

ADJUDICATION & REVIEW COMMITTEE

17 OCTOBER 2013

Subject Heading:

**LOCAL GOVERNMENT OMBUDSMAN –
Annual Letter, 2012-13**

CMT Lead:

Ian Burns, Acting Assistant Chief
Executive

Report Author and contact details:

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Policy context:

Ombudsman commentary on complaints
presented to her over the previous year to
assist the Council to ensure good practice
is maintained

Financial summary:

None directly associated with this report

**Has an Equality Impact Assessment
(EIA) been carried out?**

Not required.

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

The Annual Report from the Local Government Ombudsman was received in July.

RECOMMENDATIONS

1. That the Committee note the contents of the Ombudsman's Annual Letter.
2. That the Committee decide whether the Letter should be sent to the Chairmen of the Overview and Scrutiny Committees and their comments sought.

REPORT DETAIL

Background:

1. The Annual Letter has become the usual method of formally communicating with councils over the past few years. As the this year's letter states, *"This year we have only presented the total number of complaints received and will not be providing the more detailed information that we have offered in previous years. The reason for this is that we changed our business processes during the course of 2012/13 and therefore would not be able to provide you with a consistent set of data for the entire year."*
2. The figure for complaints received provided within this letter is: **57** which compares reasonably favourably for London boroughs (an average of 79), but the problem is: I cannot agree the figure quoted with the records I have compiled.
3. I have contacted the Ombudsman's office in pursuit of clarification for the discrepancy, but have been informed that the Ombudsman is not going to provide any further detail or clarification about its original figure.
4. A detailed review of the statistics collected through the year show that there were 129 distinct contacts from the LGO in the form of enquiries, premature complaints referred to the Council for resolution through its complaints procedure and "investigations". These are either investigations proper – where the Council is asked to provide answers to questions or Ombudsman decisions – where the Council is informed that the Ombudsman is not going to undertake an investigation, usually because the matter is outside her jurisdiction.
5. As reported to the Committee on previous occasions, some of these cases appear in more than one form; indeed during 2012/13, there were two instances of one case starting as an enquiry, being referred back to the Council as "premature" and then appearing as either an investigation or a decision. The majority of cases recorded during the year were single contacts (46 in total). The remainder (24 cases) involved two points of contact; mostly in the form of an enquiry followed by either a referral (premature) or a decision not to investigate or an investigation.
6. Appended to this report is a copy of the LGO's Annual Letter and a copy of the end summary provided to Members and Senior Management once final figures had been checked for the year 1 April 2012 to 31 March 2013.

The Future:

7. The difficulty faced by the Local Government Ombudsman this year has been in part caused by heavy cuts to her funding which have resulted in the number of Ombudsmen dealing with local government across England being reduced from three to one (currently Dr Jane Martin), the reduction to its staffing levels,

the recent departure from its headquarters at Millbank Tower to more modest accommodation in London – and with most of its activity now being conducted in Coventry – and changes to its technology (which has led directly to the lack of supporting analysis being provided this year to councils.

8. It is hoped that by the close of 2013/14 the reorganisation among the Ombudsman's personnel and to its technological infrastructure will be complete and more detailed data will be once more available to councils in order that proper comparisons can be made. The current year has seen several changes in the way the Ombudsman has approached complaints made to her service, most of which, (we have been informed) have been rejected and the complainant referred back to the council involved for action to be taken through its complaints procedure. We may not know whether a complainant has already approached the Ombudsman when a complaint is made, but the likelihood is there will be a percentage of complaints now in the corporate complaints system which would, in previous years, have been the subject of an investigation.
9. Whilst this restrained climate continues and if funding levels remain depressed, it is probable that councils – including Havering – will continue to receive a steady stream of enquiries followed either by referrals or Ombudsman decisions not to investigate.

IMPLICATIONS AND RISKS

Financial implications and risks:

There have been financial implications during the year 2012-13 because of Ombudsman activity. Any penalties and compensation is met from within existing budgets of the services affected.

Legal implications and risks:

There are no direct legal implications from this report.

Human Resources implications and risks:

There are none associated with this report.

Equalities implications and risks:

There are none associated with this report

BACKGROUND PAPERS

Adjudication & Review Committee, 17 October 2013

Electronic records of the complaints