
REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN

Responsible Cabinet Member - Councillor John Williams, Leader

Responsible Director - Paul Wildsmith, Director of Corporate Services

SUMMARY REPORT

Purpose of the 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 8 July 2008.

Summary

2. This report sets out in abbreviated form the outcome of matters which have been the subject of complaints to the Local Government Ombudsman (LGO) since the last report to Cabinet on which the LGO has come to a conclusion. 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 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.
 - (a) 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

S17 Crime and Disorder	This report is for information to members and requires no decision. It 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. There are no issues in relation to Health and Wellbeing.
Sustainability	This report is for information to members and requires no decision. There are no issues in relation to Sustainability
Diversity	This report is for information to members and requires no decision. 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. There is no impact on any particular group.
Budget and Policy Framework	This report does not recommend any change 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 our understanding of target N14, the number of people who feel they can influence decisions in their locality.

MAIN REPORT

Information and Analysis

5. 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 seven cases since the previous meeting of Cabinet. Since the meeting on 8 July 2008 seven cases have been the subject of decision by the Ombudsman.
6. The outcome of 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)	2
Outside Jurisdiction (OJ)	
Local Settlement (LS)	
No or Insufficient Evidence of Maladministration (NIEM)	
Premature Complaint (PC)	5

Outside Jurisdiction

7. 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

8. 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

9. 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

10. 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

11. 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

12. 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.
13. There are five cases which the Ombudsman has classed as premature. From April this year the Ombudsman's office now deals with initial receipt of complaints in a centralised office, only referring complaints which require investigation to the local office. The classification of premature complaints is therefore made by a central office without the opportunity for an investigator to decide to investigate the complaint. The five cases this month relate to two housing cases, one nuisance and anti-social behaviour, one planning and one about the maintenance of trees on Council owned land. All these cases will now be dealt with under the Council's complaints process.
14. There were two cases which the Ombudsman classed as Ombudsman's discretion. The first of these is a long standing dispute about a highways issue, in which the Council had made a decision not to pursue legal action as there was no certainty that costs incurred would be justified. The investigator accepted that position and felt that further investigation was not warranted.
15. The second case involved a complaint concerning a planning issue and in particular a s106 agreement. The complaint claimed that funds earmarked for day-care services for people with disabilities had been diverted into a project which would benefit disabled people only to a limited extent. The investigator said that he had no evidence to support that contention. The investigator decided not to pursue the investigation as it was unlikely to conclude that there were reasons to be critical. The complainant is pursuing the complaint through other agencies although there is no indication that this approach will result in any action against the Council.
16. There are no issues arising from these complaints which suggest that there is a problem that the Council will need to address.

Outcome of Consultation

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