

Audit Committee – 8 September 2009**LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW 2008/09****Report of the Monitoring Officer**

Statutory Powers: The Local Government Act 1974

Financial Implications: None arising from this report.

Purpose: To inform Members of the Local Government Ombudsman's reflections on the complaints received by him and the decisions reached set against the overall national position in the Ombudsman's Review for the year.

Priorities: The report links to CP5: 'Working with others to improve access to key services.'

RECOMMENDATION

That the Committee notes the Ombudsman's findings and the progress made by the Council to improve its response times to complaints.

Background

1. The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider they have been caused an injustice by local authorities and other public bodies. Where the LGO finds something has gone wrong and the complainant has suffered as a consequence, he aims to put it right with a satisfactory remedy. Remedies depend on circumstances and in some cases the Authority will be asked to pay compensation.
2. The LGO's approach nationally, with a review of cases overall, is set out in the annual report that is published in June each year and sent to each local authority. This document is also available on the LGO's website (www.lgo.org.uk).
3. The Annual Review provides a summary of the complaints against the Council which have been dealt with by the LGO and is split into two sections. The first section concerns complaints against the Council, whilst the second provides a general update on LGO developments. This update includes reference to a proposal to introduce 'statements of reasons' for future LGO decisions.

Council First

4. From 1 April 2009, the LGO has considered complaints only where the Council's own complaints procedure has been completed. Local authorities were informed of these new arrangements and the LGO intends to monitor the impact of this change during the course of the year.

The National Picture

5. Since the LGO has implemented changes in the way that it operates, the statistics regarding complaints received in 2008/09 are not directly comparable with those from 2007/08. Therefore, the annual report does not include the trend information which has been included in previous publications.
6. Nationwide, the LGO Advice Team received a total of 21,012 complaints and enquiries in 2008/09. The most common subject areas for these complaints and enquiries were:-
 - Housing: 20.7%;
 - Planning and Building Control: 18.3%;
 - Education: 10.8% and
 - Transport and Highways: 9.4%.

Complaints Relating to South Hams District Council 2008/09

7. During this year, the LGO received 14 complaints and enquires relating to the Council. These were broken down into the following categories:-
 - Planning Related Matters (9);
 - Housing Issues (2);
 - Benefits administration (1) and
 - Other services (2).
8. This was a reduction in the number of cases in 2007/08 when there were 26 complaints. Of this year's, only four were investigated (one Housing and three Planning and Building Control); the others were resolved by other informal means including local settlements. Of those investigated, once again no maladministration was found (there have been no findings of maladministration against the Council in the last four years).
9. The table summarising complaints received, decisions of the Ombudsman, and the response times of the Council is annexed to the report at Appendix 2. The notes to assist the interpretation of these statistics are also attached at Appendix 1. The summaries and statistics are now on covalent.

Issues Raised by the LGO

10. Whilst the LGO commented that the average response time for complaints of 40.5 days was slightly longer than the 37 days during 2007/08, it was acknowledged that this masked the fact that two-thirds of the enquiries received responses more quickly than the average during 2007/08. With the exception of two planning enquiries (where the response times fell significantly outside this pattern), the average response time was just within the requested 28 days.
11. The LGO recognised that the Council was aware of the need to improve its times and had already taken steps to achieve a general reduction. Such steps included the provision made for LGO staff to deliver a presentation to Council officers in May 2009 and the presence of an officer at the recent LGO seminar held in Coventry.

Risk Assessment

12. The following are the significant risks and opportunities identified:

Opportunity	Issues / Obstacles	Benefits
The establishment of the LGO Advice Team enables residents to make a better informed decision about whether submitting a complaint to the LGO is an appropriate course of action.	The change in the way that the LGO operates has made it difficult to analyse any comparative trends with previous years.	The LGO has the ability to issue advice and guidance to the Council within their jurisdiction on good administrative practice.
The LGO provides a service to allow residents to submit complaints about the administrative actions of the Council.	Limited budget provision available for compensatory payments.	The findings of the LGO allow the Council to review its working practices in an attempt to improve service delivery.

Conclusion

13. Whilst there is obviously still room for improvement in the average time taken to respond to complaints and enquiries, the LGO has recognised that the Council has taken steps to address this issue. This has been reflected in the reduction in time taken to deal with these complaints and enquiries on a first response basis.

14. The Council continues to be committed to improving its performance and service delivery in a cost effective manner and welcomes the opportunity to review the findings of the LGO.

Darryl White
Member Support Services Manager

Audit Committee
8 September 2009

Delyth Jenkins Evans
Monitoring Officer

Background Documents:

The LGO's Annual Reports for 2007/08 and 2008/09;
Appendix 1: Notes to assist interpretation of the statistics 2008/09; and
Appendix 2: Local Authority Report – South Hams DC.