

AUDIT & GOVERNANCE COMMITTEE

25 SEPTEMBER 2014

REPORT OF THE SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER 2013/14

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 subject to recognition that the statistics include not only complaints investigated by Tamworth Borough Council but also any enquiries made to the ombudsman's office as noted in their systems.

Executive Summary

In the year 2013/14 the Ombudsman report indicates that it received 26 enquiries and complaints about our authority and made 28 decisions or referrals. Whilst this figure appears to amount to a substantial increase in complaints against the authority from the previous year's figure of 11 complaints in 2012/13 it is worth noting that the Ombudsman's office now records in its system every contact made with their office. This means in effect that a telephone call to the ombudsman seeking advice or details of where or how to complain on a local issue will appear in their statistics. Thus the figures from the Ombudsman show that in the year 2013/14 the Ombudsman made 28 decisions or referrals. As the ombudsman received 26 enquiries and complaints in the year this means that 2 referrals had been made in an earlier year. Of these only 5 detailed investigations were carried out. Three of the five investigations were upheld thus the statistics show that the Ombudsman upheld 60% of complaints even although this amounts to only three referrals. 11 complaints were referred back to the Council for local resolution. In 7 cases the enquiries were dealt with by the Ombudsman providing advice.

Three cases were closed after initial enquiries and 2 were either incomplete or invalid.

Because their figures include enquiries, they will not match what we as the council hold. 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. As a result contact has been made with the Ombudsman office direct to obtain the exact detail of the complaints noted in their system. This data will then be compared with the data in our system so that a more accurate record is available for members.

The main subject area covered by the Ombudsman in 2013/14 has been Housing Services (13 complaints). The other areas of complaint were Benefits and Tax 4 complaints, Corporate and other services 5 complaints, Environmental services, public protection and regulation 3 complaints and 1 Highways and Transportation complaint. There were no complaints made in relation to Planning and Development Services.

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. From April 2013, as a result of the Localism Act

2011, local authority tenants take complaints about their landlord to the Independent Housing Ombudsman. The Local Government Ombudsman has stated that it will work with the Independent Housing Ombudsman to ensure transition. The arrangement appears to be working well and the collated figures indicate a good operating relationship.

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.

The Ombudsman has stated that it knows that their statistics will not be the same as those recorded by councils. This is not an error by either the LGO or the Council. However, they are confident that it is an accurate representation of the data held by them for the last 12 months. Councils may not have recorded their data in the same way. The ombudsman has also indicated that it has categorised complaints slightly different to how councils may record their own. For example it has included disabled facilities grant complaints within either Adult Care Services or Education and Children's Services depending on the age of the person affected.

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

Review of Local Government Complaints 2013-14 (see link below)

[Local Gov 14.07.2014 final watermark.pdf](#)

Appendices

Appendix 1 - Local Government Ombudsman Annual Review Letter 2014