

## **Standards Committee**

- To:** Mrs Bainton (Independent Member, in the Chair)  
Councillors Horton (Vice-Chair), I Waudby, Hudson and Taylor (CYC Members)  
Mr Dixon, Mr Hall and Mr Wilson (Independent Members)  
Councillors Crawford, Mellors and Forster (Parish Council Members)
- Date:** Friday, 18 July 2008
- Time:** 3.00 pm
- Venue:** The Guildhall, York

### **AGENDA**

- 1. Declarations of Interest**  
At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.
- 2. Minutes** (Pages 3 - 6)  
To approve and sign the minutes of the meeting of the Standards Committee held on 14 March 2008.
- 3. Public Participation**  
At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Standards Committee, may do so. The deadline for registering is **5:00 pm on Thursday, 17 July 2008.**

**4. The Local Assessment of Complaints (Pages 7 - 24)  
Against Members - The Establishment of  
Sub-Committees and Processes**

This report seeks to put in place the elements necessary for a local system for the assessment of complaints against Members, pursuant to the recently enacted regulations and published guidance, including a structure of sub-committees that will undertake the various decisions required and a Monitoring Officer (MO) protocol, to add clarity to the respective roles of the MO and the Standards Committee.

**5. Local Government Ombudsman's Annual  
Letter 2007/08 (Pages 25 -  
36)**

This report draws Members' attention to the contents of the Local Government Ombudsman's Annual Letter for the year 2007/08, which was received by the Chief Executive in June 2008.

**6. Work Plan**

To consider drawing up a work plan for the Standards Committee for the 2008/09 Municipal Year.

**7. Any other business which the Chair decides is  
urgent under the Local Government Act 1972.**

Democracy Officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 551027
- E-mail – [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

## About City of York Council Meetings

### Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোঅবী সারবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

*Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550*

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

*Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550*

### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

### **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

---

|               |  |
|---------------|--|
| MEETING       | STANDARDS COMMITTEE  |
| DATE          | 14 MARCH 2008  |
| PRESENT       | MRS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR), KIRK, HORTON (VICE-CHAIR), HUDSON AND CRAWFORD (PARISH COUNCIL MEMBER) |
| IN ATTENDANCE | COUNCILLOR MELLORS (PARISH COUNCIL SUBSTITUTE MEMBER)  |

---

**PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS****31. DECLARATIONS OF INTEREST**

Members were invited to declare at this point any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

**32. MINUTES**

RESOLVED: That the minutes of the Standards Committee meeting held on 25 January 2008 be approved and signed by the Chair as a correct record.

**33. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

**34. REVIEW OF WORK PLAN**

Members reviewed the latest version of their work plan for the 2007/08 Municipal Year. They noted that there were no further meetings of the Committee scheduled for the current Municipal Year but that arrangements would need to be made to short list and interview applicants for independent membership of the Committee (Minute 36 refers).

**35. THE ANNUAL REPORT OF THE STANDARDS COMMITTEE**

Members considered a report which presented a review of the work carried out by the Standards Committee during the Municipal Year 2007/08.

The report detailed the meetings, membership and work programme of the Committee over the past year and highlighted the changes due to take place from 1 April 2008 as a result of the Local Government and Public

Involvement in Health Act 2007. It outlined the results of the Ethical Governance Audit, the outcome of complaints received by the Monitoring Officer and the Committee's first application to grant a dispensation. It was noted that there had been only one complaint received against a member of City of York Council, compared to five in the previous year.

It was suggested that the Chair of the Standards Committee should attend Council to present the Annual Report, although previous practice had been for the Vice-Chair, who was a Member of Council, to perform this role. The Monitoring Officer agreed to look into the procedures to facilitate this.<sup>1</sup>

RESOLVED: That the contents of the report be approved and that the report be submitted to Council for consideration.<sup>2</sup>

REASON: To fulfil the constitutional requirement for an annual report to Council from the Standards Committee.

Action Required

1. Check on procedures to enable Chair to present report at Council. GR
2. Include Annual Report on agenda for Council meeting on 10 April. GR

**36. STANDARDS COMMITTEE - CONSTITUTIONAL CHANGES**

*[See also under Part B minutes]*

Members considered a report which asked them to recommend to Council certain changes to the constitution and composition of the Standards Committee, in order to meet the provisions of the Local Government and Public Involvement in Health Act 2007 (the Act) and associated requirements.

