

NAME OF COMMITTEE	OVERVIEW & SCRUTINY COMMITTEE
DATE	14 OCTOBER 2014
REPORT TITLE	LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW LETTER 2014
REPORT OF	MONITORING OFFICER
WARDS AFFECTED	ALL

Summary of report: To consider the Local Government Ombudsman's Annual Review Letter 2014 regarding complaints received against the Council for the year 1 April 2013 to 31 March 2014.

Financial implications: Where it is necessary to settle a complaint by the payment of compensation to a member of the public, payment is made out of the current year's revenue budget for the service in question. No payments have been made for 2013/14.

RECOMMENDATIONS:

That the Committee reviews the Ombudsman information and considers what corporate lessons can be learnt and whether further service improvements are required.

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1. BACKGROUND

- 1.1 The Local Government Ombudsman investigates complaints made by members of the public about public authorities (excluding town or parish councils).
- 1.2 The Ombudsman will investigate a complaint if it relates to maladministration or injustice by the Council. The Ombudsman will not be able to investigate all of the complaints referred to her as some will fall outside of her remit and she can only investigate a complaint that has already been considered through the Council's own complaints procedure. The Council must have a chance to answer the complaint first.
- 1.3 A complainant cannot appeal against the Ombudsman's decision but complaints can be reviewed if new information is presented.

2. ISSUES FOR CONSIDERATION

- 2.1 The Ombudsman's office changed its business processes during 2012/13 and in the Annual Review Letter 2013 (considered by this Panel on 29 October 2013) only high level statistical information on the number of complaints received by the Council was given.
- 2.2 The Annual Review Letter 2014 is the first full year of recording complaints under the Ombudsman's new business model so the figures will not be directly comparable to previous years. A copy of the Annual Review Letter 2014 is attached as Appendix A.
- 2.3 The Review Letter shows that in 2013/14 the Ombudsman received 16 complaints and enquiries and made 11 decisions. A summary of the complaints and Ombudsman's decisions received by the Council's Ombudsman Link Officer is attached as Appendix B. Members will note that the figures do not correspond. On querying this we have been advised by the Ombudsman's office that they are unable to provide any further detailed information on the statistics on an individual basis as they do not have the resource available to divert from their core work of dealing with the public's complaints.
- 2.4 However, the Ombudsman has provided answers to frequently asked questions relating to their Review Letters which goes some way to explaining the discrepancy in the figures in the Review Letter and the Link Officer's records. The main questions and answers are set out below:

Why are there different totals for the number of complaints & enquiries registered, and the number of decisions made?

Not every decision made will relate to a complaint made in that year. There may be complaints registered in 13/14 that have not yet been decided on, and decisions may have been made in the year for complaints registered in a previous year.

I cannot match up the number of decisions the Ombudsman has made to the number I have on file

Because our figures include enquiries, they will not match what your council holds. For example the Ombudsman can offer advice on, or refer complaints back to the council. We classify these as decisions and because no contact between the Ombudsman and local authority has been made, it is unlikely you will hold a record of them.

Your data shows a complaint or enquiry about a service our council does not provide

We categorise our complaints slightly differently to how councils may record their own. For example we include disabled facilities grant complaints within either Adult Care Services or Education and Children's Services depending on the age of the person affected. We also include blue badge complaints as part of Adult Care Services.

- 2.5 Members will note from Appendix B that the Planning service continues to attract most complaints to the Ombudsman. This is the pattern for many authorities given the nature of the service.

2.6 The key purpose of the review of the Ombudsman’s letter is to improve services as a result of learning from the complaints received. It is not suggested that each complaint is reviewed by the Panel but to review whether there are underlying problems or service improvements required.

2.7 To assist Members, a comparison showing the number of complaints and enquiries received by the District/Borough Councils in Devon is attached as Appendix C. As an average each of the Devon District Councils received 25.5 complaints in 2013-14. The Ombudsman received 28 complaints about South Hams and West Devon had 16. In the same period South Hams received 2,016 planning applications and West Devon 709. With approximately 64% less applications it is perhaps not surprising that West Devon received 42% less complaints.

3. LEGAL IMPLICATIONS AND STATUTORY POWERS

3.1 The Local Government Ombudsman is governed by the Local Government Act 1974.

3.2 The Overview & Scrutiny Committee is responsible for an overview of complaints handling and for an overview of Ombudsman complaints. The Ombudsman’s Annual Letter is an important part of that process and needs to be brought to the Committee’s attention.

3.3 The decisions in respect of each case are provided to the relevant service in order to ensure that any recommendations made by the Ombudsman are acted upon.

4. FINANCIAL IMPLICATIONS

4.1 Where it is necessary to settle a complaint by the payment of compensation to a member of the public, payment is made out of the current year’s revenue budget for the service in question. No payments have been made for 2013/14.

5. RISK MANAGEMENT

5.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	All
Considerations of equality and human rights:	Poor administrative practice could engage the complainants’ human rights and any such implications are considered in each case
Biodiversity considerations:	Not applicable
Sustainability considerations:	Not applicable
Crime and disorder implications:	Not applicable
Background papers:	Overview & Scrutiny Committee on 29 October 2013

Appendices attached:	Appendix A – Annual Review Letter 2014 Appendix B – Link Officer’s summary of complaints received Appendix C – Comparison with other District/ Borough Councils in Devon
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STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Awareness of the number and type of complaints made to the Local Government Ombudsman	Reporting to Overview & Scrutiny raises awareness of the number and type of complaint being received by the Ombudsman and enables a consistent overview to be given to such complaints	3	2	6	↔	Whilst there will always be complaints, the Council can learn from the outcomes of the Ombudsman complaints and mitigate the risk of recurrence and deliver service improvements	Head of Service