

AUDIT & GOVERNANCE COMMITTEE

24 SEPTEMBER 2015

REPORT OF THE SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW 2014/15

Purpose

To advise the Committee of the views of the Local Government Ombudsman in relation to complaints against the Borough Council and provide an opportunity for members of the Committee to raise any issues they consider appropriate and consider the effectiveness of investigations relating to Tamworth Borough Council.

Recommendation

That the Committee endorse the Annual Review Letter as attached at Appendix 1.

Executive Summary

In the year 2014/15 the Ombudsman received 11 enquiries and complaints about our authority, and made 8 decisions. This is a substantial drop from the figures in 2013/14 which, as had been suspected, were unusually inflated due to the changes that took place in the Ombudsman's office for recording contact made with them. In 2013/14 the Ombudsman recorded 26 enquiries and complaints and made 28 decisions. This current year's figure is more akin to that of previous years. In 2013 there were 11 complaints.

Of the 11 enquiries and complaints 6 also appear in the decisions report. Of the other 2 cases in the decisions report, one does not relate to Tamworth Borough Council, as it is not a provider of Education & Children Services, and the other I have been advised by the Ombudsman Office related to a telephone call from a resident on a matter that had not been looked at by the Council. In that case the complainant was asked to refer the complaint to the Council in the first instance. This is recorded by the Ombudsman as a Decision "referred back for local resolution". No file exists within TBC relating to this matter, as the complainant has not contacted the authority. Thus the figures for TBC for the year 2014/2015 are 10 complaints and 7 decisions.

Three of the seven decisions were “referred back for local resolution”, this means that the complaint has been resolved by the Council; two decisions were “closed after initial enquiries” this occurs when the Ombudsman decides it cannot or should not investigate a complaint e.g. it is outside the Ombudsman’s jurisdiction and the final two decisions were “not upheld” in these instances the Ombudsman has investigated a complaint and decided that the Council has not acted with fault. A note on interpretation of local authority statistics is attached at Appendix 2.

In June 2015 the Local Government Office issued a press release suggesting that the complaints system in local government is under pressure. This was attributed to many Council’s, apparently, having to deal with increasing numbers of complaints coupled with the Ombudsman’s own data. I have not experienced a rise in complaints and enquiries to the Ombudsman from TBC. The year 2013/2014 was a “spike” and not indicative of a rising trend in Tamworth of complaints to the Ombudsman.

The Ombudsman no longer monitors the average time to respond however we continue to work to the 28 day target.

Background Information

The Committee’s Terms of Reference include an overview of the regulatory framework within which the authority works and includes a role of monitoring the effectiveness of Local Government Ombudsmen (LGO) investigations. As the operation of the LGO forms part of this regulatory framework the Committee is provided with the LGO annual review for consideration.

The LGO distribute annual review letters to all councils regarding their performance in dealing with complaints made about them to the Ombudsman. The aim is to provide councils with information to help them improve complaint handling, and improve services more generally, for the benefit of the public. The letters also include a summary of statistics relating to the complaints received by the LGO and dealt with against each council.

The LGO has the power to investigate:
complaints by members of the public who consider that they have been caused injustice by maladministration or service failure in connection with action taken by the Council and certain other bodies in the exercise of its administrative functions. Complaints by members of the public who consider they have sustained injustice during the course of privately arranged or funded adult social care, and complaints from pupils (or their parents) of injustice in consequence of an act/omission of a head teacher or governing body of a maintained school.

On the whole most complaints about the Borough Council matters relate to housing and planning issues.

Whilst the Ombudsman can investigate complaints about how the Council has done something, it cannot question what a Council has done simply because someone does not agree with it.

A complainant must give the Council an opportunity to deal with a Complaint against it first. It is best to use the Council's own complaints procedure, in the first instance, although in practice that is not always the route taken by a complainant. If a complainant is not satisfied with the action the Council takes he or she can send a written complaint to the Local Government Ombudsman, or ask a Councillor to do so on their behalf.

The objective of the Ombudsmen is to secure, where appropriate, satisfactory redress for complainants and better administration for the authorities. Since 1989, the Ombudsmen have had power to issue advice on good administrative practice in local government based on experience derived from their investigations.

The LGO provide each local authority with an annual review of the authority's performance in dealing with complaints against it which were referred to the relevant Ombudsman, so that the authority can learn from its own performance compared to other authorities.

Implications of this report

There are no direct financial/staffing implications or direct implications in relation to community/performance planning, sustainable development, community safety, equal opportunities or human rights arising from this report.

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List of Background papers

Local Government Act 1974 as amended

Appendices

Appendix 1 - Local Government Ombudsman Annual Review Letter 2015
Appendix 2 – Note on Interpretation of local authority statistics

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