

Meeting of the Cabinet – 10th September, 2008

Report of The Director of Law and Property

Annual Letter 2007/08 from the Local Government Ombudsman in respect of Complaints made against the Council

Purpose Of Report

1. To consider the content of the Annual Letter 2007/08 from the Local Government Ombudsman in respect of complaints received against this Council and dealt with by the Ombudsman's office over the year ending 31st March, 2008.

Background

2. Attached as Appendix 1 to this report is a copy of the Annual Letter of the Local Government Ombudsman for the year ended 31st March, 2008 setting out his comments on the complaints received against the Council and dealt with by his office over the last year. Attached as Appendices 2 and 3 are statistical data covering a 3-year period and a note to assist interpretation of the Commission's statistics.
3. The conclusions that can be drawn from the information contained in the letter and the statistical information in Appendix 2 to the letter on the Council's activities are that
 - Although there has been a decrease in the number of complaints received in the period to 31st March, 2008 of 11 from last year such fluctuations can be expected.
 - Of the 100 complaints received 31 related to Planning and Building Control and 27 related to Housing (approximately half the number of housing complaints received in 2006/07). Of the remainder the next largest group, 12, related to Education, influenced in the main by the closure of Cradley High School.

- In respect of the 101 complaints determined in the year to 31st March, 2008 four formal reports finding maladministration causing injustice, involving six complainants, were issued.

This should be seen against the previous trend whereby such reports had not been received in the previous four years. The reports related to two matters involving Planning and one each involving Housing and Children's Services. Compensation, excluding remedies where a valuation was required to calculate the remedy to be paid, totalled £4,122.

No formal reports finding maladministration but causing no injustice to the complainant and formal reports finding no maladministration by the Council were issued by the Ombudsman.

14 complaints were determined by way of local settlement whilst in respect of 36 complaints no maladministration was found. Of the remaining complaints, 30 were premature complaints, 3 were discontinued at the Ombudsman's discretion and 12 were outside his jurisdiction.

- Regarding the 14 complaints determined by way of local settlement, outline details in respect of 7 of the 14 complaints are set out on page 2 of the Annual Letter. Compensation of £3,587 was paid in respect of these complaints, and the sample indicated does illustrate the range of measures comprising a local settlement.
- The favourable comments made on the further fall, to 24.4 days, in the time taken for the Council to respond to enquiries against a backdrop of an unchanging number of enquiries. This has been achieved by the increased use of technology in particular the e-mailing of enquiries and comments and forwarding of responses.

In respect of particular comments made by the Ombudsman in his letter:-

- Under the heading "Reports and local settlements" – relating to the Children's Services complaint – the Family and friends policy has been revised and has been operational from 1st July, 2008. Family and friends receive an allowance which is the same as that paid to foster carers and which includes additional allowances for birthdays, holidays and Christmas. Carers are paid a support rate at the point of placement and if they are subsequently approved as carers by the fostering panel the full allowance is paid and backdated to the date of placement.

- about the continuing high number of premature complaints indicating the possible need for further training, in particular, of front line staff on the Council's complaints process so they can advise customers fully on the process and not refer them in the first instance to the Ombudsman, -

An officer steering group is reviewing the current corporate complaint feedback process, a significant part of this review involves improving the awareness of the complaint feedback process by staff and the public, improving accessibility, public information and information. The review addresses the issue of how to reduce the numbers of complaints received by the Ombudsman from the public and to reduce the complaints from the Ombudsman to the Council; specifically those complaints deemed to be premature or where a further response to the complainant regarding the complaint matter may have resolved the issue. The review will in addition address important issues such as wide ranging training, the method and systems needed for registering, monitoring and reporting on all complaints and learning from complaints.

- Regarding the comments made in the second paragraph of the section headed "Liaison with the Local Government Ombudsman" the Council's Corporate Board has considered the comments made and disputes them. The Ombudsman was asked to modify his comments prior to publication of his letter but in his response to this request stated his reasons for not doing so.
- In respect of the section entitled LGO developments –

a) it is considered that the operation of the LGO Advice Team is working well and that there are no particular comments to add.

b)in respect of the other special report "citizen redress in local partnerships" –

An officer group are actively pulling together a comprehensive report to be presented to Senior Managers. This report address the issues and concerns raised by the Local Government Ombudsman in his special report "citizen redress". It appraises the current handling of complaints involving partnerships, moving on to provide specific options and guidance for the Council and its partners to consider regarding the future handling of complaints.

Finance

4. There are no direct financial implications arising from the content of this report. Compensation determined, arising from an investigation by the Local Government Ombudsman, will be met from existing directorate budgets.

Law

5. The Commission for Local Administration was created under Parts 1 and 3 of the Local Government Act, 1974.

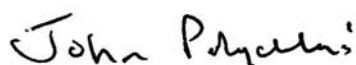
Equality Impact

6. This report accords with the Council's Equality and Diversity Policy. The role of the Ombudsman affords a system of complaint and redress to members of the public who feel they have been subject to maladministration by the Council.

Some of the complaints made concern children and young people and so, dependent on the remedy proposed, if any, there may have been either a direct or indirect impact on them.

Recommendations

7.
 - (a) That the information contained in the report, and Appendices to the report, submitted be noted and that the Chief Executive and Directors be requested to (i) review their internal arrangements, as appropriate, so as to address in particular the issue of premature complaints to the Ombudsman and (ii) so that response times continue to improve, they continue to ensure that requests for information on complaints received are dealt with by the date requested so that responses can be submitted to the Ombudsman's office within the time scales set.
 - (b) That the Annual Letter be posted on the Council's website following this meeting.
 - (c) That a copy of this report be forwarded to the Ombudsman, together with a copy of the decision taken, as the Council's formal response to his letter.



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DIRECTOR OF LAW AND PROERTY

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BACKGROUND PAPERS

Annual Letter from the Local Government Ombudsman for the year ended 31st March, 2008.