As reported at the last meeting, the provisions requiring the Committee to undertake the role of carrying out initial assessments of complaints were expected to come into effect from 1 April 2008. To enable it to perform this role, it was proposed to increase the size of the Committee to 11, comprising 4 City councillors, 4 independent members and 3 parish councillors. An advertisement had been placed in the local press for independent members but to date only one response had been received. It was suggested that the deadline for applications be extended, pending a targeted 'recruitment' process focused upon groups such as the local magistracy, church organisations and York CVS. With regard to parish councillor members, it was proposed that Cllr Mellors, the current substitute, be appointed to full membership. A further nomination had been sought from the Yorkshire Local Councils Association but this had not yet been received.

Further changes were required to enable the Committee to set up sub-committees in order to carry out assessments, re-assessments and hearings under the Act. It was also proposed to amend the terms of

reference to give effect to the Ethical Governance Audit's recommendation that the Committee be given an oversight role in respect of complaints handling and Ombudsman investigations. Finally, it was suggested that the Council's Members' Allowances Scheme be revised to enable a Member suspended from office to continue to receive an allowance during the period of suspension. Details of the amendments to the Constitution required to give effect to these changes were set out in Annexes A and B to the report.

RESOLVED: (i) That the contents of the report be agreed.

(ii) That the process of selecting applicants for the role of Independent Members be extended to enable further applications to be sought by targeting local organisations, and that a decision on arrangements to interview the applicants be postponed pending receipt of further applications.<sup>1</sup>

REASON: In order to determine the nominations for independent membership of the Standards Committee, once sufficient applications have been received.

Action Required

1. Approach local organisations to encourage applications for independent membership. GR

**PART B - MATTERS REFERRED TO COUNCIL**

**37. STANDARDS COMMITTEE - CONSTITUTIONAL CHANGES**

*[See also under Part A minutes]*

Members considered a report which asked them to recommend to Council certain changes to the constitution and composition of the Standards Committee, in order to meet the provisions of the Local Government and Public Involvement in Health Act 2007 (the Act) and associated requirements.

As reported at the last meeting, the provisions requiring the Committee to undertake the role of carrying out initial assessments of complaints were expected to come into effect from 1 April 2008. To enable it to perform this role, it was proposed to increase the size of the Committee to 11, comprising 4 City councillors, 4 independent members and 3 parish councillors. An advertisement had been placed in the local press for independent members but to date only one response had been received. It was suggested that the deadline for applications be extended, pending a targeted 'recruitment' process focused upon groups such as the local magistracy, church organisations and York CVS. With regard to parish councillor members, it was proposed that Cllr Mellors, the current substitute, be appointed to full membership. A further nomination had

been sought from the Yorkshire Local Councils Association but this had not yet been received.

Further changes were required to enable the Committee to set up sub-committees in order to carry out assessments, re-assessments and hearings under the Act. It was also proposed to amend the terms of reference to give effect to the Ethical Governance Audit's recommendation that the Committee be given an oversight role in respect of complaints handling and Ombudsman investigations. Finally, it was suggested that the Council's Members' Allowances Scheme be revised to enable payment of allowances to be withdrawn from a member suspended from office due to failure to comply with the Code of Conduct. Details of the amendments to the Constitution required to give effect to these changes were set out in Annexes A and B to the report.

- RECOMMENDED:
- (i) That Councillor Brian Mellors (substitute Parish Representative) be made a full member of the Standards Committee, together with the representative selected by the Yorkshire Local Councils Association.
  - (ii) That Council seek a nomination from the Green Party Group for membership of the Standards Committee.
  - (iii) That Council adopt the revised Article 8 of the Constitution, as set out at Annex A to these minutes.
  - (iv) That Council adopt the revised functions of the Standards Committee as set out at Annex B.
  - (v) That provision be included in the Members' Allowances Scheme to withdraw members' allowances during the period a Member is suspended from office as a result of the finding of the Adjudication Panel for England or the Standards Committee that the Member had failed to comply with the Members' Code of Conduct.

REASON: To enable the Standards Committee to comply with the provisions of the Local Government and Public Involvement in Health Act 2007 and to give effect to the recommendations of the Ethical Governance Audit and the Monitoring Officer.

Action Required

1. Refer Part B minute to Council.

GR

C Bainton, Chair

[The meeting started at 3.00 pm and finished at 3.25 pm].





