

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Corporate Governance Committee 27 June 2010

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LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW 2009/10

Purpose

1. To provide the Corporate Governance Committee with a summary of the Local Government Ombudsman's provisional annual review 2009/10.
2. This is not a key decision.

Recommendation

3. The Corporate Governance Committee is asked to note the contents of this report and the Local Government Ombudsman's provisional annual review 2009/10.

Executive Summary

4. In 2009/10 the Local Government Ombudsman received 26 enquires and complaints relating to the Council. Of these 26, 20 were forwarded for investigation.
5. Of those complaints investigated in 2009/10 the Local Government Ombudsman found no evidence of maladministration. To achieve a satisfactory local settlement the Council agreed to pay one complainant the sum of £200.00 in compensation.
6. In 2009/10 the Council achieved a 29-day average response time to enquiries from the Local Government Ombudsman, a good improvement on 2008/09 performance of 37.5 days and the best time achieved by the Council in recent years.

Background

7. The Local Government Ombudsman investigates complaints and concerns on behalf of the public. Their purpose is: to provide independent, impartial and prompt investigation and resolution of complaints of injustice caused through maladministration by local authorities and other bodies within jurisdiction; and to offer guidance intended to promote fair and effective administration in local government.
8. The Local Government Ombudsman has provided a summary of the complaints received in 2009/10 contained in a provisional annual review (appendix one) to the Chief Executive.

Considerations

9. Within the office of the Local Government Ombudsman the Advice Team are the single point of contact for all enquiries and new complaints. Their advisers provide a comprehensive information and advice service to members of the public with a full explanation of the process and possible outcomes. It enables the public to make an

informed decision about whether putting their complaint through to the Local Government Ombudsman is the most appropriate course of action to take.

10. The provisional 2009/10 annual review draws comparisons with 2008/09 performance. This data has been set out below.

Enquiries and complaints received

Table One – Enquiries and complaints by service

Services	2008/09	2009/10	Total
Housing	6	7	13
Benefits	3	2	5
Public Finance inc. Local Taxation	1	3	4
Planning & Building Control	10	7	17
Transport & Highways	1	0	1
Other	6	7	13
Total	27	26	53

11. Table one provides a breakdown of the number of enquiries and complaints by service. The Local Government Ombudsman determines the categorisation of the services. 26 enquiries and complaints were received in 2009/10, one less than the previous year. In 2008/09 Planning and Building Control generated the highest proportion of enquiries and complaints and continue to do so in 2009/10 in equal measure with the 'Housing' and 'Other' categories. Networking with other Eastern region authorities suggests that the nature of services provided by both housing and planning services will generate high numbers of complaints. The provisional annual review does not provide further detail on those complaints categorised as 'Other'.

Table Two – Enquiries and complaints by category

Category	2008/09	2009/10	Total
Formal/informal premature complaints	3	4	7
Advice given	5	2	7
Forwarded to investigate team (resubmitted prematures)	6	3	9
Forwarded to investigate team (new)	13	17	30
Total	27	26	53

12. Table two provides a breakdown of the number of enquiries and complaints by category. The Local Government Ombudsman determines the categorisation of the enquiries and complaints. In 2009/10 four complaints were treated as premature, two were given advice and 20 were investigated.
13. The Local Government Ombudsman will not usually investigate a complaint if the Council has not had an opportunity to address it first. Premature complainants are advised to submit their complaint to the Council in the first instance. A full explanation of the complaint categories can be found in **appendix one** under section two.

Complaint outcomes

14. Of the 26 enquiries and complaints received in 2009/10, 20 were investigated. The provisional 2009/10 annual review reports 22 complaints have been concluded and six complaints remain open. The reason for this anomaly is that eight of the concluded

investigations reported in 2009/10 relate to complaints received in 2008/09. Removing the conclusions relating to 2008/09 leaves a balance of six complaints yet to be concluded.

Table Three – Decisions

Decision	2008/09	2009/10	Total
Local Settlement	2	2	4
No or Insufficient Evidence of Maladministration	10	10	20
Discontinued at Ombudsman's Discretion	2	7	9
Outside of Jurisdiction	3	3	6
Maladministration - No Injustice	0	0	0
Maladministration - Injustice	0	0	0
Total	17	22	39

15. A full explanation of the details contained within table three can be found in **appendix one** under item three.
16. To achieve a satisfactory local settlement the Local Government Ombudsman asked the Council to pay a sum of £200.00 in compensation to one complainant in 2009/10. The Council agreed and duly paid the amount. No further compensation resulted from Local Government Ombudsman complaints during the year.

Liaison with the Local Government Ombudsman

Table Four – Average Council response time

	2008/09	2009/10	Target
Average Response Time	37.5 days	29 days	28 days

17. In 2009/10 the Council's average response time to requests for information by the Local Government Ombudsman was 29 days, a good improvement on 2008/09 performance and a Council best. The target set by the Local Government Ombudsman is 28 days. The Council narrowly failed to meet this target despite significant coordination efforts by the Customer Service Coordinator.
18. To ensure the Council meets this target in future years, the Customer Services Coordinator will be recommending to Senior Management Team that a 21 day response target is to be put into place. Services failing to comply will continue to be escalated to the Senior Management Team.

19. Financial	Failure to resolve complaints effectively may result in the Local Government Ombudsman awarding costs against the Council.
Legal	The Local Government Ombudsman has statutory powers with which it can oblige Council officers to attend its offices rather than submitting comments/responses in writing.
Staffing	Responding to Local Government Ombudsman enquiries requires significant staff time.
Risk Management	Failure to respond to complaints effectively and promptly is detrimental to the Council's reputation and could expose the Council to the risk of more recourse to the Ombudsman.
Equal Opportunities	An Equality Impact Assessment of the Complaints, Comments and Compliments Procedure was completed on 28 October 2009. No adverse impacts were identified.
Climate Change	None.

Consultations

20. Provisional information provided by the Local Government Ombudsman was reported to the Senior Management Team on 26 May 2010.

Effect on Strategic Aims

21. *'We are committed to being a listening Council, providing first class services accessible to all.'*
22. The complaints process provides an important route for our customers to feedback information relating to their experience of our services. Providing insight into what we are doing well and where we can improve enables the Council to provide a responsive service that changes and adapts with the needs of its customers.
22. Committed to improving services and providing excellent customer service, the Council will treat complaints, comments and compliments with respect and seek to understand the customer's point of view.
23. The Council will endeavour to resolve problems at the time they are brought to attention, within the constraints that apply and to the customer's satisfaction.

Background Papers: the following background papers were used in the preparation of this report:

- Local Government Ombudsman – Provisional Complaint Statistics Report

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