

# AUDIT COMMITTEE

## Local Government Ombudsman – Annual Review 2011/12 19 September 2012

### Report of Head of Governance

#### PURPOSE OF REPORT

The Commission for Local Government Administration has published its Annual Review Report for 2011/12. This provides an overview of the work undertaken by the Ombudsmen. The Local Government Ombudsman has also sent her Annual Review letter with the annual summary of statistics on complaints made about the authority for the year ending 31 March 2012. This report highlights particular matters in the published documents which may be of interest to Members.

**This report is public**

#### RECOMMENDATIONS

- (1) That the Ombudsman's Annual Review letter for 2011/12 be noted
- (2) The Committee is requested to consider whether any feedback should be submitted to the Ombudsman on the Annual Review letter.

#### 1.1 Background

There are currently two Local Government Ombudsmen in England who provide an accessible and responsive complaints service directly to members of the public. The complaints are examined independently and decisions made are based on impartial, rigorous and proportionate investigations. The Ombudsmen also use their knowledge of complaints to identify good practice and promote good public administration and service improvement.

#### 1.2 Key Issues in 2011/2012

The Independent Housing Ombudsman (IHO) has been established as a result of the Localism Act 2011. It will handle complaints from Local Authority tenants about their landlord from April 2013.

The LGO's jurisdiction of handling complaints from schools that was established in 2010 will end in July 2012 and the power restored to the Department of Education.

The LGO have developed a new series of *Focus Reports* as a means of Councils learning from casework in specific service areas. These support

good local public administration and service improvement by describing good practice, highlighting what can go wrong and making recommendations for improvement. The LGO have received positive feedback so far and plan to publish more during 2012/13.

In 2011/12 the Ombudsmen received a total of 20,906 complaints, a similar figure to the 20,840 received in the previous year. Planning complaints have fallen for a second year reflecting a continued trend from the previous year.

77 reports were issued on complaints about councils in 2011/12 compared with 29 the previous year. A report on a complaint is published when the LGO feels it is necessary to bring the complaint to the wider attention of the council and the public.

The LGO will from next year publish all final decisions on complaints on their website. The Annual Report and other publications can be found on the Ombudsmen's Website.

### 1.3. Complaints against Lancaster City Council

The report for Lancaster City Council appended to this report provides a summary of enquiries and complaints received by the LGO team and those forwarded to the Investigation Team for the period 01/04/2011 to 31/03/2012.

A total of 30 cases were received by the Advice Team, and 16 of these were forwarded to the investigation team. These include 8 premature complaints sent to the LGO without the council being given an opportunity to investigate, 2 resubmitted cases and 14 new cases. Premature cases can later be resubmitted to the investigation team after the council has had an opportunity to consider the complaint. Two of the eight premature complaints were resubmitted to the investigation team. The Advice Team may also forward "new" cases to the investigation team and these may include cases where the council may not have been contacted. Advice on why the LGO would not be able to investigate was given on 6 cases.

Table 1 below shows the cases received and investigated over the last three years.

<b>Year</b>	<b>2009/2010</b>	<b>2010/2011</b>	<b>2011/2012</b>
<b>Cases</b>			
Received by the Advice Team	24	28	30
Forwarded to the Investigation Team	9	16	16

**Table1**

Appendix 1 also shows a summary of the 16 decisions following the LGO Investigation Team's findings. 5 complaints were not investigated and of the 11 cases investigated; there was insufficient evidence of maladministration in 3 cases. In 4 cases there was minor or no injustice found. In the remaining 4 cases the injustice found was resolved during the enquiry. One complaint was resolved before the completion of the investigation and the other three as a

result of the investigation.

Members will note that the case resolved during investigations involved managing council tenancies and the council waived charges relating to septic tank emptying. One of the cases resolved after the enquiry was in relation to Housing Benefit and the council apologised for not treating the grievance at Stage 2 of the complaints process properly. The other two cases were about a household planning application. On these, the council was asked to apologise and provide clear policies and guidance to planning officers.

Members will also note that there was an improvement in the average number of days taken to respond to first enquiries as shown in Table 2 which was well under the required 28 calendar days set by the LGO.

<b>Response times</b>	<b>No of first enquiries</b>	<b>Average no of days to respond</b>
2011/2012	5	21.2
2010/2011	6	29.7
2009/2010	5	35.0
2008/2009	6	24.2

**Table 2**

## **2.0 Proposal Details**

- 2.1 The Committee is requested to consider whether any feedback should be submitted to the Ombudsman.

## **3.0 Consultation**

- 3.1 There has been no consultation

## **4.0 Options and Options Analysis (including risk assessment)**

- 4.1 There are no options, as the report is for noting, although it would be open to the Committee to respond to the Annual Review if it so wished.

<b>CONCLUSION OF IMPACT ASSESSMENT</b> <b>(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b>
---

None arising directly from this report.

<b>LEGAL IMPLICATIONS</b>
---------------------------

There are no direct legal implications

<b>FINANCIAL IMPLICATIONS</b>
-------------------------------

There are no direct financial implications.

**OTHER RESOURCE IMPLICATIONS****Human Resources:**

None

**Information Services:**

None

**Property:**

None

**Open Spaces:**

None

**SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and has no comments to add.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments.

**BACKGROUND PAPERS**

1. Local Government Ombudsman Annual Local Authority Report – Lancaster City C 2011/12
2. Local Government Ombudsman Annual Review Letter 2011/12

**Contact Officer:** Rosebella Kotonya

**Telephone:** 01524 58 2192

**E-mail:** rkotonya@lancaster.gov.uk

**Ref:**