

<b>NAME OF COMMITTEE</b>	<b>Standards Committee</b>
<b>DATE</b>	<b>12 June 2012</b>
<b>REPORT TITLE</b>	<b>Ombudsman's Annual Letter 2011-2012</b>
<b>REPORT OF</b>	<b>Deputy Monitoring Officer</b>
<b>WARDS AFFECTED</b>	<b>All</b>

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**Summary of report:**

To consider the Annual Letter from the Ombudsman regarding complaints received against the Council for the year 1 April 2011 to 31 March 2012.

**Financial implications:**

There are no financial implications to this report.

**RECOMMENDATIONS:**

That Members note the Ombudsman's Annual Letter for 2011 - 2012.

**Officer contact:**

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**1. BACKGROUND**

- 1.1 The 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 him as some will fall outside of his remit, and he 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. OMBUDSMAN'S ANNUAL LETTER 2011/2012**

- 2.1 The aim of the Annual Letter is to provide a summary of information on complaints that the Ombudsman has received and/or determined throughout the last financial year in relation to West Devon Borough Council, and to help the Council learn from the outcomes of the complaints made.
- 2.2 The Annual Letter is published on the Ombudsman's website at [www.lgo.org.uk](http://www.lgo.org.uk)

## **3. COMPLAINTS RECEIVED**

- 3.1 During 2011/2012 the Ombudsman received 8 complaints, compared to 13 last year. Complaints received may not necessarily equate to the number of complaints actually investigated by the Ombudsman (for example a complaint may have been received in the previous financial year but investigated during 2011/2012). These are set out in the tables to the Ombudsman's Annual Report attached at Appendix A.
- 3.2 There were 3 complaints forwarded to the investigative team: one about planning, one about environmental services, and one relating to benefits and council tax.

## **4. COMPLAINT OUTCOMES**

- 4.1 Table 1 to the Ombudsman's Letter shows the number of inquiries and complaints received by the Ombudsman; Table 2 shows the investigative teams decisions and table 3 shows the average response times to inquiries.
- 4.2 The Ombudsman decided 8 complaints against the Council:
- In four cases the Ombudsman found no (or minor) injustice
  - In three cases the Ombudsman found not enough evidence of fault
  - In one case the injustice was remedied during enquiries
- 4.3 The average response time to the Ombudsman's enquiries was 15 days, less than the previous year (19 days) and well within the target response time of 28 days. The Ombudsman Liaison Officer, Tony Rose ought to be commended for achieving this response time.

## **5. LEGAL IMPLICATIONS**

- 5.1 The Local Government Ombudsman is governed by the Local Government Act 1974.
- 5.2 This Standards Committee is responsible for an overview of complaints handling within the Council, and for an overview of Ombudsman investigations. The Ombudsman's Annual Letter is an important part of that process and needs to be brought to the Committee's attention.

## 6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications to this report.

## 7. RISK MANAGEMENT

7.1 The risk management implications are:

<b>Opportunities</b>	<b>Benefits</b>
For the Standards Committee to review the work carried out by the Ombudsman during the year in relation to the Council	Raised awareness of the complaints received and to learn from the outcome of any complaints made
<b>Issues/Obstacles/Threats</b>	<b>Control measures/mitigation</b>
Not being aware of the complaints being made to the Ombudsman	To ensure transparency and consistency based on experience

## 7. OTHER CONSIDERATIONS

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<b>Corporate priorities engaged:</b>	Towards Excellence
<b>Statutory powers:</b>	Local Government Act 1974
<b>Considerations of equality and human rights:</b>	There are no equality or human rights considerations arising from this report
<b>Biodiversity considerations:</b>	N/a
<b>Sustainability considerations:</b>	N/a
<b>Crime and disorder implications:</b>	N/a
<b>Background papers:</b>	N/a
<b>Appendices attached:</b>	Appendix A: Ombudsman Annual Letter 2011/2012