

Scrutiny – 18 October 2007**OMBUDSMAN'S ANNUAL LETTER AND ANNUAL REPORT 2006-07****Report of the Monitoring Officer and Head of Corporate Services**

Statutory Powers: The Local Government Act 1974

Financial Implications: This Council paid compensation amounting to £1,250 in 2006/07 on the advice of the Ombudsman in settlement of Ombudsman's complaints.

Purpose: To inform Members of the Ombudsman's reflections on the complaints received by him and the decisions reached set against the overall national position in the Ombudsman's Annual Report

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

RECOMMENDATION

That Scrutiny notes the Ombudsman's findings and the steps taken by the Council, where appropriate, to amend the complaints procedure and handling of complaints and to improve processes

Background

1. The Local Government Ombudsman investigates complaints by members of the public who consider they have been caused an injustice by local authorities and other public bodies. Where the Ombudsman 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 Ombudsman's approach nationally, with a review of cases overall, is set out in the annual report that is published in September each year and sent to each local authority. One copy is available in the Monitoring Officer's office. The document is also available on the Local Government Ombudsman's website - at http://www.lgo.org.uk/letters/2006-07/pdfs/LGO_Annual_Review.pdf.

The National Picture

3. This year's report shows that the Ombudsman received 18,320 complaints in the year ended 31 March 2007. This is broken down into twelve categories, which are in order of quantity of complaints received:
 - Planning and Building Control 24%
 - Housing 21%
 - Transport & Highways 10%
 - Social Services 8%

- Education 8%
- Benefits 6%
- Public Finance (& council tax) 6%
- Antisocial behaviour 4%
- Environmental Health 4%
- Land, Commercial and Other. 9% (total)

4. The Report sets out the outcome of complaints at page 16. In 2007, 27% of complaints were settled locally; there was insufficient evidence of maladministration in 46% of cases but maladministration was found in 1%. 24% of cases were terminated at the Ombudsman's discretion (e.g. complaint withdrawn or legal action taken).

The Local Picture

5. Each public body receives an Annual Letter from the Ombudsman, which sets out the complaints for each Council and their resolution with the Ombudsman's reflections on the handling of complaints. The Annual Letter to this Council is dated 21 June 2007 and is annexed to the report at Appendix A. The table summarising complaints received / decisions of the Ombudsman / response times of the Local Authority is at Appendix B (members are referred to the Interpretation Notes to understand the abbreviations).
6. It is helpful to consider the contents of the Annual Letter for this Council against the national picture in the Annual Report.

The Issues raised in the Annual Letter 2006-07 for SHDC

7. The Ombudsman received 26 complaints from residents of the district, 7 more than last year, although the numbers fluctuate annually and the Ombudsman is not concerned at the slight increase. Most (17) were about planning. ***The Ombudsman notes that there was only one complaint in each of the areas of housing, public finance and transport and for the second year running there were no complaints about benefits, which is commendable, suggesting especially good complaint handling and resolution in these areas and "Housing Benefit staff in particular should be proud of this record".***
8. Of the 20 complaints pursued by the Ombudsman in 2006/7, he decided as follows:-
- 7 were referred back to the Council as premature and 4 as outside jurisdiction;
 - 4 were local settlements; and
 - 5 were not pursued because of no evidence of maladministration or other reason.
9. A total of £1250 was paid in compensation under local settlements. Brief details are in the Ombudsman's letter. The Ombudsman issued no reports consequent upon maladministration causing injustice by this Council.
10. Given the level of decision making occurring on a daily basis within each service provided by the Council which has the potential for a customer to

perceive that the Council has acted unreasonably, it is encouraging that there is no formal finding of maladministration. Furthermore there are only 4 cases where the Council has agreed that following the review of the case by the Ombudsman that the authority could have handled a complaint more effectively, and has agreed to a local settlement.

11. The Ombudsman raises in his letter several issues on complaint handling:
 - (a) As the number of premature complaints is relatively high (7 out of 20) the Council should examine whether its internal processes are sufficiently “visible” to its citizens or signposted by staff;
 - (b) The response times on the six enquiries made this year, which all concerned Planning, were longer than last year and eleven days over the target (39 days taken against a target of 28 days) and the Council should take steps to improve this.
12. The Council has taken on board the Ombudsman’s observations and is seeking to improve its processes, including a greater focus on the customer and a revised complaints procedure. In terms of the speed of response to the Ombudsman’s investigations by the planning service, it is accepted that this is an issue to be addressed, but it partly relates to capacity issues within the service which the Council is currently assessing.
13. The Ombudsman also observes that no-one from the Council attended the annual link officer seminar and recommends that someone go, or that the Assistant Ombudsman come to give a presentation about how they investigate complaints. In view of the observations made about response times, and the fact that a similar comment was made last year, these offers will be taken up, although it should be noted that officers have sought meetings with the Ombudsman in previous years, but for a number of reasons the visit has not been able to take place.

Conclusion

14. There is obviously room for improvement in the average time for responding to Ombudsman’s complaints and we are addressing this issue. South Hams District Council has had no reports issued against it in the last year and in some areas is doing very well indeed. Where local settlements have been reached, the compensation is of a very modest amount.

Kevin Williams
Head of Corporate Services & Monitoring Officer

Scrutiny
18 October 2007

Background Documents:

The Local Government Ombudsman's Annual Report for 2006-2007, available from the Ombudsman's office 10th floor, Millbank Tower, Millbank, London SW1P4QP or on line at http://www.lgo.org.uk/letters/2006-07/pdfs/LGO_Annual_Review.pdf.

Appendix A: Ombudsman's Annual Letter to SHDC – Year ended March 2007

Appendix B: "Local Authority Report – South Hams DC – Schedule of Complaints received / decisions / response times" with interpretive notes