

Meeting of the Cabinet – 9th September, 2009

Report of the Interim Director of Law, Property and Human Resources

The Local Government Ombudsman's Annual Review 2008/09

Purpose Of Report

1. To consider the content of the Annual Review 2008/09 from the Local Government Ombudsman (LGO) in respect of complaints received against this Council and dealt with by the Ombudsman's office over the year ending 31st March, 2009.

Background

2. Attached as Appendix 1 to this report is a copy of the Annual Review of the Local Government Ombudsman for the year ended 31st March, 2009. The first section of the Review sets out his comments on the complaints received against the Council and dealt with by his office over the last year. The second section sets out LGO developments.
3. Given the change to the document format from previous years the name of the document has been changed from 'Annual Letter' to 'Annual Review'. As there has also been the change to the way of working and statistics in relation to the Ombudsman's service, as indicated in Section 1 of the Review, for the reasons indicated, the focus is on the 2008/09 statistics. Attached as Appendices 2 and 3 are notes to assist interpretation of the statistics for 2008/09 and the statistics for 2008/09 respectively.
4. The conclusions that can be drawn from Section 1 of the Annual Review and the statistical information in Appendix 3 on the Council's activities are that:-
 - Of the 118 formal/informal premature complaints received, those relating to housing (40) represent 33.90% of all such complaints.

The next highest specific category of service identified, Planning and Building Control, (13) represent 11% of complaints.

The next highest categories relating to Adult Social Care and Children and Family Services, with 9 complaints each, represent an increase from previous years due, it is considered, to increased awareness in such areas.

- In respect of the 55 complaints determined in the year to 31st March, 2009 no formal reports finding maladministration causing injustice were issued.

Apart from 2007/08, this continues the previous trend whereby such reports had not been received in the previous four years to 2007/08.

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

12 complaints were determined by way of local settlement whilst in respect of 22 complaints no maladministration was found. Of the remaining complaints, 10 were discontinued at the Ombudsman's discretion and 11 were outside his jurisdiction.

- Regarding the 12 complaints determined by way of local settlement, outline details are set out on page 4 of the Annual Review. Compensation of £1,420 was paid in respect of these complaints.
- The average response time of 25.7 days, taken for the Council to respond to formal enquiries is very favourable. As indicated, this has been aided by the use of technology in particular the e-mailing of enquiries and comments and forwarding of final responses.

(a) In respect of particular comments made by the Ombudsman in Section 1 of the Annual Review:-

- Under the heading "Enquiries and Complaints Received", on page 3 of the Review, the high percentage of premature complaints, that is complaints that should have been made directly to the Council, is again referred to.
- Particular reference is made to premature complaints in respect of housing which "suggests an urgent need for more effective signposting of your Council's complainants procedures."
- The issue of the proportion of premature complainants is also referred to on page 5 of the Review and, with the exception of this issue, that page highlights a number of positive actions/activities that the Council carries out in relation to complainant handling.
- Given the ongoing comments made in respect of premature complaints, a specific recommendation will be made on this matter.

- (b) In respect of comments made by the Ombudsman in Section 2 of the Annual Review, the plan to consult local authorities on the detail of the Statement of Reasons referred to in that section is particularly noted.

Finance

- 5. 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

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

Equality Impact

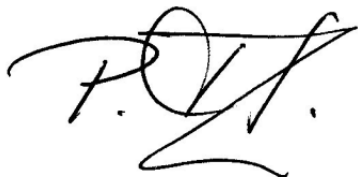
- 7. This report accords with the Council's Equality and Diversity Policy. The role of the Ombudsman affords a system of complaint and redress to members of the public who feel they have been subject to maladministration by the Council.

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

- 8.
 - (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, 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, given the ongoing concerns expressed by the Ombudsman regarding premature complaints, the Customer Feedback Steering Group be requested to identify the causes and possible solutions to this issue with particular regard to more effective signposting of the Council's complaints procedure, which it should be noted is likely to result in a higher number of complaints being received, with a view to reporting to Corporate Board by 8th December, 2009.
 - (c) That the Annual Review be posted on the Council's website.

- (d) 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 Annual Review.



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INTERIM DIRECTOR OF LAW, PROPERTY AND HUMAN RESOURCES

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BACKGROUND PAPERS

The Local Government Ombudsman's Annual Review for the year ended 31st March, 2009.