

REPORT TO CABINET (MONITORING)

Title: **LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW**

Date: 27 August 2009

Member Reporting: Councillor Burbage

Contact Officer(s): Rupert Avery, Legal Services Practice Manager
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Wards affected: All

1. SUMMARY

- 1.1 The Local Government Ombudsman (LGO) produces an Annual Review, which reports on the number, type of and outcome of complaints made against each Council per year, as well as how quickly the Council responded to the LGO when first advised of the complaint. The Annual Review for the Royal Borough is enclosed as Appendix A and is available on the LGO's website <http://www.lgo.org.uk/CouncilsPerformance>.

2. RECOMMENDATION

That the Local Government Ombudsman Annual Review for the year to 31st March 2009 be noted, including the proposed expansion of the Ombudsman's investigatory powers into complaints against Schools and in relation to private sector providers of Adult Social Care.

What will be different for residents as a result of this decision?
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This report will raise awareness of the Local Government Ombudsman and highlight the very low level of complaints against the Council which have been upheld.

3. SUPPORTING INFORMATION

3.1 Background

- 3.1.1 The Local Government Ombudsman (LGO) received 42 new complaints concerning RBWM in 2008/09 – the vast majority relating to Planning & Building Control, Housing and Education – and held preliminary investigations into 25 of these complaints during the year.
- 3.1.2 Of the 25 complaints dealt with, 5 were either outside the jurisdiction of the Ombudsman or were premature (not having gone through the Council's complaints system first); 16 were considered not to have been maladministration and/or injustice; and 4 were local settlements, where the Council had made some form of administrative error, which typically resulted in an apology, a small payment for time and trouble and/or a review of its policies or procedures, as appropriate.

- 3.1.3 An overview of the 4 local settlements is contained in the Annual Review and in all of the cases where the Council has been asked to review its policies and/or procedures, appropriate action has been taken to rectify the matter. In total, the Council had to pay £1,835 in compensation and/or payments for time and trouble, which compares to £23,375 in 2006/07 and £20,500 in 2007/08.
- 3.1.4 The Royal Borough's performance can also be compared to the other Berkshire Unitary Authorities, as follows :

Authority	Number of Complaints	Number of Local Settlements	Value of Local Settlement
Bracknell Forest	15	7	£2,400
Reading	30	9	£200
Slough	39	1 maladministration and 13 local settlements	£3,150
West Berkshire	33	3	£1,000
Wokingham	22	5	£1,250

*Please note that the value of local settlements is based on data published on the LGO Website, which does not include all settlements. For example, the published level for RBWM is £750, as opposed to the £1,835 actually paid out.

- 3.1.5 The LGO expects Councils to respond to complaints being investigated by them within an average of 28 days and reports on each Council's performance. For the second successive year, the Council has met this target, taking an average of 24.5 days to respond to a complaint.

Future Developments

- 3.1.6 There will be a number of significant developments in the extent of the LGO's powers and the way that it will publicise its work.
- 3.1.7 Currently, the only decisions which are routinely made public by the LGO, are those where there has been maladministration with injustice. Under the Local Government and Public Involvement in Health Act 2007, the LGO will be publishing reasons for all of its decisions on individual complaints, from October 2009 on its website. This will take a form of a one-page summary of the complaint, the findings and the recommended action. The Council will be named, but the complainant will not.
- 3.1.8 The LGO will become responsible for investigating complaints made against schools, if the Apprenticeships, Skills and Learning Bill 2009 is passed. The new powers will be piloted in a number of areas from September 2010, before being extended across the country from September 2011. The LGO will be organising training for Clerks and Chairs of Governors on effective complaint handling.

- 3.1.9 The LGO will also take responsibility for investigating complaints into Adult Social Care purchased by self-funded adults from 2010, should the Health Bill 2009 be approved. As 35%+ of adult social care users across the country use private sector providers, this will be an improvement in the complaints system for many residents.

4. OPTIONS AVAILABLE AND RISK ASSESSMENT

4.1 Options

	Option	Comments	Financial Implications
1.	Accept the Annual Review of the Ombudsman	This will highlight the Council's commitment to improving the way it responds to complaints from local residents.	None
2.	Do not accept the Annual Review of the Ombudsman	The LGO expects Council's to learn from past performance and rejecting this report will not demonstrate this.	None

4.2 Risk assessment

- 4.2.1 None

5. CONSULTATIONS CARRIED OUT

- 5.1.1 None

6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

- 6.1.1 The Annual Review was considered by the Corporate Services Overview and Scrutiny Panel on Tuesday 11th August. The Panel noted the report and made the following additional comments :

- 6.1.2 With regard to the school admission complaint, the Panel were informed that a new procedure for assessing applications from those parents renting properties had been introduced, following the Ombudsman's comments about the minimum length of tenancy agreement which the Council used. The Panel asked that the revised length of tenancy agreement was kept under review, to ensure that it accorded with normal practice and market conditions.

7. IMPLICATIONS

- 7.1.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
N/A	✓	✓	N/A	N/A	N/A

Background Papers: None