

**AGENDA ITEM: 5**

**STANDARDS COMMITTEE**

**9 SEPTEMBER 2008**

**LOCAL GOVERNMENT OMBUDSMAN:  
ANNUAL LETTER 2007/2008**

**RICHARD LONG: DIRECTOR OF LEGAL & DEMOCRATIC SERVICES**

**PURPOSE OF THE REPORT**

- 1 This report is to inform Members of the contents of 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 Last year there was an increase in complaints to the Ombudsman in respect of Middlesbrough Council compared to 2006/2007. A breakdown of complaints over the past 5 years is given in the table contained in Appendix 2. Members will note that there has been a slight variation each year, with complaints to the Ombudsman typically numbering between 25 and 35. In that respect the complaints for last year are not unusual, and are about average.
- 4 Members will note that for 2006/2007, the Ombudsman 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 relating to previous years is given in the second table in Appendix 1.

- 5 The decrease in complaints relating to Housing services is as a result of the management of Housing stock having been transferred to Erimus Housing. However, the Council retains certain Housing responsibilities, including responsibility for homelessness cases.
- 6 Although the number of complaints reported to the Ombudsman during 2007/2008 increased, the number of decisions made by the Ombudsman decreased:

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
2007/2008	0	1	2	7	6	13	16
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

- 7 Excluding Premature Complaints (that is, complaints made to the Ombudsman before the Council has had the opportunity to consider them through the Council's Corporate Complaints Procedure) only 16 decisions were made last year. Members will be pleased to note that this is the fifth year in succession where there have been no findings of maladministration against the Council.

## LOCAL SETTLEMENTS

- 8 Local settlements are where the Council has settled the complaint to the satisfaction both of the Complainant and the Ombudsman. Local settlements usually include payments for compensation and/or 'time and trouble' payments. The fact that there was only one Local Settlements reflects well on the Council, as this indicates that there are few complaints where some sort of settlement was felt, by the Ombudsman, to be necessary to reach a satisfactory resolution. The Ombudsman has previously praised the Council for its willingness to take positive action where fault is found.

## RESPONSE TIMES

- 9 Response times have risen for the third successive year. (Response times are the time taken to respond to the Ombudsman in respect of a new enquiry.) Bringing response times down is always seen as a priority. However, it should be noted that the increase in response time last year was due to a single complex case.

Response Times	First Enquiries	
	No of first enquiries	Average no of days to respond
2007/2008	5	30.0
2006/2007	10	25.7
2005/2006	14	22.8
2004/2005	5	19.4
2003/2004	15	28.5

## **TRAINING**

- 10 During 2007/2008 the Council again 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. For the second consecutive year the Council purchased three of these training sessions, and almost 70 staff from all Departments attended.
- 11 The training sessions also give us the opportunity to meet with Ombudsman staff in a far less formal setting than when an investigation is in hand. Very positive comments were received about the Council's co-operative approach to complaints, the administration of Ombudsman enquires, and the low number of Ombudsman complaints for an authority the size of Middlesbrough.

## **SUMMARY AND CONCLUSIONS**

- 12 The Ombudsman's Annual Letter indicates that the Council is performing well in respect of complaints made to the Ombudsman, and that the number of complaints made last year was average. 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, as has been recently reported to Members. Of those complaints that are referred to the Ombudsman, it is only in a minority of cases that the Ombudsman requires further action from the Council.
- 13 Overall, Members will note that this is a positive report from the Ombudsman, and that there are no major causes for concern either in relation to the number of complaints being lodged with the Ombudsman, or with the Council's handling of Ombudsman complaints.

## **RECOMMENDATION**

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

## **BACKGROUND PAPERS**

The Local Government Ombudsman: Annual Letter for the year ended 31 March 2008

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## APPENDIX 2

Complaints by subject area	Education	Transport and Highways	Housing	Benefits	Public Finance	Planning & Building Control	Adult Care Services	Children Families & Learning	Social Services – Other	Other	Total
<b>2007/2008</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>9</b>	<b>30</b>
<b>2006/2007</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>7</b>	<b>24</b>

Complaints by subject area	Education	Highways	Housing	Housing Benefit	Local Taxation	Planning	Social Services	Other	Total
2005/2006	<b>1</b>	<b>3</b>	<b>11</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>8</b>	<b>34</b>
2004/2005	<b>2</b>	<b>2</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>10</b>	<b>25</b>
2003/2004	<b>1</b>	<b>0</b>	<b>27</b>	<b>2</b>	<b>1</b>	<b>18</b>	<b>2</b>	<b>8</b>	<b>59</b>

## **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