

<b>NAME OF COMMITTEE</b>	<b>Overview &amp; Scrutiny Committee</b>
<b>DATE</b>	<b>29 October 2013</b>
<b>REPORT TITLE</b>	<b>Ombudsman Update and Annual Letter</b>
<b>Report of</b>	<b>Monitoring Officer and Ombudsman Liaison Officer</b>
<b>WARDS AFFECTED</b>	<b>All</b>

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**Summary of report:**

- To advise Members that the Local Government Ombudsman is changing the way in which he reports to Local Authorities.
- To consider the Ombudsman's Annual Letter 2013 regarding complaints received against the Council for the year 1 April 2012 to 31 March 2013.

**Financial implications:**

There are no financial implications to this report.

**RECOMMENDATIONS:**

**To note the Ombudsman's Annual Letter 2012/13**

**Officer contact:**

Catherine Bowen, Monitoring Officer ([cbowen@westdevon.gov.uk](mailto:cbowen@westdevon.gov.uk))

Anthony Rose, Committee and Ombudsman Liaison Officer ([arose@westdevon.gov.uk](mailto:arose@westdevon.gov.uk))

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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 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. OMBUDSMAN'S ANNUAL LETTER**

- 2.1 Previously, the Ombudsman's Annual Letter provided a summary of information on complaints that the Ombudsman received and/or determined throughout the last financial year in relation to West Devon Borough Council.
- 2.2 For the year 2012/2013 the Ombudsman is only presenting the total number of complaints and not the more detailed information that she has previously included. This is because the Ombudsman Service has changed its business processes during 2012/13 and therefore cannot provide local authorities with a consistent set of data for the entire year.
- 2.3 The Ombudsman is committed to providing information about councils' performances and will be providing more detailed information next year. In order to help the Ombudsman determine the format of future Annual Letters there is a consultation which can be found at [www.surveymonkey.com/s/annualletters](http://www.surveymonkey.com/s/annualletters) to which councils are encouraged to respond.

## **3. COMPLAINTS RECEIVED**

- 3.1 The Annual Letter 2012/2013 is attached at Appendix A. In the year to 31 March 2013 the Ombudsman received 6 complaints against West Devon Borough Council. The national annual average for district councils was 10 complaints.
- 3.2 Although comparison is not as straight forward following the change in format, for members' information, the Ombudsman received 8 complaints in 2011/12 and 13 complaints in 2010/11 for West Devon.

## **4. COMPLAINT OUTCOMES**

- 4.1 Although not set out in the Annual Letter for 2012/13, attached for Members reference at Appendix B is a table detailing the 6 complaints received by the Ombudsman in 2012/13.
- 4.2 Appendix B shows the service area to which the complaint related together with the nature of the complaint, and the time taken to reply and the eventual outcome.

## **5. LEGAL IMPLICATIONS**

- 5.1 The Local Government Ombudsman is governed by the Local Government Act 1974.
- 5.2 The Overview & Scrutiny 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 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 such payment were made in relation to the 2012/13 Ombudsman complaints.

## 7. RISK MANAGEMENT

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

## 8. OTHER CONSIDERATIONS

<b>Corporate priorities engaged:</b>	All
<b>Considerations of equality and human rights:</b>	Poor administrative practice could engage the complainants' human rights and any such implications are consideration in each case
<b>Biodiversity considerations:</b>	Not applicable
<b>Sustainability considerations:</b>	Not applicable
<b>Crime and disorder implications:</b>	Not applicable
<b>Background papers:</b>	None
<b>Appendices attached:</b>	<b>Appendix A</b> – the Local Government Ombudsman's Annual Letter 2012/13 <b>Appendix B</b> – table of Ombudsman Complaints 2012/13

## 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 LGO	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

Direction of travel symbols ↓ ↑ ↔