

---

ANNUAL LETTER FROM THE LOCAL GOVERNMENT OMBUDSMAN

---

Responsible Cabinet Member – Councillor John Williams, Leader

Responsible Director - Paul Wildsmith, Director of Corporate Services

---

**Purpose of Report**

1. To report the contents of the Annual Letter of the Local Government Ombudsman for 2006/7.

**Information and Analysis**

2. Every year the Local Government Ombudsman writes to every local authority to review the preceding year. The Annual Letter is posted on the Local Government Ombudsman's website ([www.lgo.org.uk](http://www.lgo.org.uk)) alongside statistics about the performance of all other Councils. Darlington compares well with other authorities nationally and in the region, with no findings of maladministration and only 3 local settlements. The information is also forwarded to the Audit Commission. The Annual Letter for Darlington is attached at **Appendix 1** alongside the statistics for other unitary councils. The Ombudsman offers to send a senior member of staff to the Council to present the letter.
3. The Annual letter reflects the performance of this Council in dealing with complaints, the time taken to respond to the Ombudsman, the number of complaints broken down into areas, and the decisions made by the Ombudsman.

**Number of Complaints**

4. The number of complaints during the preceding year is set out in the following chart :-

No of Cases received this year	Complaints Outstanding
40	17

Outcome

No of Cases resolved this year (including some from last year)	Local settlement	Premature	Outside Jurisdiction	No Maladministration
28	3	15	4	6

## Overall

5. There are no findings of maladministration and there are three cases involving a local settlement. This is a positive record for the year. The Ombudsman does say that one case resulting in local settlement ‘threw up a common and very basic failure, to keep proper records’. She goes on to say that a written contemporary record is vital evidence when something goes wrong.

## Premature Complaints

6. The majority of complaints that are received by the Ombudsman are classed as premature. This means that the Ombudsman has received them before the Council has had an opportunity to investigate the complaint through its own complaints procedure. There are a particularly high number of premature complaints within the housing area. The Assistant Director - Housing has identified that almost all of those who had complained prematurely are well known to the Council and well acquainted with our complaints procedures. The Assistant Director has arranged for a reminder of our complaints procedure to be included in the tenant’s newsletter and arrange for both her staff and the staff in the Customer Services Centre to be reminded of the need to advise those who are dissatisfied that we have our own complaints procedure.
7. In the current year the Council has seen a high level of complaints (30 in the first six months of the year) and a number of these are premature. Some of these complainants do not accept that the Council’s complaints process is the first approach, and are repeat premature complainants to the Ombudsman’s office.

## Volume of Complaints

8. There has been an increase in complaints from 27 last year to 40 this year. The statistics for the number of complaints and the relevant area are detailed in the following chart.

	2004-5	2005-6	2006-7
<b>Total</b>	<b>30</b>	<b>27</b>	<b>40</b>
Adult Care	1	1	5
Benefits	4	2	1
Children and Family	3	1	3
Education	4	5	4
Housing	2	3	9
Other	6	4	6
Planning	7	6	7
Public Finance	1	1	0
Social Services other	2	0	0
Transport/Highways	3	4	2

9. Adult Social Services and Housing are the main areas for increase. In relation to Housing as has already outlined a number of these are premature, efforts are being made to address this issue.

## **Late Responses**

10. The Ombudsman records the average response time for each authority. The target response time for the authority was 27.5 days. Unfortunately there has been an increase in the time taken to respond to requests for information by the Ombudsman and the average this year is 36. The Ombudsman comments that this is 'wholly unacceptable' and asks the Council to respond to her with what it intends.
11. A report has been taken to the Council's Corporate Management Team urging staff tasked with preparing responses to the Ombudsman to adhere to the timescales. Efforts have been made this year to ensure that complaints are responded to within the timescales. Of those which fell outside the target timescale they fell in August and December, when staff responsible were on annual leave. The Council needs to be in a position to respond to requests for information from the Ombudsman irrespective of whether staff involved in the issues are available to contribute, this requires proper records to be kept on files.

## **Training**

12. The Ombudsman's office also provides a series of training for staff at all levels in complaints handling and investigation.

## **Alternative Complaints Process**

13. A review of how the Council handles complaints has been undertaken and is nearing completion. The goals of the review were to examine ways to improve our performance in the handling of complaints (timely and efficient) and to examine options to secure earlier resolution.
14. The interim conclusions supported the creation of the Connecting with Communities Unit within the Chief Executives office. The Unit is driving forward the community engagement strategy but also has a key role in promoting a stronger and more consistent approach to customer care across the Council. The Talking Together events are being used to capture public views on customer care standards that will be rolled out across the Council.
15. In addition options are being examined to bring together in one department the management of complaints once they have passed the informal stage one. This could have the benefit of greater consistency of approach, tighter monitoring of timescales for reply, and better assurance for the public around the independence of the investigation. This would give greater assurance around responses to the Ombudsman.
16. The conclusions of the review will be reported to Cabinet in a subsequent report but views are sought on key issues the review should address.

## **Outcome of Consultation**

17. This report has not been the subject of any formal consultation

## **Legal Implications**

18. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those

highlighted in the report.

### **Section 17 of the Crime and Disorder Act 1998**

19. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **Council Policy Framework**

20. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

### **Decision Deadline**

21. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

### **Key Decisions**

22. This report does not require a key decision to be made.

### **Recommendation**

23. It is recommended that :-
- (a) Cabinet welcomes the Annual Letter from the Local Government Ombudsman for 2006/7.
  - (b) Ask Directors to ensure that there are speedy responses to all Ombudsman enquiries and to raise awareness about the Council's own complaints procedure with a view to reducing the number of premature complaints.
  - (c) Receive a further report on options to improve the way in which complaints to the Council are handled.

### **Reasons**

24. The recommendations are supported to ensure that where weaknesses are identified improvements can be made to the handling and management of complaints referred to the Local Government Ombudsman.

**Catherine Whitehead  
Borough Solicitor**

### **Background Papers**

No Background papers were used in the preparation of this report.