---

## **Standards Committee – 8 July 2008**

### **Report of The Head of Civic, Democratic & Legal Services**

#### **The Local Assessment of Complaints Against Members**

#### **The Establishment of Sub-Committees and Processes**

### **Summary**

1. This report seeks to put in place the elements necessary for a local system for the assessment of complaints against members pursuant to the recently enacted regulations and published guidance. This includes a structure of sub-committees that will undertake the various decisions required by the new process, and a Monitoring Officer, (MO), protocol to add clarity to the respective roles of the MO and the Standards Committee.

### **Background**

2. The Standards Committee (England) Regulations 2008 came into force on 8<sup>th</sup> May 2008. Under those regulations local Standards Committees are now responsible for the local assessment of Standards complaints.
3. As from 8<sup>th</sup> May all complaints which relate to breaches of the Code of Conduct by elected and co-opted members of the City Council and parish councillors will be referred, in the first instance, to an Assessment Sub-Committee of the Standards Committee which will decide whether or not the complaint should be investigated, or some other form of action taken.
4. The Standards Board have issued guidance that complaints should be referred to the Assessment Sub-Committee and for them to have completed their initial assessment, on average, within 20 days of the complaint being received by the council. This is a very short timescale in which to arrange a meeting and it will be essential for members of the Standards Committee to respond, without delay, to enquiries about availability by those officers charged with arranging the meeting.
5. If the Assessment Sub-Committee decides that no action should be taken on the complaint, the complainant has a right to request a review of that decision. The request must be made by the complainant within 30 days of being notified of the decision. The review will then be conducted by a Review Sub-Committee

whose members must be different from those who conducted the initial assessment. The review must be held within 3 months.

6. If the Assessment Sub-Committee concludes that the matter should be referred for investigation, the Monitoring Officer will arrange for this to take place and for a report to be brought back to the sub-committee, (if possible comprising the same members who heard the initial assessment), in due course which will decide whether the matter will be referred to a 'Hearing Sub-Committee' for a hearing.
7. The Hearing Sub-Committee will undertake hearings to determine whether or not, on the evidence, a breach has occurred. If a breach is found the sub-committee will decide the sanction or may refer the case to the APE where it considers that its own powers of sanction are insufficient for the breach in question. Where possible, we would
8. Each of the sub-committee meetings must be chaired by an independent member and include elected member of the City Council. A parish representative is required if the matter relates to a parish councillor. The quorum for each of the sub-committees is three and it is envisaged that this will usually be the number of members sitting in any particular case.
9. In order to facilitate the potentially difficult task of arranging these committees at short notice, I am recommending that each sub-committee comprise all members of the Standards Committee. This technical arrangement will permit greater flexibility in the arrangement of sub-committees and hearings particularly in light of the restrictions on which members may take part in the different stages of the progress of each complaint. In operational terms the entire membership of the Standards Committee will form a panel from which members will be selected to hear matters in any one of the three stages depending upon their prior involvement with the case and their availability.
10. The usual rules of publicity for meetings do not apply to the Assessment and Review Sub-Committees. Instead, after an initial Assessment Sub-Committee, a written summary must be produced. This will include the name of the member subject to the complaint unless disclosure is not in the public interest or would prejudice the investigation.

### **Written Allegations**

11. Standards Committees are required to publish details of the address to which written allegations should be sent. We have already published these details on the Council's website together with a pro-forma complaint form.
12. The regulations also impose certain obligations on the authority to ensure that the process is advertised on an ongoing basis to ensure that the public is kept informed of its right to complain and how to avail itself of this right.

### **Notifying the subject member of the complaint**

13. Whilst the duty to give the member a written summary of the complaint rests with the Standards Committee this does not prevent the Monitoring Officer informing the member concerned at an early stage, unless to do so would be contrary to public interest or might prejudice any subsequent investigation. I would suggest that, in most cases, it will be appropriate for the MO to inform the subject member of the existence of the complaint and provide a written summary, at the same time they acknowledge receipt of the complaint from the complainant. Whilst this is not a legal requirement, I would suggest that fairness would usually dictate that a subject member is informed of the existence of a complaint. Additionally there is nothing preventing the complainant from publicising the existence of the complaint and confidence in the system may be undermined if subject members were to learn about complaints through the press.
14. There may be exceptional cases where it is thought that there is a danger the subject member might interfere with evidence or intimidate witnesses. Where this is thought to be a possibility the Standards Committee may choose not to disclose the existence of the complaint even after it has referred a matter for investigation. This is likely occur only very rarely and the circumstances would have to be kept under review to ensure that the subject member was informed as soon as possible.

