

AUDIT & GOVERNANCE COMMITTEE

22 SEPTEMBER 2016

REPORT OF THE SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW 2015/16

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 2015/16 the Ombudsman received 13 enquiries and complaints about our Authority, and made 14 decisions. In 2014/15 the Ombudsman recorded 11 enquiries and complaints. Apart from an increase in 2013/14 which, as had been suspected, was unusually inflated due to the changes that took place in the Ombudsman's office for recording contact made with them the position in relation to complaints remains fairly static. In 2012/13 there were 11 complaints.

Of the 13 enquiries and complaints 11 also appear in the decisions report. Of the 14 reported cases in the decisions report, 5 are no more than an enquiry to the Ombudsman Office for which we as the Council receive no notification. However every call and contact to the Ombudsman Office by a member of the public is given a case number and in turn each case has a decision recorded against it. It would be interesting to know how many reported cases across the country are merely enquiries. Of the other 9 cases in the decisions report only 4 resulted in investigations and of those 4 cases only 2 were upheld. Of the 2 upheld cases in only one did the Ombudsman suggest a remedy.

This remedy supported my earlier decision at Stage 3 of the Council's internal complaints process as a proper remedy and merely required an apology for delay in dealing with the matter. It is worth noting that the statistical report indicates that the uphold rate for complaints for Tamworth is 50%.

It is also worth noting that 13 of the 14 remedies by the Ombudsman in his report are stated as NULL.

Five decisions were “referred back for local resolution”, this means that the complaint has been resolved by the Council; three 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. Two decisions advice was given by the Ombudsman office, we do not have any details of the cases nor advice provided. Two decisions were “not upheld” in these instances the Ombudsman has investigated a complaint and decided that the Council has not acted with fault.

In June 2016 the Local Government Office issued a press release suggesting that the trend is towards an increase in complaints and an increase in demand putting the Ombudsman Office and local government under pressure. Thankfully Tamworth Borough Council has not experienced a rise in complaints and enquiries 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 I - Local Government Ombudsman Annual Review Letter 2016

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