
REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN

Responsible Cabinet Member - Councillor Bill Dixon, Leader

Responsible Director - Paul Wildsmith, Director of Resources

SUMMARY REPORT

Purpose of the Report

1. To provide Members with an update of the outcome of cases which have been determined 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 04 July 2013.

Summary

2. This report sets out in abbreviated form the decisions reached by the LGO since the last report to Cabinet. 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 are 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 Resources**

Background Papers

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

Lee Downey, Complaints and Information Governance Manager/Extension 2401

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|----------------------------------|---|
| S17 Crime and Disorder | This report is for information to members and requires no decision. Therefore 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. Therefore there are no issues in relation to Health and Well Being. |
| Carbon Impact | This report is for information to members and requires no decision. Therefore there are no issues in relation to Carbon Impact. |
| Diversity | This report is for information to members and requires no decision. Therefore 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. Therefore is no impact on any particular group. |
| Budget and Policy Framework | This report does not recommend any changes 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 all of the five delivery themes. |
| Efficiency | Efficiency issues are Highlighted through complaints. |

MAIN REPORT

Information and Analysis

5. Cabinet at its meeting on 14 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. It was subsequently decided that this report would be provided on a bi-annual basis.
6. Between 1 April 2013 and 30 September 2013, 7 cases were the subject of decision by the LGO.
7. The outcome of cases on which the LGO reached a view is as follows :-

| Finding | No. of Cases |
|---|--------------|
| Not to Initiate an Investigation | 2 |
| To Discontinue Investigation | 3 |
| Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report | 2 |

Analysis of Findings

8. 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.
9. Two of the complaints determined by the LGO during this period related to the introduction of wheeled bins. There was no organisational learning resulting from the complaints determined by the LGO during this period; as in all cases the LGO either decided not to initiate an investigation, to discontinue their investigation or were satisfied with the Council's actions or proposed actions for the reasons set out in this report. Any organisational learning resulting from the preceding internal complaints investigations is reported via the relevant annual complaints report. For further information visit: www.darlington.gov.uk/complaints

Not to Initiate Investigation

10. The first of these complaints concerned an individual's dissatisfaction at not being notified by the Council that their ex-partner had applied to change their child's school and subsequently appealed against the decision. The appeal was successful and the complainant took his ex-partner to court to stop her moving the child to a different school. The complainant contended that the Council had failed in its duty to inform him of the application and subsequent appeal and having not done so should cover the legal fees he had incurred in challenging his ex-partners

decision to move their child to a different school. The LGO concluded there was no evidence that any faults by the Council led to the complainant incurring court costs and that it was unlikely an investigation would find fault by the Council or achieve the complainants desired outcome.

11. The second of these complaints to be determined concerned an individual's dissatisfaction with the attitude and level of service provided by a member of staff when processing his Housing and Council Tax Benefit claim. The complainant subsequently contacted the LGO to advise that he had received an acceptable response from the Council and wanted to withdraw his complaint.

To Discontinue Investigation

12. The first of these complaints to be determined concerned the Council's decision not to allow an individual to advertise another taxi firm on a hackney carriage. The LGO concluded that there was no evidence of fault in the way the Council handled any of the complainant's applications to put a sign on his taxi.
13. The second of these complaints to be determined concerned an individual's dissatisfaction with the lack of enforcement action taken by the Council in relation to a planning condition requiring a developer to landscape the area between a caravan park and the adjacent farm. The purpose of the condition was to screen the caravan park. The injustice claimed by the complainant was that failure to enforce the condition led to a loss of privacy. The LGO concluded that even if the Council is at fault in not or delaying taking enforcement action, the caravans were too far away from the complainants farm to cause significant injustice through overlooking. The Council did require further planting and this has now been done to our satisfaction.
14. The third of these complaints to be determined concerned works to a level-access shower room not being completed properly after poor workmanship and design flaws led to a flooding incident. The LGO did not investigate the original works as the Council completed these over ten years ago and the gentleman did not make a complaint about the works at the time. The LGO concluded that having apologised for the inconvenience and distress caused, having agreed to pay £50 towards the complainants insurance excess and having provided adequate facilities to meet the complainants assessed needs there was no reason she should investigate further.

Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report

15. Both of these complaints concerned the introduction of wheeled bins.
16. In the first instance the complainant did not want to use a wheeled bin on the basis that the gate at the rear of his property swells in wet weather and he is unable to open it and in icy conditions the steps from his property to the back lane are hazardous. The LGO concluded there was no fault on the Council part and the difficulties the complainant raised regarding using a wheeled bin in inclement weather, were difficulties he could overcome through his own action.

17. The Complaints Manager did not accept the second of these complaints for investigation under the Council's Corporate Complaints Procedure on the basis the complainant was simply dissatisfied with the Council's decision to introduce wheeled bins. When the complainants subsequently referred the matter to the LGO they contended that it was not the decision to introduce wheeled bins that they objected to, but the lack of consideration by the Council to the suitability of their property for a wheeled bin collection. They were also dissatisfied with the length of time it took the Council to respond to their requests. The LGO concluded that the Council had given due consideration to the suitability of the property for a wheeled bin collection and while the Council and the complainant held differing views she could see no reason to question or criticise the Council's decision that the property is suitable. The LGO also concluded that the Council could have responded sooner to the complainant's requests. The Council agreed to apologise for this.

Recommendation

18. It is not recommended that the authority needs to take any action as a result of the findings of the LGO.

Outcome of Consultation

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