### **Local Resolution of Complaints**

15. Local Investigations and hearings are expensive and time consuming and, as such, if a resolution may be achieved without resort to investigation then this may be a desirable outcome. The regulations provide that the Assessment Sub-Committee may direct alternative action such as training or mediation. However, in certain cases, the opportunity of resolution may present itself earlier in the process, through mediation by the MO before the matter has been referred to the Assessment Sub-Committee, for example the subject member may be prepared to offer an apology which the complainant is happy to accept. In order to ensure that the MO is acting in accordance with the wishes of the Standards Committee I recommend that a MO protocol covering this issue is adopted and I attach a suggested model at Appendix 4.

### **The Assessment Sub-Committee**

16. The Assessment Sub-Committee, in considering the complaint will need to decide whether: -
  - a) to take no action;
  - b) to refer the complaint to the Standards Board (if they believe it cannot be dealt with locally because of the seniority of the member, conflict of interest, the seriousness of the complaint, etc.). The Standards Board can decline to accept the referral and will give reasons why they have reached that decision.
  - c) refer the complaint to the Monitoring Officer.

17. If they decide to refer a case to the Monitoring Officer it can be either: -
- (a) for the Monitoring Officer to arrange for an investigation to be conducted or;
  - (b) for the Monitoring Officer to take some other form of action – this could include training, conciliation, etc. The Monitoring Officer must be consulted before this option is pursued.
18. The Monitoring Officer can refer a case back to the Standards Committee if the matter is more or less serious than originally thought or it is no longer in the public interest to pursue the matter because the member has died, is seriously ill or has resigned.
19. Where a matter is referred to a Monitoring Officer for alternative action, the Monitoring Officer must report back to the Standards Committee within three months on the action taken. If the Standards Committee is not satisfied with the action taken it can make a further direction to the Monitoring Officer<sup>1</sup>.

#### **The Review Sub-Committee**

20. If the Assessment Sub-Committee resolves to take no action, then the complainant can request a review within 30 days of being notified of the decision. This must be heard by different members to those who conducted the initial assessment. The review must be conducted within 3 months although the Standards Board recommend that it should be completed within 20 days.
21. There is no right to request a review where the Assessment Sub-Committee resolves to take action other than investigation.

#### **Assessment Criteria**

22. The Standards Board recommend that Standards Committees set out assessment criteria to determine whether they will investigate a complaint or direct that some form of alternative action be taken. Suggested criteria for adoption by the Standards Committee are annexed at Appendix 2.

#### **Consideration of Reports by Standards Committee**

23. The Standards Committee must meet, following the completion of an investigation, to decide: -
- a) If it accepts the finding in the report that there has been no breach of the Code – a finding of Acceptance; or
  - b) that the matter should be considered at a hearing of the Standards Committee; or

---

<sup>1</sup> Reg 13(5) Standards Committee (England) Regulations 2008

- c) that the matter should be referred to the Adjudication Panel for determination – if the matter is serious and the sanctions available to the Standards Committee are unlikely to be sufficient.
24. This is an additional step in the process prior to the hearing itself and could be conducted by a sub-committee rather than the whole of the Committee.

### **Hearings by Standards Committee**

25. Hearings must be conducted within 3 months of completion of the investigating officers report either conducted locally or by an Ethical Standards Officer.
26. The hearing can be conducted by a sub-committee rather than the whole of the Standards Committee. The Standards Board have advised that there is no difficulty in the same members participating in the initial assessment and the hearing or in the review and the hearing (but not in both the initial assessment and review). However, I would recommend that, where possible, we seek to avoid the same members sitting on the matter in both assessment and hearing stage.
27. The procedure for conducting hearings is largely unchanged with the exception that the maximum sanction available to the Standards Committee has increased from 3 to 6 months suspension.

### **Actions Required by the Standards Committee**

28. The Standards Committee are required to take the following actions: -
- a) To establish Assessment and Review Sub-Committees
  - b) To determine assessment criteria; and
  - c) To decide if it wishes to establish sub-committees to receive Investigating Officers reports and to conduct hearings. If the volume of such investigations is relatively low it would be feasible for the whole committee to meet to receive the report and to resolve at that meeting to establish a sub-committee to conduct the hearing into the matter. It is suggested that we proceed on that basis at the present time and that the position be reviewed should the number of investigations significantly increase.
29. In the case of the Assessment and Review Sub-Committees, the most practical way to proceed is for the sub-committees to be drawn from a panel, effectively a sub-committee, comprising all the members of the Standards Committee with a proviso that no member shall participate in a Review Sub-Committee where they have participated in the initial assessment of the complaint. Regarding the hearings Sub-Committee, in the interests of consistency, I recommend that the same approach be adopted.

