
Cabinet Member (Community Safety and Equalities)

27th March 2014

Name of Cabinet Member:

Community Safety and Equalities – Councillor Townshend

Director Approving Submission of the report:

Executive Director, Resources

Ward(s) affected:

None

Title:

Reporting of Ombudsman Complaints and Reports

Is this a key decision? No

Executive Summary:

The Local Government Ombudsman (LGO) provides an independent means of redress to individuals for injustice caused by unfair treatment or service failure by a local authority and promotes good public administration and service improvement.

This report sets out proposals for reporting the number and outcome of complaints made to the LGO about Coventry City Council to elected Members.

Recommendations:

- (1) The Assistant Director for Policy, Partnership and Performance prepares an annual report to the Cabinet Member (Policy and Leadership) on the number and outcome of all complaints against the Council to the LGO, to include a copy of the LGO's annual letter to the Chief Executive on the Council's performance and a private report if required; and
- (2) The Assistant Director for Policy, Partnership and Performance prepares a 6 monthly report to the Cabinet Member (Policy and Leadership) regarding the number and outcome of complaints and actions to be taken to ensure service improvement where the LGO discontinues an investigation because the Council agrees to implement recommendations, also to include a private report if required.
- (3) Where the LGO issues a decision statement or formal report, the Assistant Director for Policy, Partnership and Performance (in conjunction with the relevant Assistant Director to whose area the complaint relates) reports to the Cabinet Member (Policy and Leadership)

the details of the complaint, the Council's actions, the LGO's recommendations and actions taken to ensure service improvement, including a private report if so required; and

- (4) The reports in recommendations 1-3 above are also made to the Audit and Procurement Committee
- (5) The arrangements for reporting and monitoring complaints to the LGO are reviewed as part of the Council's development of the Customer Journey Project.

List of Appendices included:

None

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Reporting of Ombudsman Complaints and Reports

1. The role of the Local Government Ombudsman

- 1.1 The LGO investigates complaints about local authorities in relation to the way in which it has acted and/or something it has failed to do. The LGO will not investigate complaints simply because the complainant is unhappy with the outcome of a decision. The LGO can only investigate once the complainant has exhausted the local authority's corporate complaints process.
- 1.2 On receipt of a complaint, there are a number of possible decisions the Ombudsman might reach:

Not investigated – the LGO may decide not to investigate a complaint because the law does not allow them to investigate, the law allows the LGO to investigate but only where there is an exceptional reason to do so, and the LGO decides there is no such reason, there has been no fault by the body concerned or there was fault but the effect on the complainant was not serious enough to justify an investigation.

Investigation discontinued – where an investigation is commenced, it may be discontinued where there is no fault by the local authority, if there was fault, the effect was not serious enough to justify continuing the complaint, or the local authority agreed to take action to resolve the complaint during the investigation (formerly referred to as local settlement).

Investigation Completed – where an investigation is completed, the Ombudsman will decide that there was fault by the local authority and make recommendations as to how it should be put right, there was fault by the local authority but the authority had taken action to put the matter right by the time the investigation was completed, there was fault found but this did not cause the complainant significant injustice or there was no fault found.

Report – most LGO decisions are made by way of a 'decision statement' but occasionally the Ombudsman will issue a formal report. This will happen where the local authority does not agree to the recommended remedy or of the Ombudsman considers the issue is of particular interest to the public. Where the Ombudsman intends to issue a report, it will send the local authority and the complainant a draft setting out the main facts and ask for any suggested changes or comment. Unless there are special reasons, the report will be made available to the public but names will be withheld. The report will include recommendations as to how the local authority can rectify the injustice. The LGO cannot compel a local authority to comply with its recommendations. However, local authorities almost always do comply.

1.3 Current arrangements within the Council

All LGO complaints are dealt with in the by the Policy and Performance team within the Chief Executive's directorate in liaison with the Officers within the service area to which the complaint relates. The LGO writes to the Chief Executive on an annual basis commenting on the Council's performance.

- 1.4 Historically, the details of the number and outcome of complaints have been reported as part of an annual basis to the Cabinet Member (Policy and Leadership). More recently, details of Ombudsman complaints have been included in an annual report on "Comments, Compliments and Complaints" received by the Council to the Cabinet Member (Community Safety & Equalities).

2. Options considered and recommended proposal

- 2.1 It is important that the Council continues to monitor and report on its performance in relation LGO complaints and investigations. This, together with the oversight of elected Members helps to promote good administration and service improvement. It is therefore proposed that Officers continue to report to the Cabinet Member (Policy and Leadership) on an annual basis.
- 2.2 In addition to the annual report, relevant Officers will report to the Cabinet Member (Policy and Leadership) on a 6 monthly basis the cases where the LGO has discontinued an investigation because the Council has agreed to implement recommendations to put a matter right or has issued a decision statement. Such reports will include details of the complaint, actions taken by the Council in respect of the complaint and any lessons learned/service improvements to be made to avoid a repeat of the 'injustice' found.
- 2.3 It is proposed that the most serious cases where the LGO makes an adverse finding against the Council and recommendations as to how the injustice should be put right in a formal report are reported to the Cabinet Member (Policy and Leadership) on a case by case basis. These reports will also include details of the complaint, actions taken by the Council in respect of the complaint and any lessons learned/service improvements to be made to avoid a repeat of the 'injustice' found. Reports will be public reports unless there are exceptional circumstances and a private report is necessary to protect the identity of individuals.
- 2.4 The above proposed reporting arrangements for Ombudsman complaints are reviewed as part of the developing the Customer Journey project.

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

- 4.1 The LGO usually writes to the Chief Executive in June. It is therefore proposed that the next annual report be presented to the Cabinet Member (Policy and Leadership) in August 2014. The 6th monthly report in relation to discontinued investigations will follow in February 2015. The requirement to report in relation to cases where a formal report is issued will be implemented with immediate effect.

5. Comments from Executive Director, Resources

- 5.1 Financial implications
There are no financial implications in relation to the recommendations in this report.
- 5.2 Legal implications
There are no specific legal implications arising out of the recommendations. However, as the report refers, the Council's performance is subject to external scrutiny by the LGO. The monitoring and reporting on the outcomes of LGO complaints represents good practice and promotes good governance and service improvement.

6. Other implications

None

- 6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The monitoring and reporting of all LGO complaints will contribute to the openness and transparency of the Council's decision making and commitment to continuous service improvement and equality

6.2 How is risk being managed?

The reporting and monitoring on the outcomes of LGO complaints will help reduce the risk of LGO upholding complaints against the Council and findings of fault which have caused injustice.

6.3 What is the impact on the organisation?

As set out in 6.1 above.

6.4 Equalities / EIA

As set out in 6.1 above.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

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Appendices