



REPORT TO: OVERVIEW AND SCRUNITY COMMITTEE

DATE: 6 AUGUST 2009

REPORTING OFFICER: COUNCIL SOLICITOR
ANTHONY WINSHIP

SUBJECT: LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW
2008/2009 AND RECENT DEVELOPMENTS TO THE
OMBUDSMAN SERVICE

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

- 1.1 This report provides information about the complaints made against Ryedale District Council which were dealt with by the Local Government Ombudsman in 2008/2009.
- 1.2 It will also inform Members of the reflections of the Local Government Ombudsman (“LGO”) in her Annual Review of the complaints received against Ryedale District Council and dealt with by the Ombudsman’s Office during the year 2008/09.
- 1.3 In addition the report updates Members on the new ‘Council First’ procedure for complaints, which came into effect from 1 April 2009, and the proposal to use ‘Statements of Reasons’ relating to decisions of the LGO following investigation of complaints.

2.0 RECOMMENDATIONS

- 2.1 To accept the Local Government Ombudsman’s Annual Review 2008/2009 and to note further developments to the Ombudsman service which took effect from 1 April 2009.

3.0 BACKGROUND

- 3.1 The Local Government Act 1974 established the position of Local Government Ombudsman in England and Wales.
- 3.2 The Local Government Ombudsman is an independent official appointed by Her Majesty the Queen.
- 3.3 One of the roles of the Local Government Ombudsman is to investigate complaints about Councils from members of the public. Their aim is to get Councils to put things right if they have gone wrong and if this has affected members of the public directly.
- 3.4 The LGO Advice Team now provides comprehensive information and advice to

people who telephone, write or e-mail. It enables citizens to make informed decisions about whether to put their complaint to the LGO.

3.5 The Local Government Ombudsman can look at complaints about most Council services. The Ombudsman can consider complaints about things that have gone wrong, in the way a service has been given or the way a decision has been made, if this has caused problems to the complainant. For example, the complaint may be about:-

- Administrative fault, such as the Council making a mistake or not following its own rules;
- Poor service or no service;
- Delay; or
- Bad advice

3.6 To make an adverse report, the Commissioner must find not only that there has been maladministration but also that the complainant has suffered injustice in consequence thereof.

3.7 A Local Commissioner may not question the merits of a decision taken without maladministration, and may not investigate matters which she regards as affecting all or most of the inhabitants of the area.

3.8 Although a local authority is not compelled to follow the recommendations in a Local Government Ombudsman report, most do.

4.0 INTRODUCTION

4.1 Each year the Local Government Ombudsman publishes statistics relating to the number of complaints decided in each local authority area. These statistics are then included in the Ombudsman's Annual Review.

5.0 POLICY CONTEXT

5.1 The Council's priorities in the Corporate Plan includes Aim 5 to transform Ryedale District Council which includes reference to securing good corporate governance. This is reflected in having a good complaints system. It is an opportunity for the Council to show that it cares about providing a good service, and that it genuinely values feedback on whether there are any problems which need attention. It is, therefore, imperative that we get feedback, not only through our own complaints system, but also from the Ombudsman, and that this information is widely distributed to show that this Council takes complaints seriously and deals with them sympathetically.

6.0 REPORT

6.1 On 17 June 2009, the Council received the Annual Review for the period 2008/09 from the LGO, setting out a table of statistical data for the year ending 31 March 2009 and a note to help with the interpretation of the statistics. A copy of the Annual Review including the statistics and note are attached at Annex A.

6.2 Changes to the Ombudsman's way of working and statistics

A change in the way that the LGO operates means that the statistics about complaints received in 2008/2009 is not directly comparable with those from 2007/08. Since 1 April 2008, the new LGO Advice Team has been the single point of contact

for all enquiries and new complaints. The number of telephone calls to the service nationally has increased significantly since then to more than 3,000 a month. The LGO Advice Team now provides comprehensive information and advice to people who telephone, write or e-mail. It enables citizens to make informed decisions about whether to put their complaint to the LGO. This means that direct comparisons with some previous 2 year statistics are difficult and could be misleading. Therefore, the Annual Review focuses mainly on the 2008/2009 statistics without drawing those comparisons.

6.3 Enquiries and Complaints received

The Ombudsman received a total of 11 enquiries and complaints about this Council during 2008/2009. Two complaints were determined to be premature and needed to be considered by the Council first. 9 complaints were forwarded to the investigation team, 7 about Planning and Building Control, 1 about public finance (including local taxation) and 1 about benefits.

6.4 Complaint outcomes

Ten complaints were determined during the year. Five decisions were taken by the Coventry Office of the LGO to avoid a conflict of interest with the York LGO Office. The remaining five complaints were determined by the York LGO Office.

6.5 There was no finding of maladministration by the Council in six cases while the Council agreed to settle the remaining four complaints as a local settlement in the cases concerning a mobile telephone mast.

6.6 No public reports were issued against the Council during the year.

6.7 The Ombudsman commented that, overall the number of complaints made against the Council to the LGO was small of the 9 complaints sent to the LGO, seven concerned planning.

6.8 Liaison with the Local Government Ombudsman

The LGO made 4 first enquiries to the Council during 2008/09 and the average response time was 24.3 days. This is a significant improvement on previous years. The LGO thanked the Council for the clear effort taken by Officers to respond to her Office in such a timely manner and for the willingness to respond to informal enquiries from LGO staff.

**6.9 LGO developments
'Council First'**

On 1 April 2009, the LGO implemented a new procedure called 'Council First'. This procedure requires all complainants to go through all stages of the Council's 'Comments, Compliments and Complaints' procedure before the LGO will consider the complaint. The LGO recognised that there would need to be some exceptions. These include where a matter is clearly urgent (eg complaints relating to homelessness), where the complainant's circumstances indicate a need for priority (eg complaints made by children and young people) or where the Council's Chief Executive has exercised discretion not to investigate further.

6.10 Statements of Reasons

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to individual decisions of an Ombudsman following the investigation of a complaint. The proposal is that these statements will comprise a short summary of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the Council but not

the complainant, would usually be published on the LGO's website. The LGO plan to consult local authorities on the detail of these statements, with a view to implementing them from October 2009.

7.0 FINANCIAL IMPLICATIONS

7.1 None directly arising from this report.

8.0 RISK ASSESSMENT

8.1 There are no material risks arising directly from this report.

9.0 CONCLUSION

9.1 The Annual Review is a useful addition to other information held by the Council, highlighting how people experience or perceive its services. It should also be seen as an opportunity to continue to improve the services offered by the Council.

9.2 The Annual Review also keeps the Council informed of further developments in the LGO service.

BACKGROUND PAPERS:

Annual Review 2008/09 from the Local Government Ombudsman

OFFICER CONTACT:

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