## Implications

30.

|                 |   |
|-----------------|---|
| Legal           | <p>The Local Government and Public Involvement in Health Act 2007 introduced a new system for dealing with complaints against members of local authorities and parish councils, which became operative from 8 May 2008.</p> <p>Regulations issued pursuant to the act impose certain requirements on local authorities for the implementation of this system including the requirement that sub-committees be established for the purpose of dealing with the initial assessment of complaints and the review of these assessment decisions where requested.</p> <p>Quentin Baker<br/>quentin.baker@york.gov.uk</p>   |
| Financial       | <p>Administering the new system is likely to give rise to an additional resource requirement both in officer time and in direct financial resource. The size of the Standards Committee has been increased in order to be able to undertake its new roles and it is envisaged that there will be an increase in the number of times the committee or its sub-committees will be required to meet. This will lead to an increase in Democracy officer and Monitoring Officer time to support these additional committees.</p> <p>It is widely predicted that, at least in the short term that the new system will lead to an increase in the numbers of investigations into allegations. This will lead to an increase in financial resource being expended to fund these investigations.</p> <p>In recognition of the increased resource requirement likely to arise from the new system, the central grant was increased by £4500 for 2008-09. However, this additional funding has not been allocated to the Monitoring Officer and, as a consequence, unbudgeted expenditure may occur during this financial year.</p> |
| Human Resources | <p>There are no human resource implications arising from these recommendations.</p>   |

## Recommendations

31. I hereby recommend that: -

- a) **the Standards Committee establish an Assessment Sub-Committee comprising all members of the Standards Committee in accordance with the terms of reference set out in Appendix 1 attached;**

- b) the Standards Committee establish a Review Sub-Committee to comprising all members of the Standards Committee PROVIDED THAT no member shall be selected to participate in a Review Sub-Committee where they have participated in the initial assessment of the complaint subject to review. The terms of reference of the Review Sub-Committee be as set out in Appendix 3 attached;**
- c) a the Standards Committee establish a Hearings Sub-Committee comprising all members of the Standards Committee in accordance with the terms of reference set out in Appendix 4 attached**
- d) the Standards Committee adopt the assessment criteria set out in Appendix 2;**
- e) the Monitoring Officer be given delegated authority to notify Members the subject of an allegation of the complaint as soon as practicable after receipt unless, in their opinion, it would be contrary to public interest or might prejudice the proper investigation of the complaint;**
- f) the Democratic Services Manager be given delegated authority to constitute and convene meetings of the Assessment Sub-Committee, Review Sub-Committee and Hearings Sub-Committee;**
- g) the Standards Committee adopt the Monitoring Officer protocol at appendix 5 and this to be recommended for formal adoption at the next meeting of full council; and**
- h) the Monitoring Officer, in consultation with the Chairman of the Standards Committee arrange appropriate publicity for the new arrangements in accordance with the regulations and guidance.**

**Contact Details**

32.

**Author:**

**Chief Officer Responsible for the report:**

**Quentin Baker**  
**Head of Civic Legal and Democratic Services**

**Dept Name**  
Tel No.01904 551004

*Co-Author's Name*  
*Title*

*Dept Name*  
*Tel No.*

**Quentin Baker**  
**Head of Civic, Legal and Democratic Services**

**Report Approved**  *tick* **Date** *Insert Date*

*Chief Officer's name*  
*Title*

**Report Approved**  *tick* **Date** *Insert Date*

**Specialist Implications Officer(s)** *List information for all*  
*Implication ie Financial* *Implication ie Legal*  
*Name* *Name: Quentin Baker*  
*Title* *Title*  
*Tel No.* *Tel No.*

**Wards Affected:** *List wards or tick box to indicate all*

**All**  *tick*

**For further information please contact the author of the report**

**Background Papers:**

Standards Board for England – Guidance on Local Assessment

**Appendices:**

Appendix 1:- Terms of reference for the Assessment Sub-Committee

Appendix 2:- Assessment Criteria

Appendix 3:- Terms of Reference for the Review Sub Committee

Appendix 4:- Terms of reference for the Hearings Sub-Committee

Appendix 5:- Monitoring Officer Protocol for Handling Complaints



**ASSESSMENT SUB-COMMITTEE**

**1 Composition**

- 1.1 The Assessment Sub-Committee shall comprise all members, for the time being, of the Standards Committee. These members shall, in effect, form a panel from which members will be drawn to populate the sub-committee as require

