

**ANNUAL LETTER OF THE LOCAL GOVERNMENT OMBUDSMAN**

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**Responsible Cabinet Member - Councillor Bill Dixon, Leader**

**Responsible Director – Paul Wildsmith, Director of Resources**

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**SUMMARY REPORT**

**Purpose of the Report**

1. The purpose of this report is to refer Members to the annual letter of the Local Government Ombudsman (LGO) in relation to complaints and educational appeals against the Authority (Appendix 1).

**Summary**

2. The letter is once again positive; the Council continued to respond to initial enquiries within 28 days and did not receive any maladministration reports during 2010/11.
3. While the letter is positive the Council did see an increase in the number of complaints referred to the LGO during 2010/11 compared to 2009/10. This trend is reflected nationally and the LGO expect this upward trend to continue.

**Recommendation**

4. It is recommended that :-
  - (a) Cabinet welcomes the annual letter from the LGO for 2010/11.
  - (b) Members note the robust practices and procedures implemented by the Council in relation to complaints handling ensuring we are well placed to deal with an increase in complaints to the LGO.

**Reasons**

5. The recommendations are supported to enable the Local Authority to continue to learn from complaints, improve services provision and increase efficiency.

**Paul Wildsmith  
Director of Resources**

## Background Papers

No background papers were used in the preparation of this report.

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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 wellbeing.
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 in paragraphs four and eight.

## MAIN REPORT

### Information and Analysis

- The report sets out the number of complaints received and determined by the LGO in relation to the Authority during the last municipal year. The report also provides an analysis of the trends in complaints numbers and sets out details of developments in relation to the LGO.

### Number of complaints received by LGO

- The complaints forwarded for investigation by the LGO during 2010/11 were categorised as follows:

LGO Category	No. of Cases
Adult Social Care	1
Benefits & Tax	2
Corporate & Other Services	1
Education & Children's Services	13
Environmental Services & Regulation & Public Protection	5
Highways & Transport	3
Housing	2
Planning & Development	7
<b>Total</b>	<b>34</b>

- In 2009/10 17 complaints were forwarded for investigation by the LGO. This increase is reflected nationally as highlighted in the LGO's Annual Report 2010/11 – Delivering public value. The LGO expect this upward trend to continue in light of the pressures on public services in the current financial climate.
- While more people chose to exercise their right to refer their complaint to the LGO the Council did not receive a single maladministration report and saw an increase in the number of no maladministration decisions. This is testament to the robust procedures implemented by the Council in relation to complaints handling and the fair and consistent approach taken by the Council when dealing with complaints.

### Complaint Outcomes

- The outcomes of cases on which the LGO reached a view during 2010/11 are as follows:

Finding	No. of Cases
Reports: Maladministration & Injustice	0
Local Settlement (no report)	7
Reports: Maladministration No Injustice	0
Reports: No Maladministration	0
No Maladministration (No Report)	12
Ombudsman's Discretion (No Report)	5
Outside Jurisdiction	4
<b>Total</b>	<b>28</b>

11. For the most part complaints concerning Education and Children's Services account for the increase in complaints referred to the LGO during 2010/11. This again is consistent with the national picture and complaints about Education and Children's Services now form the largest category of complaints considered by the LGO.

### **LGO Developments**

12. In April 2011 the LGO introduced a new IT system for case management and revised the brief descriptions of their decisions. The next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and add further transparency to the work of the LGO.
13. During 2010/11 the LGO's powers were extended to deal with complaints in two significant areas. In October 2010 all complaints about injustice connected to adult social care services came under their jurisdiction including complaints made about services arranged and paid for via direct payments and individual budgets and complaints by people who arrange and pay for their own social care.
14. The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for the LGO to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas (Darlington not being one of them). The Education Bill currently before Parliament proposes to rescind the LGO's new jurisdiction from July 2012.

### **Complaints Outcomes**

15. The LGO commented on two specific complaints in the annual letter. The first relates to a failure by the Council to adequately consider the council's obligations under the Disability Discrimination Act and now the Equality Act. There is a particular difficulty in balancing the needs of disabled residents in relation to policies which relate to land. The impact of changes to the land such as the cutting down of trees to create a dropped curb, relates to the life of the tree and the environment not just the period during which the disabled person is resident in the relevant property. While Council officers did consider the issues of disability the Council policy did not provide for sufficient consideration of disability and so the Council has subsequently amended the policies to ensure that disability is adequately considered in relation to this type of decision.
16. The second case relates to a failure by the Council to properly document the decision not to hold a strategy meeting to consider an allegation reported by an adoptive parent. There was insufficient evidence to warrant the holding of a strategy meeting but the consideration of this had not been documented within the files.

### **Outcome of Consultation**

17. There has been no consultation on this report.