



ARTICLE NO: 3B

**CORPORATE AND ENVIRONMENTAL
OVERVIEW AND SCRUTINY
COMMITTEE**

**MEMBERS UPDATE - 2013/2014
ISSUE: 2**

Article of: Borough Solicitor

Relevant Managing Director: Managing Director (People and Places)

**Contact for further information: Mr M Jones(Extn. 5025)
(E-mail: mathew.jones@westlancs.gov.uk)**

SUBJECT: LOCAL GOVERNMENT OMBUDSMAN –STATISTICS 2012/13

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

- 1.1 To inform Members of the Council's performance in respect of the Local Government Ombudsman statistics 2012/13.

2.0 BACKGROUND

- 2.1 The Local Government Ombudsman (LGO) produces annual reports giving information concerning complaints made against individual authorities during the preceding year. For the year ending 31 March 2013 the LGO has chosen only to present to each authority the total number of complaints received rather than the detailed breakdown given in previous years. The LGO has explained that the reason for this change is because it has reviewed its business processes during the course of 2012/13 and therefore is unable to provide authorities with a consistent set of data for the entire year.
- 2.2 In early 2013 the LGO introduced a new assessment code to assist in determining the circumstances in which complaints will be investigated. The LGO's Assessment Code is attached at **Appendix 1**.
- 2.3 The LGO applies the Assessment Code in two stages. Stage one, the "jurisdictional stage" looks at the restrictions on the type of complaints that the LGO can consider. For instance local complaints procedures should normally have been exhausted before the LGO will investigate and complaints must normally be made within 12 months of the events complained of.
- 2.4 Stage two, "the discretionary stage" deals with the choices that the LGO can make about which complaints to investigate. During this stage the LGO considers issues such as the level of injustice the complainant claims to have been caused, the scale and nature of

the fault alleged and the public interest arising from an investigation of the individual case.

- 2.5 Authorities are often approached for information to assist the LGO in reaching a decision whether to investigate individual complaints..
- 2.6 From 1 April 2013, under changes brought about by the Localism Act 2011, complaints from Council tenants about housing management, repairs, leaseholds, transfers and mutual exchanges are to be considered by the Housing Ombudsman Service rather than the LGO. However, the LGO will continue to investigate complaints made by Council tenants in relation to allocations, homelessness and anti-social behaviour (except in certain circumstances). Ordinarily, a complaint by a tenant to the Housing Ombudsman Service should be made through a “designated person” defined as an MP, a local housing authority member or a designated tenant panel. To date no complaints have been received by the Housing Ombudsman Service. However, the Council is currently assisting the Housing Ombudsman Service in relation to an enquiry made by a tenant concerning sheltered housing.
- 2.7 Complaints received by the Housing Ombudsman Service and LGO for the period 1 April 2013 to 31 March 2014 will form the basis of a further report to the Corporate Overview and Scrutiny Committee in Summer 2014. The Council’s response to enquiries and complaints received from the LGO and the Housing Ombudsman Service during this period will continue to be co-ordinated by the Legal and Member Services Manager

3.0 PERFORMANCE IN 2012/13

- 3.1 The LGO has advised that during 2012/13 it received 13 complaints about the Council. By way of comparison the average number of complaints received by County Councils is 54 and for Borough Councils the average is 10. However, it should be noted that of the 13 complaints received, 9 did not warrant investigation. In relation to the remaining 4 matters the LGO found no evidence of fault in 3 cases and in the other case discontinued its investigation after the Council agreed to compensate the complainant for damage caused to the complainant’s property following an electrical rewire.
- 3.2 Whilst the LGO no longer provides a detailed breakdown of complaints received I have prepared a table at **Appendix 2**, using information taken from Council records, to give anonymised details of the complaints received. The table provides details of the service area each complaint relates to, together with a summary of the complaint and the LGO’s finding.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 4.1 There are no significant sustainability impacts associated with this article and, in particular, no significant impact on crime and disorder. This article has no significant links with the Sustainable Community Strategy.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 5.1 Investigating and co-ordinating responses to enquires and complaints made by the LGO and Housing Ombudsman Service takes up a significant amount of officer time. Given the importance to the Council in satisfactorily resolving enquiries and complaints brought by its customers and service users this work stream will continue to receive a high priority.

6.0 RISK ASSESSMENT

6.1 This article is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this article.

Background Documents

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this Article.

Equality Impact Assessment

This article is for information only and does not have any direct impact on members of the public, employees, elected members and/or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix 1: The LGO's Assessment Code

Appendix 2: Table of complaints received 2012/13