**2 Quorum**

- 2.1 The quorum shall be 3 of which at least 1 must be a Co-opted Independent Member and at least one a CYC member. Where the complaint in hand concerns the conduct of a person acting in their capacity as a parish council member, the quorum must include a parish council representative

**3 Chair**

- 3.1 The meetings of the Assessment Sub-Committee shall be chaired by an independent Co-opted Member

**4 Terms of Reference**

- 4.1 To consider allegations that a member of CYC, or any parish within the administrative area of CYC, has failed to comply with the Code of Conduct.
- 4.2 On receipt of each allegation and any accompanying report by the Monitoring Officer, the Assessment Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:-
- 4.2.1 Refer the allegation to the Monitoring Officer, with an instruction that s/he arrange a formal investigation of the allegation; or
- 4.2.2 Refer the matter to the Monitoring Officer directing that s/he arrange training, conciliation or such other appropriate alternative steps as permitted by the Regulations; or
- 4.2.3 Refer to the allegation to the Standards Board for England; or
- 4.2.4 Decide that no action should be taken in respect of the allegation; or
- 4.2.5 Where the allegation is in respect of someone who is no longer a member of CYC or one of its parishes, but is a member of another relevant authority, refer the allegation to the Monitoring Officer of that other authority.

- 4.3 Upon completion of an investigation of a complaint, the Assessment Sub Committee shall be responsible for determining whether:-
- 4.3.1 It accepts the Investigating Officer's finding of no failure to observe the Code of Conduct;
  - 4.3.2 The matter should be referred for consideration at a hearing before the Hearings Sub-Committee; or
  - 4.3.3 The matter should be referred to the Adjudication Panel for determination.
- 4.4 Where the Assessment Sub-Committee resolves to do any of the actions set out in para 5 or 6 above, the Sub-Committee shall state its reasons for that decision.

## **5. Frequency of Meetings**

- 5.1 The Assessment Sub-Committee shall meet as and when required

---

## **Appendix 2**

### **Assessment Criteria**

#### **1. Background and Context**

- 1.1 Irrelevant Complaints: It is likely that complaints will be received which do not relate to the Code of Conduct for members. Such complaints might include complaints relating to the provision of services by the Council or the manner in which matters have been dealt with by the Council which should properly be dealt with through the Council's Corporate Complaints Procedure. They may be matters relating to other authorities or matters relating to a members private life which do not therefore fall within the remit of the Standards Committee.
- 1.2 Such complaints will not be referred to the Assessment Sub-Committee but will instead be dealt with by the Monitoring Officer who, if appropriate, will refer it to the appropriate avenue for further consideration.

#### **2. Local Resolution**

- 2.1 The Standards Committee is acutely aware that investigations are costly and time consuming. Moreover complaints can often be dealt with more effectively if an early resolution of the matter can be achieved.
- 2.2 The Standards Committee would therefore encourage complainants to explore whether the matter can be resolved locally prior to a formal written complaint being made to the Standards Committee. The complaint form has accordingly been structured in such a way as to encourage early resolution of Standards complaints wherever possible.

### **3. Initial Tests**

- 3.1 Before the assessment of a complaint begins, the Assessment Sub-Committee should be satisfied that the complaint meets the following tests: -
  - 3.1.1 Is the complaint about the conduct of a member?  
*(The complaint must relate to one or more named elected or co-opted members of the district or parish councils covered by the Standards Committee i.e. within the district of Newark and Sherwood)*
  - 3.1.1 Was the named member in office at the time the alleged misconduct took place?
  - 3.1.2 Was the Code of Conduct in force at the time the alleged misconduct took place?
  - 3.1.3 If the complaint is proven, would there be a breach of the Code under which the member was operating at the time of the alleged misconduct?
- 3.2 If the complaint fails one or more of these tests it cannot be investigated and no further action will be taken.

### **4. Sufficiency of Information**

- 4.1 The complainant must provide sufficient information to enable the Assessment Sub-Committee to conclude that there is prima facie evidence of a breach of the Code of Conduct. If insufficient information is available, the Assessment Sub-Committee will not normally refer the complaint for investigation or other action.

