

Local Government Ombudsman – Annual Review 2011/2012

Cabinet

Date: 5th September 2012

Author: Leader of the Council
Director of Law and Democratic Services

Wards: All

Locality Affected: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To enable the Cabinet to consider and to make comments on the Local Government Ombudsman's Annual Review, which provides statistics for the complaints received by the Local Government Ombudsman for the period 1st April 2011 to 31st March 2012.
- 1.2 To encourage the Council to continue to improve its performance by ensuring that where possible complaints are resolved internally before reference to the Local Government Ombudsman. However, where there is an investigation by the Local Government Ombudsman, ensure that requests for information and supporting documents are supplied as fully and as quickly as possible but within the timescale stipulated by the Ombudsman (28 days).

2. Recommendations

Cabinet is requested to: recommend that the Council

- 2.1 Welcome and note the Local Government Ombudsman's Annual Review for Swindon for the year ending 31st March 2012, which states that the Local Government Ombudsman has no concerns about the authority's response times and that there are no issues arising from the complaints that she wishes to bring to the attention of the Council;
 - 2.2 Note that the Annual Statistics indicate that the total number of enquiries and complaints received by the Local Government Ombudsman reduced slightly in the year ending 31st March 2012;
 - 2.3 Note that the average time taken by the Council to respond to the Local Government Ombudsman's initial inquiry has also reduced for the year ended 31st March 2012;
 - 2.4 Request that the Board Director, Transformation and Strategic Projects and Heads of Service take further steps to continue the trend identified in 2.2 and 2.3;
 - 2.5 Request that the Induction process for staff (both SBC and partners) should include information on the role of the Local Government Ombudsman and emphasise the importance for all staff to adhere to set procedures.
-

Further information on the subject of this report can be obtained from Sally Rhind-Tutt, 01793 463608, srhind-tutt@swindon.gov.uk.

Local Government Ombudsman – Annual Review 2011/2012

Cabinet

Date: 5th September 2012

3. Detail

- 3.1 The statistics received from the Local Government Ombudsman for 2011/2012, and the accompanying letter, are attached as Appendix 1 and 2.
- 3.2 Whilst noting the slight reduction in response times, it should be noted that there are some service areas where the response time has been well under 20 days and those areas should be thanked for their promptness. The time given by the Ombudsman for the Council to respond is 28 days.
- 3.3 Whilst there were fewer complaints investigated there was a slight increase in the number of premature complaints. The Ombudsman is required to ensure that, before investigating a complaint, it has been through the Council's internal complaints procedure (unless there are exceptional circumstances e.g. education –application for a school place)
- 3.4 In many instances where complaints are referred to the internal complaints procedure they are then then resolved at this stage without the need for the Ombudsman to investigate.
- 3.5 There has been an increase in the number of Adult Social Care complaints. This can be attributed to the fact that with effect from October 2010 the Local Government Ombudsman can investigate complaints regarding the provision of Social Care whether this is paid for privately or by the Council, and this includes care in the home or care in a privately owned care home.
- 3.6 A comparison with the previous year's statistics as well as with neighbouring authorities is attached as Appendix 3.

4. Local Government Ombudsman Seminar

- 4.1 A Seminar, to be facilitated by the Local Government Ombudsman, has been arranged to take place on 28th September 2012, to which representatives from all Directorates have been invited. The objective is to give an understanding of the role of the ombudsman as well as advice on how to deal with complaints at the initial stages and steps that could be taken to try to avoid them being escalated to the ombudsman but also once at that level how they are dealt with.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no financial implications arising from the report. However, no specific budget provision is made for compensation payments relating to findings of maladministration by the Ombudsman, hence any payments need to be absorbed within existing Directorate budgets. Penalties can be significant and it is important that all Directorates are aware of the potential implications of the findings of an Ombudsman investigation.

Local Government Ombudsman – Annual Review 2011/2012

Cabinet

Date: 5th September 2012

Legal and Human Rights Implications

- 5.2 Legal and Humans Rights implications have been taken fully into account in the preparation of this report. It is considered that the recommendations of this report are compatible with Convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are none linked to this report.

Links to One Swindon, Strategic Objectives, Plans and Policies

- 5.4 There are none linked to this report.

Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment (DIA) has not been undertaken at this stage. The procedure for dealing with Ombudsman's complaints is shortly to be the subject of a DIA.

Risk Management

- 5.6 There are none linked to this report.

6. Consultees

- 6.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None.

8. Appendices

- 8.1 Appendix 1 - Letter dated from the Local Government Ombudsman
- 8.2 Appendix 2 - Statistics for complaints provided by the local Government Ombudsman
- 8.3 Appendix 3 –Comparative Statistics

9. Key Decision/Decision in Forward Plan

- 9.1 This is a not a Key Decision and is included in the Cabinet Forward Plan for September 2012.