
REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN

Responsible Cabinet Member - Councillor John Williams, Leader

Responsible Director - Paul Wildsmith, Director of Corporate Services

SUMMARY REPORT

Purpose of the Report

1. To provide Members with an update of the outcome of cases which have been considered by the Local Government Ombudsman (LGO) and to indicate any points for particular attention since the preparation of the report for the meeting of Cabinet on 13 July 2010.

Summary

2. This report sets out in abbreviated form the outcome of matters which have been the subject of complaints to the LGO since the last report to Cabinet on which the LGO has come to a conclusion. The report considers whether the authority needs to take any action as a result of the findings of the LGO.

Recommendation

3. It is recommended that the contents of the report be noted.

Reasons

4. The recommendation is supported by the following reasons :-
 - a) It is important that Members are aware of the outcome of complaints made to the LGO in respect of the Council's activities.
 - b) The contents of this report do not suggest that further action, other than detailed in the report, is required.

Paul Wildsmith
Director of Corporate Services

Background Papers

Note: Correspondence with the LGO is treated as confidential to preserve anonymity of complainants.

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S17 Crime and Disorder	This report is for information to members and requires no decision. There are no issues in relation to Crime and Disorder.
Health and Well Being	This report is for information to members and requires no decision. There are no issues in relation to Health and Wellbeing.
Sustainability	This report is for information to members and requires no decision. There are no issues in relation to Sustainability
Diversity	This report is for information to members and requires no decision. There are no issues in relation to Diversity.
Wards Affected	This report affects all wards equally.
Groups Affected	This report is for information to members and requires no decision. There is no impact on any particular group.
Budget and Policy Framework	This report does not recommend any change to the Budget or Policy Framework.
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	This report contributes to Customer Services and Satisfaction which is key to delivering our strategy

MAIN REPORT

Information and Analysis

5. Cabinet at its meeting on 14th May, 2002 considered a report on the outcome of cases referred to the LGO during the Municipal Year 2001/02 and resolved that at each meeting of Cabinet a similar report should be submitted on the outcome of cases since the previous meeting of Cabinet.
6. Since the preparation of the report for the meeting on 13 July 2010, **10** cases have been the subject of decision by the LGO.
7. The outcome of cases on which the LGO reached a view in the current reporting period is as follows :-

Finding	No. of Cases
Local Settlement (LS)	2
Maladministration Causing Injustice (MI)	0
Maladministration No Injustice (MNI)	0
No Maladministration (NM)	1
No or Insufficient Evidence of Maladministration (NIEM)	4
Ombudsman's Discretion (OD)	1
Outside Jurisdiction (OJ)	1
Premature Complaint (PC)	1

Local Settlement

8. This heading relates to cases where the LGO after investigation suggests that the complaint might be resolved locally without a formal report being made and suggests how the matter might be drawn to a conclusion.

Maladministration No Injustice

9. This heading was introduced by the Local Government and Public Involvement in Health Act 2007. It relates to cases where the Council has made an error without causing an injustice. The purpose is to ensure that the Council rectifies errors even if no one has suffered in the particular case.

No or Insufficient Evidence of Maladministration

10. This heading is self-explanatory. The LGO will have carried out preliminary investigations but concluded that there is no or insufficient evidence of maladministration and no further action will be taken.

Ombudsman Discretion

11. This heading covers those cases where the LGO decides not to investigate the case further for any other reason and exercises her discretion to close the file.

Outside Jurisdiction

12. A matter under this heading is one where the LGO for one of a number of technical reasons is not empowered to take action, e.g. there is a remedy through a normal Court of Law or the matter relates to an employment issue.

Premature Complaint

13. This heading covers matters where the Local Authority has not had the opportunity to deal with a complaint through its own internal complaints procedures; the LGO will normally wait for that procedure to be carried out before she considers investigating the matter herself.

Analysis of Findings

14. The opportunity is normally taken to analyse the areas of the Council's functions where complaints have arisen. It seems appropriate to do that in order to establish whether there is any pattern to complaints received or whether there is a particular Directorate affected or a type of complaint which is prevalent. If there were a significant number of cases in any one particular area, that might indicate a problem which the Council would seek to address.
15. There are two cases of local settlement this quarter. The first relates to child protection and adoption matter. In this case the Ombudsman was satisfied that when the case was investigated by the Council it identified failings in practice and offered to put these right. The council also offered an apology. The Ombudsman took the view that the response from the Council was appropriate and decided not to investigate the matter further.
16. The second relates to an outstanding complaint from 2 years ago concerning a planning matter. Following representations from the Council the Ombudsman limited the settlement to the complainant and £400 was the settlement figure.
17. There were four cases where the Ombudsman found no (or insufficient evidence of) maladministration.
 - (a) In the first of these the complaint related to the state of the streets as a result of the rubbish left out, split bags and alleged rat infestation. The Ombudsman found that the Council had taken all reasonable steps including serving notice on all residents of the power to prosecute for leaving rubbish on the streets outside permitted times.
 - (b) The second related to an Education Appeal in which the Council's distance measurement was challenged by the complainant. The Ombudsman found no fault with the distance measurement.
 - (c) The third related to a complaint about a review of the licensing policy. The Ombudsman found that the issue had not been raised by the complainant or anyone else at the time of the review, and the Council could not be faulted.

- (d) The last related to concessionary fares and taxi vouchers, again the Ombudsman found there was no evidence of fault by the Council.
18. There was also one case in which the Ombudsman found no maladministration. This concerned a complaint that the Council would not allow a tenant living in a Council property adjacent to a block of Council flats to access the communal TV aerial provided for the residents of those flats under the terms of their tenancy agreement. The Ombudsman found there was no obligation on the part of the Council to provide the aerial facilities claimed by the complainant.
19. One investigation was discontinued under the Ombudsman's discretion and a further was outside the jurisdiction of the Ombudsman. They both relate to Education Appeals and neither were taken further by the Ombudsman. Finally there was one premature complaint.
20. There are no issues arising from these complaints, other than those detailed which suggest that there is a problem that the Council will need to address.

Outcome of Consultation

21. The issues contained within this report do not require formal consultation.