### **5. Seriousness of the Complaint**

- 5.1 The Assessment Sub-Committee will not normally refer a matter for investigation or other action where the complaint appears to be trivial, vexatious, malicious, politically motivated or tit for tat.

### **6. Length of Time Which Has Elapsed**

6.1 The Assessment Sub-Committee will have regard to the length of time which has elapsed since the events the subject of the complaint occurred. It will not normally investigate or pursue other action where the events took place more than 6 months prior to the complaint being submitted other than in exceptional circumstances (for example, where the conduct relates to a pattern of behaviour which has recently been repeated).

## **7. Public Interest**

7.1 The Assessment Sub-Committee will determine whether the public interest would be served by referring complaint for investigation or other action. They may consider that the public interest would not be served where a member has died, resigned or is seriously ill. Similarly if a member has offered an apology or other remedial action they may decide that no further action should be taken.

7.2 Similarly, if the complaint has already been the subject of an investigation or other action relating to the Code of Conduct or the subject of an investigation by other regulatory authorities, it is unlikely that it will be referred for investigation or other action unless it is evident that the public interest will be served by further action being taken.

## **8. Anonymous Complaints**

8.1 Anonymous complaints will not normally be entertained unless there is additional documentary evidence to support the complaint.

## **9. Multiple Complaints**

9.1 It is not uncommon that one event may give rise to similar complaints from a number of different complainants. Whenever possible these complaints will be considered at the same meeting of the Assessment Sub-Committee. However each complaint will be separately considered.

## **10. Confidentiality**

10.1 As a matter of fairness and natural justice, a member should usually be told who has complained about them. There may be occasions where the complainant requests that their identity is withheld. Such a request should only be granted in circumstances that the Assessment Committee consider to be exceptional, for example: -

10.1.1 the complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed

10.1.2 the complainant is an officer who works closely with the member and they are afraid of the consequences to their employment if their identity is disclosed

- 10.1.3 the complainant suffers from a serious health condition which might be adversely affected if their identity is disclosed. The Assessment Sub-Committee may wish to request medical evidence.

## **11. Withdrawing Complaints**

- 11.1 A complainant may ask to withdraw their complaint before the Assessment Sub-Committee has made a decision on it. The Sub-Committee will have to decide whether to grant the request.

For example, the Sub-Committee may consider the following:-

- 11.1.1 Does the public interest in taking some action outweigh complainants request to withdraw the complaint?
- 11.1.2 Could action, such as an investigation, be carried out without the complainants participation?
- 11.1.3 Is there a reason why the complainant has been asked to withdraw the complaint? (For example, have they been pressurised by member against whom the allegation has been made?)

---

## **APPENDIX 3**

### **Review Sub-Committee**

#### **1 Composition**

- 1.1 The Review Sub-Committee shall comprise all members, for the time being, of the Standards Committee. These members shall, in effect, form a panel from which members will be drawn to populate the sub-committee as required.

#### **2 Exclusions from Sitting**

- 2.1 No member shall sit on the review Sub-Committee when it is reviewing a complaint for which the member conducted the initial assessment.

#### **3. Quorum**

- 3.1 The quorum shall be 3 of which at least 1 must be a Co-opted Independent Member and at least one a CYC member. Where the complaint in hand concerns the conduct of a person acting in their capacity as a parish council member, the quorum must include a parish council representative.

#### **4. Chair**

- 4.1 The meetings of the Review Sub-Committee shall be chaired by an independent Co-opted Member.

## **5. Terms of Reference**

- 5.1 To review the decision of the Assessment Sub Committee to take no action in respect of a complaint and to do one of the following:-
- 5.1.1 Refer the allegation to the Monitoring Officer, with an instruction that s/he arrange a formal investigation of the allegation; or
  - 5.1.2 Refer the matter to the Monitoring Officer directing that s/he arrange training, conciliation or such other appropriate alternative steps as permitted by the Regulations; or
  - 5.1.3 Refer the allegation to the Standards Board for England; or
  - 5.1.4 Decide that no action should be taken in respect of the allegation; or
  - 5.1.5 Where the allegation is in respect of someone who is no longer a member of CYC or one of its parishes, but is a member of another relevant authority, refer the allegation to the Monitoring Officer of that other authority.
- 5.2 Where the Review Sub-Committee resolves to do any of the above it shall give reasons for its decision.

## **6. Frequency of Meetings**

- 6.1 The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Assessment Sub-Committee within 3 months of the receipt of a request for such a review from the person who made the allegation.

