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REPORT TO:	COUNCIL	AGENDA ITEM: 16
DATE OF MEETING:	2ND OCTOBER 2008	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	FRANK McARDLE CHIEF EXECUTIVE (EXT. 5702)	DOC:U:\JAYNE\Commtee\COMM REP\OmbudAnnualLetter0708.doc
SUBJECT:	LOCAL GOVERNMENT OMBUDSMAN – ANNUAL LETTER 2007/08 AND RECENT DEVELOPMENTS TO THE OMBUDSMAN SERVICE	REF: J Beech
WARD(S) AFFECTED:	ALL	

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### **1.0 Recommendations**

- 1.1 To accept the Local Government Ombudsman's Annual Letter 2007/08 and to note the developments to the Ombudsman service which were introduced in April 2008.

### **2.0 Purpose of Report**

- 2.1 This report will inform Members of the reflections of the Local Government Ombudsman ("LGO") on the complaints received against this Authority and dealt with by the Ombudsman's Office during the year 2007/08.
- 2.2 It will also update Members on recent developments to the Ombudsman service, including the launch of the new LGO Advice Team.

### **3.0 Detail**

- 3.1 On 19th June 2008, the Council received the Annual Letter for the period 2007/08 from the LGO, setting out a table of statistical data covering a three year period from 1st April 2005 to 31st March 2008 and a note to help with the interpretation of the statistics. A copy of the statistics and note are attached at Annexe 'A'.

#### **Complaints received**

- 3.2 The Ombudsman received 9 complaints about this Council during 2007/08. She commented that given the small numbers involved, it is not possible to draw any meaningful conclusions about the types of complaint received.

#### **Decisions on Complaints**

- 3.3 The Ombudsman made 12 decisions on complaints about this Council during 2007/08. Of these, one complaint was premature (that is, the Council had not had a reasonable opportunity to respond to it). Only one of the complaints decided was a resubmitted premature complaint, where the complainant was unhappy with the Council's response. This did not result in a local settlement.

- 3.4 It is commented by the Ombudsman that this suggests the Council's complaints procedure is working effectively and no problems were identified by her during her investigations.
- 3.5 During the year 2007/08, no Ombudsman Reports were issued against the Council and there were no findings of maladministration or local settlements.

### **Liaison with the Local Government Ombudsman**

- 3.6 The Council averaged 19.5 days to respond to initial enquiries, which was a slight increase on the previous year, but still well within the 28 day target. The Ombudsman states that she is pleased that the Council is able to respond quickly to her enquiries, as this is an important factor in ensuring the Ombudsman can provide a quality service to complainants.

### **LGO developments**

- 3.7 In April 2008, the Ombudsman service changed its first steps in complaint handling, with the introduction of the LGO Advice Team, based in Coventry. This team of 12 advisers provides a first contact service for all new enquirers and new complainants. The team handles complaints submitted by telephone, e-mail or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act 2007 ("LGPIH Act"), which also came into force in April 2008.
- 3.8 The main reasons for the changes are to:
- increase accessibility to the Ombudsman
  - support post, text, e-mail and telephone contact to consistently high standards
  - manage complainants' expectations at the outset; and
  - provide a more consistent approach to premature complaints
- 3.9 Once a complaint is accepted and the Ombudsman has begun to make enquiries, the investigation team at the York Office will continue to have the main relationship with the Council. However, the LGO Advice Team will be the point of contact for 'premature' complaints, which are complaints where the Ombudsman believes the Council has not had a reasonable opportunity to consider and respond to the issue. The LGO Advice Team will refer these complaints back to the Council for investigation. The Council has been advised that, with effect from April 2009, the LGO will only accept complaints that have been through all stages of the Council's own complaints procedure.
- 3.10 The LGPIH Act has given the LGO new powers. Under the provisions of the Act, if during the conduct of an investigation into a complaint, an apparent service failure or apparent maladministration comes to the LGO's attention, they can investigate, even though no-one has complained. For example, if they are investigating a housing allocations case and find that a particular property should not have been allocated to the complainant, but to a third party (not the person who it was allocated to).
- 3.11 The LGO may also now make a finding of 'service failure' even if there is no maladministration. This could relate to failure in a service which was the local authority's function to provide and also failure to provide such a service. For example, where the authority has done its best to arrange for repairs to be done, but the contractors just never turn up, so the tenants do not get the service they are due.

- 3.12 The LGO already draws a Council's attention to a fault that has been identified during the course of an investigation. The new powers enable the Ombudsman, in a report where there is no injustice, to recommend action. This would be to prevent injustice being caused in the future in consequence of similar maladministration.

#### **4.0 Financial Implications**

- 4.1 None directly arising from this report.

#### **5.0 Community Implications**

- 5.1 One of the roles of the Local Government Ombudsman is to investigate complaints about Councils from members of the public. Their aim is to get Councils to put things right if they have gone wrong and if this has affected members of the public directly.
- 5.2 The Ombudsman has reported that complainants had wanted better and more timely information at the outset and wider access to the service. Since the launch of the LGO Advice Team in April 2008, early feedback to the Ombudsman suggests that callers are pleased with the service they are receiving.
- 5.3 Since April 2008, the LGO Advice Team has been referring 'premature' complaints to the Council by e-mail in order to ensure that such complaints are dealt with more speedily, which will be of benefit both to complainants and the Council.
- 5.4 The LGPIH Act will allow the Ombudsman wider powers of investigation.

#### **6.0 Corporate Implications**

- 6.1 A good complaints system is an opportunity for the Council to show that it cares about providing a good service, and that it genuinely values feedback on whether there are any problems which need attention. It is, therefore, imperative that we get feedback, not only through our own complaints system, but also from the Ombudsman, and that this information is widely distributed to show that this Council takes complaints seriously and deals with them sympathetically.

#### **7.0 Conclusion**

- 7.1 The Annual Letter is a useful addition to other information held by the Council, highlighting how people experience or perceive its services. It should also be seen as an opportunity to continue to improve the services offered by the Council.
- 7.2 The creation of the new LGO Advice Team will increase access to the service and provide a consistently high standard of information and guidance for all first contacts.

#### **8.0 Background Papers**

Annual Letter 2007/08 from the Local Government Ombudsman dated June 2008

LGO Link Newsletters 1, 2 and 3