

Local Government Ombudsman Review 2013

Cabinet

Date: 11th September 2013

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 report the receipt of the Local Government Ombudsman's Annual Review for 2012/13 which gives the total number of complaints investigated by the Local Government Ombudsman.
- 1.2 To highlight the changes in the procedure made by the Local Government Ombudsman which were introduced in April 2013, and the transfer of Housing landlord complaints from the Local Government Ombudsman to the Housing Ombudsman.
- 1.3 Reporting that the Local Government Ombudsman has not made any findings of maladministration against the Council could be seen as contributing to increasing public engagement in public life and confidence in Councillors and the local authority. This would support the Corporate Strategy to develop a national profile in order to secure maximum benefit for Swindon.

2. Recommendations

Cabinet is requested to recommended to Council:

- 2.1 To receive and welcome the Local Government Ombudsman's Annual Review and note that there has not been any findings of maladministration against the Council during 2012/2013.
- 2.2 To request the Chief Executive, Board Directors and Heads of Service to ensure that, where possible, complaints are resolved internally before reference to the Local Government Ombudsman and that requests for information from the Local Government Ombudsman are speedily dealt with .
- 2.3 To note the changes with regard to Housing Landlord Complaints.

3. Detail

Local Government Ombudsman

- 3.1 The Local Government Ombudsman traditionally issues an Annual Letter and Report in June/July in each year. Following a restructure of the Local Government Ombudsman' Service and changes in recording and dealing with complaints, the Local Government Ombudsman has not been able to produce
-

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

Local Government Ombudsman Review 2013

Cabinet

Date: 11th September 2013

more detailed statistics this year as it has in the past. It has also moved from the production of a formal Annual Letter and Report to publishing a more general Annual Review. Normally within the report the complaints are broken down into service areas together with response times. This year's review is more general. The Review letter is attached at Appendix 1.

- 3.2 The Annual Review is published on the Local Government Ombudsman's website www.lgo.org.uk (follow the link to Councils' Performance where the previous year's figures are on display).
- 3.3 The total number of complaints received and investigated by the ombudsman during 2012/2013 was 24. Last year the total number was 25. This is 33.3% lower than the average number of complaints about a unitary authority.
- 3.4 Complaints investigated by the Local Government Ombudsman are logged on to the Council's Customer Complaints and Comments system (LAGAN) which can be accessed by other users throughout the Council.
- 3.5 The Local Government Ombudsman has included the average national statistics broken down into types of authorities which enables a comparison of total numbers of complaints for the year to be made.

District/Borough Councils-	10 complaints
Unitary Authorities-	36 complaints
Metropolitan Councils-	49 complaints
County Councils-	54 complaints
London Boroughs-	79 complaints

- 3.6 Whilst the Local Government Ombudsman has not provided more extensive statistics this year and has not identified the 24 complaints referred to above, the Council's Link Officer has collated statistics for the period from 1st April 2012 to 31st March 2013 and has identified the following:

Of the complaints

- 3.6.1 There were no cases of maladministration found involving the Council.
- 3.6.2 There were 7 cases where the Council has provided a remedy in the form of financial payment resulting in the Local Government Ombudsman discontinuing the investigation.
- 3.6.3 There were 2 cases where action taken by the Council was sufficient to enable the ombudsman to discontinue the investigation.
- 3.6.4 There were 15 cases where the Ombudsman decided that no further investigation was required.

Local Government Ombudsman Review 2013

Cabinet

Date: 11th September 2013

- 3.7 In addition there were 4 complaints that the Ombudsman referred to the Council's internal complaints procedure because the Council had not had an opportunity to deal with the complaint.
- 3.8 In April 2013, the Local Government Ombudsman changed the way in which it deals with complaints and introduced a three-stage approach.
- 3.8.1 *Intake Stage* The ombudsman may decide not to investigate or if there is sufficient information to pass it on for investigation. If the Council has not had a chance to deal with the complaint the complainant will be asked to go to the Council direct (previously such complaints would have been forwarded to the council to deal with under its complaints procedure.) There will be exceptions to this such as complaints involving School Admissions.
- 3.8.2 *Assessment Stage* It is at this stage that the Council may be approached for information which will help a decision to be made and it is crucial that the Council responds promptly. The Assessment Team will be sifting out more serious cases and passing these rapidly on to the investigation teams. Accordingly it is important that officers ensure that, where possible, complaints are resolved by this stage in the process and that requests for information from the Local Government Ombudsman are speedily dealt with.
- 3.8.3 *Investigation.* It is anticipated that only serious complaints will reach this stage. The Council is given 28 working days in which to respond with the information and documents requested and it is important that officers give priority to this.
- 3.8.4 The complaints are dealt with by the Local Government Ombudsman's generic teams with a range of skills and experience and there will also be specialist expertise available such as for Adult Social Care, Planning etc.
- 3.8.5 The Local Government Ombudsman will require the complainant to make clear:
- what they believe the service provider has done wrong,
 - the injustice they claim to have suffered as a direct result, and
 - what they are looking for to put the matter right.
- 3.8.6 The Local Government Ombudsman will apply a two stage test:
- The jurisdiction Stage (can they investigate); and
 - The discretionary Stage (should they investigate)
-

Local Government Ombudsman Review 2013

Cabinet

Date: 11th September 2013

- 3.9 Following investigation and *at the decision stage* the Local Government Ombudsman will publish a “Statement of Reason”. Neither the complainant(s) nor the officers will be named and the decision will be published on the Local Government Ombudsman’s website.

Housing Ombudsman

- 3.10 From 1st April 2013, all social housing complaints that relate to the landlord function are dealt with by the Housing Ombudsman (previously the Housing Ombudsman only dealt with complaints from Housing Association tenants). Other Housing related complaints such as housing allocations or homelessness continue to be dealt with via the existing Local Government Ombudsman procedure.
- 3.11 Before the Housing Ombudsman will consider or investigate a complaint it must have been referred to by a ‘designated person’ (MP, Councillor or recognised tenant panel), or by the tenant themselves if eight weeks have passed from the completion of the landlords internal complaint process.
- 3.12 At Swindon, a Tenants Panel has been trained to deal with landlord complaints and the complainant, if a tenant, may opt to refer their complaint to the Tenants Panel before submitting to the Housing Ombudsman. It is hoped that the complaint can be resolved at this stage without the need for the complaint to be escalated. It is expected that the Tenants Panel will be registered with the Housing Ombudsman in the near future.

4. Alternative Options

- 4.1 There are no alternative options. The Council could decide to develop a different approach to the way it responds to Ombudsman’s complaints. However, there is no evidence that this is required given the outcome of the Annual Review.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no financial implications. Where the Local Government recommends a local settlement then this will come from the appropriate service budget.

Legal and Human Rights Implications

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

Local Government Ombudsman Review 2013

Cabinet

Date: 11th September 2013

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

- 5.3 There are no other specific implications.

Diversity Impact Assessment

- 5.4 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

- 5.5 Poor performance and findings of maladministration pose a reputational risk to the Council. This is mitigated by the overall performance of the Council and the systems it operates for responding to complaints and ombudsman investigations.

6. Consultees

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

7. Background Papers

- 7.1 Local Government Ombudsman annual review

8. Appendices

- 8.1 Appendix 1 – Review Letter from the Local Government Ombudsman

9. Key Decision/

- 9.1 This is not a Key Decision and is included in the Cabinet Work Programme / Forward Plan for September 2013.