
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 6th June, 2006.

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 6th June, 2006, five 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 five 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)	1
Premature Complaint (PC)	3

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. In regard to the premature complaints, the first of these matters related to a complaint against Adult Services in regard to an assessment to place the complainant's mother in residential care. The second of these complaints related to a complaint against the Housing Benefits section in regard to the way an overpayment of benefit case and possible benefit fraud matter was handled. The third of the premature complaints matters related to the way in which a Listed Building consent application was dealt with. These three matters will now be dealt with under the Council's own complaints procedure. They relate to different types of issues and at this stage they are no specific issues of concern.
11. The complaint classified in the heading of No or Insufficient Evidence of Maladministration related to the Pedestrian Heart and issues regarding the consultation and decision making process and also the use of Traffic Regulation Orders. Following an extensive investigation which involved interviews with officers, the Ombudsman found the consultation process to have been extensive and adequate and no fault in the integrity of the decision making process. The Ombudsman did not find the use of Traffic Regulation Orders to be incorrect. Accordingly the Ombudsman recorded the complaint as one of No or Insufficient Evidence of Maladministration.

12. In regard to the matter classified as a Local Settlement, the complaint related to charges levied by an externally appointed firm of bailiffs as a result of enforcing unpaid Council Tax. The complaint related to 2003 and by the time the complaint was made to the Ombudsman, the paperwork held by the external bailiffs had been destroyed. The Council was therefore not in a position to supply documentation to the Ombudsman as had been requested and because of this a Local Settlement by refunding the bailiffs charges was agreed. As a result of this the Service Level Agreement between Local Taxation and the External Bailiffs has been revised with requirement for adequate records to be retained electronically for a period of seven years.

Outcome of Consultation

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

Legal Implications

14. This report has been considered by the Legal Services Manager for legal implications in accordance with the Council's approved procedures. There are no issues which the Legal Services Manager 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

15. 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

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

Decision Deadline

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

Recommendation

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

Reasons

19. 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.

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