

---

**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 16th October, 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 18th September, 2007 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 :-

<b>Finding</b>	<b>No. of Cases</b>
Maladministration causing injustice (MI)	
No Maladministration (NM)	
Ombudsman's Discretion (OD)	
Outside Jurisdiction (OJ)	
Local Settlement (LS)	
No or Insufficient Evidence of Maladministration (NIEM)	2
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. Three of the complaints were classified as Premature Complaints. Two of these in the Housing area are from the same persistent premature complainer. The Council will be liaising with the Ombudsman's office regarding this issue. The third complaint also relates to a housing and noise issue.
11. There are two complaints that were classified, following investigation by the Ombudsman to be in the category of, No or Insufficient Evidence of Maladministration. The first concerned an Education Appeal in which there is disputed evidence about whether an individual was advised that a change in preferences would result in the application being classed as late, as a result of which the child did not get a place at any of the preferred schools. The Ombudsman's investigator concluded that although it was not possible to decide what was said during the telephone call, the information was contained within a booklet and therefore concludes that 'I cannot be critical of the Council here'.

12. The second case also involves an Education Appeal and dissatisfaction with advice given by telephone before the appeal. This time it is alleged that it was suggested that even if the householder did not complete a house sale in time, they had the right of appeal. The householder took the view that this meant they would be successful on appeal. The Appeal was not successful. The Ombudsman has concluded that whether or not advice suggested they would be successful, this would not have altered their ability to speed up their house move, and as a consequence did not affect the outcome.
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  
TAB