
REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN

Responsible Cabinet Member - Councillor John Williams, Leader

Responsible Director - Paul Wildsmith, Director of Corporate Services

Purpose of 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 and/or referral to the Standards Committee since the meeting of Cabinet on 5th June, 2007.

Information and Analysis

2. 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 meeting on 5th June, 2007 six cases have been the subject of decision by the Ombudsman.
3. This report sets out in abbreviated form the outcome of matters which have been the subject of complaints to the Local Ombudsman by individuals and on which the Local Ombudsman has come to a conclusion. The outcome of the six cases on which the Ombudsman reached a view in the current reporting period is as follows :-

| Finding | No. of Cases |
|---|---------------------|
| Maladministration causing injustice (MI) | |
| No Maladministration (NM) | |
| Ombudsman's Discretion (OD) | |
| Outside Jurisdiction (OJ) | |
| Local Settlement (LS) | 1 |
| No or Insufficient Evidence of Maladministration (NIEM) | 3 |
| Premature Complaint (PC) | 2 |

Outside Jurisdiction

4. 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

5. 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

6. 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

7. 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

8. 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

9. 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.
10. There are two complaints which were premature complaints. The first concerned a car parking issue which had not gone through the Council's complaints process, and therefore the complainant has been redirected. The second matter concerning a planning application is recorded as a premature complaint, but has now been resolved by way of a small ex gratia payment.
11. There are three complaints classified as No or Insufficient Evidence of Maladministration. The first relates to a Housing Benefits matter in which the investigator concluded that not providing advice was not in this case maladministration. The second relates to an Education Appeal in which the Ombudsman concluded that there was no or insufficient evidence of maladministration. The final complaint in this category relates to adaptations to a home of a lady with a disability. This complaint had been ongoing for some time and a significant amount of officer time was spent in seeking to find a satisfactory solution. The investigator concluded that there was no or insufficient evidence of maladministration. This has enabled the complainants to proceed with obtaining appropriate adaptation to the home which meets the needs of the wife.

12. There was one complaint classified as Local Settlement. This related to the closure of a footpath due to an increase of crime. The complaint raised a number of issues which it is acknowledged did show failings by the Council. In particular there was delay and a failure to keep people informed. The local settlement involved a small ex gratia payment and a written apology. It also included a review to ensure that local residents are given clear information about the process/procedure involved as well as possible timescales on any similar cases in the future. The outcome of the review will be communicated to the Ombudsman in three months.
13. 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

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

Legal Implications

15. 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

16. 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

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

Decision Deadline

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

Recommendation

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

Reasons

20. 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.

(b) The Contents of this report do not suggest that further action 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