

AGENDA ITEM 4

STANDARDS COMMITTEE

9 SEPTEMBER 2009

LOCAL GOVERNMENT OMBUDSMAN: ANNUAL REPORT 2008/2009

RICHARD G LONG,

DIRECTOR OF LEGAL AND 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 Report for 2008 – 2009 is attached as Appendix 1 to this report.

COMPLAINTS TO THE OMBUDSMAN AND OMBUDSMAN FINDINGS

- 3 Last year there were significant changes to the way that the Local Government Ombudsman operates, and the way in which their statistics are presented. This means that direct comparisons with earlier years are not always possible. However, this report attempts to compare last year's performance with previous years wherever possible.
- 4 Last year there was a slight increase in the number of complaints and enquiries to the Ombudsman in respect of Middlesbrough Council compared to 2007/2008. 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 number of complaints for last year - 34 - is not unusual, and is about average.

Furthermore, for the first time last year the Ombudsman Annual Report distinguishes between 'complaints' and 'enquiries'. The Annual Report indicates that contained within the total of 34 contacts were 5 enquiries where advice was given.

- 5 Members will note at Appendix 2 that for 2008 - 2009 the Ombudsman has again amended the categories for complaints. This year the Annual Report no longer has a separate heading for Adult Care services. The old categorisation relating to previous years is given in separate tables in Appendix 2 in order to allow comparison where possible.
- 6 The only significant increase in complaints relates to Children Families & Learning, where complaints to the Ombudsman over the past three years have increased from one to eight. Last year five of these eight complaints were referred to the investigative team for a formal investigation. The Ombudsman notes that whilst she “draws no conclusions from the number of complaints about children and family services compared to other areas of work of the council”, this is “something the council might wish to reflect on”.
- 7 The Ombudsman made 18 decisions last year as follows:

Decisions (see Appendix 3 attached)	Maladmin	Local Settlement	No Maladmin	Ombudsman Discretion not to pursue complaint	Outside Ombudsman Jurisdiction	Total
2008/2009	1	4	7	3	3	18
2007/2008	0	1	2	7	6	16
2006/2007	0	3	17	3	4	37
2005/2006	0	4	5	4	2	20
2004/2005	0	9	6	11	2	28

- 8 In 2008-2009 the Council had the first finding of maladministration for several years. This was a case involving joint mental health provision with health services. It was decided that the Parliamentary & Health Services Ombudsman, rather than the Local Government Ombudsman, would investigate. This meant that there could be no Stage 3 investigation, and the Council was not able to make a Local Settlement, even though it offered to do so. Either of these would have avoided a finding of maladministration. The finding against the Council also resulted in a small time and trouble payment of £196 to the complainant.

LOCAL SETTLEMENTS

- 8 Local settlements are made when the Council has agreed to settle 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 were four local settlements last year 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 again praised the Council for its willingness to take positive action where fault is found.

The Ombudsman Report notes that three of the four local settlements involved children and family services and that two of these resulted in payments of £9,500.

RESPONSE TIMES

- 9 Response times reduced significantly last year from 30 days in 2007 – 2008 to 21.8 days. (Response times are the time taken to respond to the Ombudsman in respect of a new enquiry.) The target response time set by the Ombudsman is 28 days..

Bringing response times down was seen as a priority last year, having been criticised by the Ombudsman in her previous annual report.

Response Times	First Enquiries	
	No of first enquiries	Average no of days to respond
2008/2009	5	21.8
2007/2008	5	30.0
2006/2007	10	25.7
2005/2006	14	22.8
2004/2005	5	19.4

SUMMARY AND CONCLUSIONS

- 12 Although there was the first finding against the Council for several years, and the Ombudsman report has suggested that the Council might “wish to reflect on” the number of complaints about children and family services compared with other services, overall the Ombudsman’s Annual Letter indicates that the Council is performing well in respect of complaints, 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.

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 2009

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APPENDIX 2

Enquiries and Complaints by subject area	Education	Transport and Highways	Housing	Benefits	Public Finance incl Local Taxation	Planning & Building Control	Children Families & Learning	Other	Total
2008 - 2009	1	3	3	1	1	5	8	12	34

Complaints by service area	Education	Transport and Highways	Housing	Benefits	Public Finance incl Local Taxation	Planning & Building Control	Adult Care Services	Children Families & Learning	Social Services - other	Other	Total
2007 - 2008	0	5	2	1	5	4	1	3	0	9	30
2006 - 2007	1	1	3	2	1	7	1	1	0	7	24

Complaints 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

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