older People in England".
- 9 This part of the Ombudsman's Annual Letter has been brought to the attention of the Executive Director of Social Care, who had already ensured that relevant staff were fully aware of the matter, and of the findings of the CSCI report. In addition, the Head of Service for Older People is leading a working group to audit local practice against the recommendations from the Ombudsman, and take action where necessary.

## **TRAINING**

- 10 During 2006/2007 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 three of these training sessions (one more than the previous year). Feedback from participants was very positive, and we are looking to extend this facility to more staff over the forthcoming year. At present, some 70 people have registered an interest from across the Council.

## **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 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.

## **RECOMMENDATIONS**

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

## **BACKGROUND PAPERS**

The Local Government Ombudsman : Annual Letter for the year ended 31 March 2007

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**APPENDIX 2**

<b>Complaints by subject area</b>	Education	Transport and Highways	Housing	Benefits	Public Finance	Planning & Building Control	Adult Care Services	Children Families & Learning	Social Services - Other	Other	Total
2006/2007	1	1	3	2	1	7	1	1	0	7	24

<b>Complaints by subject area</b>	Education	Highways	<b>Housing</b>	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

## **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