

OMBUDSMAN LETTER AND COMPLAINTS AND COMPLIMENTS MONITORING 2007/08

PORTFOLIO RESPONSIBILITY: CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES

CABINET

20 NOVEMBER 2008

Wards Affected

County-wide

Purpose

To inform Cabinet of the Ombudsman Annual Letter 2007/08 and the figures for complaints recorded and determined by the Local Government Ombudsman and the Complaints Panel for the year ended 31 March 2008. To update Cabinet on other governance matters relating to the Standards Committee.

Key Decision

This is not a Key Decision.

Recommendation

THAT the report be noted.

Considerations

1. The Local Government Ombudsman issues an Annual Letter for all councils reflecting on the complaints they receive against individual authorities and any recommended action. The statistics from the Herefordshire Council Annual Report by the Ombudsman for 2007/08 are appended to this report as Appendix 1.
2. The Ombudsman comments favourably on several aspects of the Council's complaints handling arrangements. Key issues from the Annual Letter are:
 - During the period 46 complaints were determined. Of these 5 complaints were referred back to the Council because they were premature, 6 were outside the Ombudsman's jurisdiction, 35 showed no or insufficient evidence of maladministration and the Ombudsman decided not to investigate a further 5 under his general discretion, mainly because complainants had not suffered significant injustice from the fault claimed.
 - One report of maladministration was issued against the Council in respect of a planning matter in 2005 /06 and is still in the course of being resolved. When the Ombudsman completes an investigation a report is issued. The Ombudsman issued one report in relation to a planning matter in that the Council failed to give adequate reasons for granting planning permission. The Ombudsman has recommended the Council carry out a 'before and after' valuation of the

Further information on the subject of this report is available from
Alan McLaughlin, Assistant Chief Executive, Legal & Democratic on (01432) 260200

complainant's property and pay him the difference as compensation for the injustice. This matter is ongoing with the Ombudsman and a further report will be presented to the Planning Committee for consideration.

- A further three complaints were resolved by Local Settlement. "Local Settlement" is where, during the course of an Ombudsman investigation, the Council agrees to take some action which is considered a satisfactory response to a complaint. The investigation is then discontinued.
 - The Ombudsman indicates that the Council's complaints procedure is well publicised in comparison with other councils, accessible and working well as the proportion of complaints treated as premature was low and well below the national average of 27%.
 - The Council has improved its performance with regard to reducing the time taken to respond to enquiries from his office from 31.8 days in 2005/06 to 23.1 in 2007/08 and the Council is now placed in the top quartile of responders of 28 days. The Ombudsman has commented on the Council's steady progress in the reduction of response times since 2005/06 and that this has greatly assisted the work of the Ombudsman.
3. The Ombudsman noted that during the period 46 complaints were received against the Council which is a slight decrease on the previous year. Planning complaints have fallen in this period from 21 in 2006/07 to 12 in 2007/08.

Herefordshire's Comments and Complaints Procedure

4. Recording of the Level I, II and III comments, complaints and compliments received within each Directorate/Department, are currently maintained by the relevant Complaints Administrator using a combination of the Customer Relationship Management (CRM) and ComTrac, the Council's computerised recording system. Reports can be produced for each respective Directorate Management Team from COMTRAC.
5. Leaflets are available at receptions, libraries and Info Shops or Points to enable the public to register their comments, complaints and compliments. This leaflet now incorporates a cut off section to enable the Council to monitor the ethnicity of complainants and report accordingly.
6. The public can also register their feedback on line by accessing the Herefordshire Council website to complete the electronic complaints form.
7. A breakdown of the informal and formal complaints received by Directorate/Department is shown in Appendix 2.

Ethnicity Monitoring

8. Diversity monitoring is included in all totals for 2007/08

Level III Complaints

9. The Complaints Panel (Level III meet to hear unresolved complaints from members of the public following review at Level I (by the local manager) and Level II (by Director). The Panel comprises the Chief Executive and two Group Leaders advised

by Legal Services. During 2007/08 it heard a total of 21 complaints. Three were partially upheld.

Directorate/ Department	No. of Complaints / Section	Outcome
Environment	12 - Planning 1 – Highways and Transportation 3 – Environment Health & Trading Standards	11 Not upheld; 1 partially upheld 1 Not upheld 3 Not upheld
Adult & Community Services	1 – Info in Herefordshire	1 Partially upheld
Children's Services	3 – Education	2 Not upheld; 1 partially upheld
Corporate and Customer Services	1 – Legal and Democratic Services	1 Not upheld

Standards Committee

10. The Standards Committee is chaired by Mr Robert Rogers, an independent member who resides within the county. The business of the Committee during 2007/08 was to conduct hearings to determine local investigations referred to the Committee by the Standards Board for England and considering matters of good governance.
11. Legislative changes in May 2008 mean the work of the Standards Committee is likely to increase due to the requirement for most complaints against Members and Parish Councillors to be dealt with by the Committee. The Committee has been required by law to arrange for part of its work to be dealt with by an Assessment Sub Committee and Review Sub Committee. This has necessitated the recruitment of additional independent members to ensure that those committees are quorate.
12. Training seminars have taken place with HALC and further seminars are planned through the year for both Members and Parish Councillors. The Committee is working closely with HALC and Parishes to ensure that its guidance to parish clerks and councillors is reviewed.
13. For the period 1st April 2007 to 31st March 2008 the Committee dealt with allegations of breach of the Code of Conduct. Four related to parish councillors, 7 to Herefordshire Council Members. All 11 referrals were determined by the Committee as not investigated. Four of these complaints were then referred by the complainant to the Standards Board for England for review. The Standards Board for England upheld the Committee's decision on all four matters.
14. Since the implementation of the local filter system in May 2008, the Committee has received allegations from May to August 2008 in relation to twelve Councillors; two in relation to Herefordshire Council Members and the remainder in respect of Parish Councillors. The Assessment Sub-Committee has during this period met on four occasions.

Financial Implications

The new arrangements for the Standards Committee will have financial implications as there are more meetings for Members to attend and fund. No central government funding has been available for the local filtering systems.

Risk Management

Officers and Members are regularly briefed by Legal Services on any changes in legislation or case law that may impact on the delivery of services or impose statutory duties on the Authority. New legislation and significant case law is monitored by Legal Services and when impact is foreseen in respect of any of the Council's Directorates, an Impact Assessment Report which can be electronically accessed through the intranet is prepared. Key Managers are advised by e-mail when new Impact Assessment Reports become available. The process of impact assessment reporting is underpinned by a programme of training rolled out to both officers and members. In the period covered by this report, there have been ten such seminars, covering Member diversity training, court room skills for officers called as witnesses, panel training in respect of school admission appeals and a variety of specialist legal topics germane to officers working in Highways and Transportation, property work and Freedom of Information issues.

Complaints of any nature either to the Ombudsman or referred to the Standards Committee can result in a risk to the Council's reputation. In the case of the Ombudsman, compensation can be recommended.

The failure of officers and/or members to register gifts or interest can have an effect on the Council's reputation. In the case of a member it could be referred and investigated by the Standards Board for England or the Standards Committee who are required to publish the results of any such investigations.

Alternative Options

There are no Alternative Options.

Consultees

None.

Appendices

Appendix 1 – The Local Government Ombudsman's statistics for the year ended 31 March 2008.

Appendix 2 – Complaints (received Informal and Formal) 2007/08

Appendix 3 – Compliments Received 2007/08

Background Papers

None identified.