

**STANDARDS COMMITTEE**

**13 SEPTEMBER 2011**

**LOCAL GOVERNMENT OMBUDSMAN: ANNUAL REVIEW LETTER 2010/2011**

**RICHARD G LONG, DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**PURPOSE OF THE REPORT**

- 1 This report is to inform Members of the contents of the Local Government Ombudsman's Annual Review 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. A copy of the Ombudsman's Annual Review Letter for 2010 – 2011 is attached at Appendix 1 to this report.
- 3 In previous years the Annual Letter also offered 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. This year a more standardised approach appears to have been adopted.

**COMPLAINTS TO THE OMBUDSMAN AND OMBUDSMAN FINDINGS**

- 4 Two years ago there were significant changes to the way that the Local Government Ombudsman operates, and the way in which their statistics are presented. In this year's Annual Review Letter the categorisation of new complaints (see Appendix 2) has again been slightly amended. For example Education and Children's Services have been combined into a single category, Education and Children's Services, whilst Environmental Services and Public Protection, and Corporate Services have been separated out from the 'Other' category.
- 5 This means that direct comparisons over past years cannot always be made. However, this report and the statistics contained in the tables compares the previous years' performance so far as is possible.

- 6 Last year there was again a decrease in the number of complaints and enquiries to the Ombudsman in respect of Middlesbrough Council. A breakdown of complaints over the past 5 years is given in the table at 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 - 17 - is particularly low and outside the average.
- 7 This is the third year that the Ombudsman's Annual Report distinguishes between 'complaints' and 'enquiries'. The Annual Letter indicates that contained within the total of 17 contacts was 1 enquiry where advice was given rather than an investigation being required.
- 8 The full breakdown of the 17 contacts with the Ombudsman's office is as follows:

|  |    |
|--|----|
| Advice given   | 1  |
| Premature Complaints (referred to Council to investigate)        | 4  |
| Resubmitted premature complaints forwarded to investigation team | 1  |
| New complaints forwarded to investigation team                   | 11 |
| Total  | 17 |

- 9 Last year the Ombudsman made 15 decisions relating to the Council as follows:

| Decisions<br>(see<br>Appendix 3<br>attached) | Maladmin | Local<br>Settlement | No<br>Maladmin | Ombudsman<br>Discretion<br>not to pursue<br>complaint | Outside<br>Ombudsman<br>Jurisdiction | Total |
|--|----------|---------------------|----------------|---|--------------------------------------|-------|
| 2010/2011                                    | 0        | 3                   | 9              | 2   | 1                                    | 15    |
| 2009/2010                                    | 0        | 2                   | 7              | 4   | 1                                    | 14    |
| 2008/2009                                    | 1        | 4                   | 7              | 3   | 3                                    | 18    |
| 2007/2008                                    | 0        | 1                   | 2              | 7   | 6                                    | 16    |
| 2006/2007                                    | 0        | 3                   | 17             | 3   | 4                                    | 27    |

## 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 only three 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.

## RESPONSE TIMES

- 9 The Ombudsman requires councils to respond to new enquiries from her office within 28 calendar days. Although the average response time increased last year, it is still well within the 28 day limit, and significantly lower than the 30 days in 2007/2008, when the Council was criticised by the Ombudsman for exceeding the time limit.

| Response Times | First Enquiries       |                               |
|----------------|-----------------------|-------------------------------|
|                | No of first enquiries | Average no of days to respond |
| 2010/2011      | 4                     | 22.0                          |
| 2009/2010      | 9                     | 15.3                          |
| 2008/2009      | 5                     | 21.8                          |
| 2007/2008      | 5                     | 30.0                          |
| 2006/2007      | 10                    | 25.7                          |

## NEW OMBUDSMAN POWERS RELATING TO STATE SCHOOLS

- 10 Members might recall that in last year's report I informed Members of the Ombudsman's new power to deal with complaints made by pupils and parents about state schools. At that time this was being implemented in phases, and work was then in progress in 114 education areas across the Country.
- 11 However, Members will see from the Ombudsman's Annual Letter that the Education Bill, if approved by Parliament, will remove this new power.

## SUMMARY AND CONCLUSIONS

- 12 The number of complaints and enquiries to the Ombudsman reduced last year, and is the lowest since we started keeping records in 2001.
- 13 Council's Corporate Complaints Procedure appears to be effective and robust, and most complaints relating to Council services are dealt with internally and to the satisfaction of the complainant, as previously reported to Committee.

Last year the Council received a total of 319 complaints. Only 12 complaints, less than 4% of the total, ended up being investigated by the Ombudsman. There were no findings of maladministration against the Council, and in respect of only three complaints investigated was it felt necessary for the Council to make a local settlement with the complainant.

## **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 2011:  
[www.lgo.org.uk](http://www.lgo.org.uk)

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COMPLAINTS AND ENQUIRIES MADE TO THE OMBUDSMAN REGARDING MIDDLESBROUGH

2006/2007 – 2010/2011

| Enquiries and Complaints by subject area | Education and Children's Services | Transport and Highways | Housing | Benefits and Tax | Environmental Services and Public Protection | Planning and Development | Adult Care Services | Corporate and Other Services | Other | Total |
|--|-----------------------------------|------------------------|---------|------------------|--|--------------------------|---------------------|------------------------------|-------|-------|
| 2010 - 2011                              | 3                                 | 2                      | 2       | 1                | 1  | 4                        | 0                   | 4                            | 0     | 17    |

| Enquiries and Complaints by subject area | Education | Transport and Highways | Housing | Benefits | Public Finance including Local Taxation | Planning & Building Control | Adult Care Services | Children Families & Learning | Other | Total |
|--|-----------|------------------------|---------|----------|---|-----------------------------|---------------------|------------------------------|-------|-------|
| 2009 - 2010                              | 2         | 2                      | 2       | 1        | 0                                       | 3                           | 1                   | 3                            | 12    | 26    |

| 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    |

## **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