
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 Ombudsman and to indicate any points for particular attention since the preparation of the report for the meeting of Cabinet on 2 December 2008.

Summary

2. This report sets out in abbreviated form the outcome of matters which have been the subject of complaints to the Local Government Ombudsman (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 Local Ombudsman in respect of the Council's activities.
 - (a) 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 Ombudsman is treated as confidential to preserve anonymity of complainants.

Catherine Whitehead : Ext. 2306/TAB

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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 our understanding of target NI 4, the number of people who feel they can influence decisions in their locality. |

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 Ombudsman 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. Since the preparation of the report for the meeting on 2 December four cases have been the subject of decision by the Ombudsman.
6. The outcome of cases on which the Ombudsman reached a view in the current reporting period is as follows :-

| Finding | No. of Cases |
|---|---------------------|
| Maladministration causing injustice (MI) | 1 |
| No Maladministration (NM) | |
| Ombudsman's Discretion (OD) | |
| Outside Jurisdiction (OJ) | |
| Local Settlement (LS) | 1 (7) |
| No or Insufficient Evidence of Maladministration (NIEM) | |
| Premature Complaint (PC) | 3 |

Outside Jurisdiction

7. A matter under this heading is one where the Ombudsman 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

8. 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 Ombudsman will normally wait for that procedure to be carried out before she considers investigating the matter herself.

No or Insufficient Evidence of Maladministration

9. This heading is self-explanatory. The Ombudsman 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

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

Local Settlement

11. This heading relates to cases where the Ombudsman 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.

Analysis of Findings

12. 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.
13. The cases recorded as premature complaint concerned two housing matters and one children's services matter. These matters should now be investigated by the Council within 12 weeks or they will be reinstated as complaints to the Ombudsman.
14. The case recorded as Local Settlement concerned 7 complaints by different residents in relation to the same matter. The Ombudsman classes each complaint separately so although our records show only 1 complaint they will be classified as 7 complaints. The complaints all concern the issues surrounding the Darlington Eastern Transport Corridor. The elements of the complaint are that the road was built higher than shown on the approved plans, that there were changes made to the junction and that it was built too close to an electricity pylon. The Ombudsman's investigator has concluded that there was maladministration in relation to the road height but not in relation to the junction or the pylon. The investigator has said he will not investigate the complaint further because the offer made by the Council is satisfactory. The offer includes a number of steps to improve practice in particular in relation of the referral of changes to plans to the planning department, irrespective of whether amended planning permission is required. Other improvements relate to record keeping and the drafting of conditions. The offer also includes a payment for time and trouble to each complainant.
15. The Council has received a report which has made a finding of maladministration causing injustice. These reports are subject to a specific reporting procedure set out in the Local Government Act 1974. A full report in relation to this complaint and the steps that the Council has taken in response to the report will be presented to Council later this month.
16. 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

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