

Meeting of the Cabinet – 22nd September, 2010

Report of the Director of Corporate Resources

The Local Government Ombudsman's Annual Review 2009/10

Purpose Of Report

1. To consider the content of the Annual Review 2009/10 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, 2010.

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, 2010. The first section of the Review sets out her comments on the complaints received against the Council and dealt with by her office over the last year. The second section provides a general update on LGO developments.
3. Attached as Appendices 2 and 3 are notes to assist interpretation of the statistics for 2009/10 and the statistics for 2008/9 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:-
 - There was a reduction from 118 enquiries and complaints received in 2008/9 to 91 in 2009/10, with a reduction from 49 to 40 in the number of complaints passed to the investigative team.
 - Of the 91 enquiries and complaints received the largest number - 35 – were in respect of housing, down by 5 on the previous year. The next highest specific category of service was Planning and Building Control, -17. This is the same position as in previous years.

The next highest categories were Adult Social Care Services and Children and Family Services, with 7 and 5 complaints respectively, representing a decrease from the previous year (9 complaints each) but still an increase from previous years. It will be noted that this probably reflects the on-going focus in these areas in recent years.

- In respect of the 46 complaints determined in the year to 31st March, 2010, down from 55 in the previous year, no formal reports finding maladministration causing injustice were issued. This is a similar position to 2008/9.

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.

17 complaints, up from 12 in 2008/9, were determined by way of local settlement whilst in respect of 17 complaints no maladministration was found. Of the remaining complaints, 5 were discontinued at the Ombudsman's discretion and 7 were outside the Ombudsman's jurisdiction.

It should be noted that once the Ombudsman's Office receives a complaint from a member of the public in relation to Council Services that office will liaise with the Council concerned to establish a number of facts and details prior to reaching a finding, together with providing helpful advice and guidance particularly in seeking remedies. This point is relevant in that the complaint issues are generally highly complex, requiring Managers/Officers to put in considerable time and effort to respond positively and in detail to the issues in order to achieve a satisfactory outcome as in all cases for 2009/10.

- Regarding the 17 complaints determined by way of local settlement, outline details are set out on pages 4 and 5 of the Annual Review. Total compensation of £3,500 was paid in respect of these complaints.
- The average response time of 26.8 days, taken for the Council to respond to formal enquiries, is still very favourable (the target is 28 days). Although this is an increase from the previous year factors referred to below contributed to the increase.

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

- As indicated in the Liaison with the LGO paragraph of the report response times averaging 59.3 days in respect of three Children and family services complaints contributed to the increase in overall response times for all complaints. A report on the reasons for the delays was considered at a meeting of Corporate Board on 27th April, 2010, arising from receipt of provisional complaint statistics from the LGO. The Board noted the content of the report. Analysis of children social care complaints illustrates that complaints are not growing substantially in numbers, however the complexities and range of issues involved in the complaints are growing, indeed this is a trend seen regionally. This has impacted on timescale compliance which in all previous years has been satisfactory to good, every effort will be made in 2010/11 to ensure good response times.
- Under the Conclusions paragraph, the Council have, as noted, begun to address the issue of premature complaints and the steps taken will be continued. The other comments made regarding housing complaints have also been identified and actions will be implemented with regard to the training of staff and the handling of complaints. The measures introduced will be on-going to meet the requirement to continue to reduce the number of premature complaints received.
The gradual reduction of premature complaints received in relation to Housing Services is welcomed, and more will be done this year to reduce that figure further. It should be noted that the overriding majority of all complaints for Housing Services are actually received, responded to and satisfactorily resolved in good time by Housing Services without recourse to the Ombudsman. A significant amount of work has been carried out looking at trends, causes of complaints and the response that the Council provides to complainants, and this approach is just one of the reasons why, overall, Housing complaints are down from 389 for 2006/07, 324 in 2008/09 to 260 for 2009/10.

- (b) In respect of comments made by the Ombudsman in Section 2 of the Annual Review, the introduction of new arrangements in the near future in respect of the Statements of reasons referred to in that section is particularly noted.

Regulations for Social Care complaints have meant that for some years service users and their relatives/carers have had a statutory right to register and receive a written response to a complaint in relation to services provided on behalf of Adult or Children Social Care Services by independent external agencies. The existing Social Care procedures are well placed to comply with the new powers of the Ombudsman under the Health Act 2009 allowing the Ombudsmen's powers for the first time to investigate complaints about regulated privately arranged and funded adult social care services. These powers come into effect from 1 October 2010

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 respective Directorates continue to impose rigorous monitoring of complaint activity to ensure ongoing good practice and a continued reduction in complaints being received.
- (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 her Annual Review.



.....
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: J Jablonski – Assistant Principal Officer (Democratic Services)
01384 815243

E-mail josef.jablonski@dudley.gov.uk

BACKGROUND PAPERS

The Local Government Ombudsman's Annual Review for the year ended 31st March, 2010.