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**REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN**

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**Responsible Cabinet Member - Councillor John Williams, Leader**

**Responsible Director - Paul Wildsmith, Director of Corporate Services**

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**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 16th January , 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 7th November, 2006 three 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 three cases on which the Ombudsman reached a view in the current reporting period is as follows :-

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

***Outside Jurisdiction***

1. 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***

2. 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***

3. 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***

4. 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***

5. 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**

6. 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.
7. Under the heading of premature complaints, there were two complaints that the Ombudsman put into this category. The first of these relates to repairs to a shower. Although the issue had been raised as a fault with the shower, and the complainant is clear that they attempted to complain, no written complaint was directed at the Council. A complaint was made to the Ombudsman's office and directly to Councillors and the MP. As the matter has now been considered under the Council's complaints procedure the Ombudsman has recorded the complaint as a premature complaint.
8. In the second case the complaint relates to Student Loans, these are no longer the responsibility of the Council as the function transferred to the Student Loans Company in February 2006. The Ombudsman has classified this complaint as a premature complaint because it was referred to the Ombudsman before the Council had had an opportunity to advise the complainant that the responsibility did not sit with the Council. The Council has not written to the complainant explaining that she should direct her complaint to the Student Loans Company, we have had no further correspondence in relation to this complaint since. This complaint is therefore not an outstanding complaint although it is classified as premature, if the matter was referred to the Ombudsman now it would be outside the jurisdiction.

9. The complaint classified as ‘outside jurisdiction’ relates to a school issue. The complaint issues had been investigated under the Council’s complaints procedure to Stage 3, but because the Local Government Act 1974 states that the Ombudsman cannot investigate a complaint about action concerning internal matters in a school or college or personnel matters the complaint was outside the jurisdiction of the Ombudsman.
10. There are no issues arising from these complaints which suggest that there is a problem that the Council will need to address, although a review of the complaints process is about to begin which will explore whether the Council can do more to resolve issues at an early stage, and where appropriate, draw attention to the Council’s internal complaints procedure to reduce the number of premature complaints.

### **Outcome of Consultation**

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

### **Legal Implications**

12. 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**

13. 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**

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

### **Decision Deadline**

15. For the purpose of the ‘call-in’ procedure this does not represent an urgent matter.

### **Recommendation**

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

### **Reasons**

17. 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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