---

## **Appendix 4**

### **Hearings Sub-Committee**

#### **1. Composition**

- 1.1 The Hearings Sub-Committee shall comprise all members, for the time being, of the Standards Committee. These members shall, in effect, form a panel from which members will be drawn to populate the sub-committee as required.

#### **2. Quorum**

- 2.1 The quorum shall be 3 of which at least 1 must be a Co-opted Independent Member and at least one a CYC member. Where the complaint in hand concerns the conduct of a person acting in their capacity as a parish council member, the quorum must include a parish council representative.

### **3. Chair**

- 4.2 The meetings of the Review Sub-Committee shall be chaired by an independent Co-opted Member.

### **4 Terms of Reference**

- 4.1 To receive and consider complaints referred under regulation 17(b) of the Standards Committee (England) Regulations 2008 and to make one of the following findings:-
- 4.1.1 That the member who was the subject of the hearing had not failed to comply with the code of conduct of any authority concerned; or
  - 4.1.2 That the member who was the subject of the hearing had failed to comply with the code of conduct of any authority concerned but that no action needs to be taken in respect of the matters which were considered at the hearing; or
  - 4.1.3 That the member who was the subject of the hearing had failed to comply with the code of conduct of an authority concerned and that a sanction under the paragraph (2) or (3) of the regulations should be imposed
- 4.2 Where the Review Sub-Committee resolves to do any of the above it shall give reasons for its decision.

### **5 Frequency of Meetings**

- 5.1 The Review Sub-Committee shall meet as and when required.

---

## **APPENDIX 5**

### **Monitoring Officer** **Protocol for Handling Complaints**

#### **1. Receipt of Allegations**

- 1.1 The Monitoring Officer shall set up arrangements within the Authority to secure that any allegation made in writing that a member of the Authority has or may have failed to comply with the Authority's Code of Conduct is referred to him/her immediately upon receipt by the Authority.

## **2. Notification of Receipt of Allegations**

- 2.1 All relevant allegations must be assessed by the Assessment Sub-Committee, so the Monitoring Officer has no authority to deal with an allegation which appears to be an allegation of failure by a relevant member to observe the Code of Conduct other than by reporting it to the Assessment Sub-Committee. The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct. Where it appears not to be, he/she shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is really a request for service from the Authority, a statement of policy disagreement, a legal claim against the Authority or a complaint against an officer of the Authority.
- 2.2 Following receipt of the allegation, and where the allegation does appear to be a complaint of misconduct against a relevant member, the Monitoring Officer will promptly, and in any case in advance of the relevant meeting:
  - 2.2.1 acknowledge to the complainant receipt of the allegation and confirm that the allegation will be assessed by the Assessment Sub-Committee
  - 2.2.2 notify the member against whom the allegation is made of receipt of the complaint together with a written summary of the allegation (unless the Monitoring Officer considers that to do so might prejudice any investigation), and state that the allegation will be assessed at the next convenient meeting of the Assessment Sub-Committee;
  - 2.2.3 collect such information as is readily available and would assist the Assessment Sub-Committee in its function of assessing the allegation;
  - 2.2.4 seek local resolution of the matter where practicable, in accordance with Paragraph 3 below;
  - 2.2.5 place a report, including a copy of the allegation, such readily available information and his/her recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, on the agenda for the next convenient meeting of the Assessment Sub-Committee.

## **3. Local Resolution**



- 3.1 Local resolution is not an alternative to reporting the allegation to the Assessment Sub-Committee, but can avoid the necessity of a formal local investigation.
- 3.2 Where the Monitoring Officer is of the opinion that there is the potential for local resolution, he/she shall approach the member against whom the allegation has been made and ask whether he/she is prepared to acknowledge that his/her conduct was inappropriate, and whether he/she would be prepared to offer an apology or undertake other appropriate remedial action. With the consent of the member concerned, the Monitoring Officer may then approach the complainant and ask whether the complainant is satisfied by such apology or other remedial action. The Monitoring Officer should then report to the Assessment Sub-Committee as required, and at the same time report the response of the member concerned and of the complainant. Where the member has acknowledged that his/her conduct was inappropriate, and particularly where the complainant is satisfied with the proffered apology or remedial action, the Assessment Sub-Committee might take that into account when considering whether the matter merits investigation.

#### **4. Review of Decisions not to Investigate**

- 4.1 Where the Assessment Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall promptly advise the complainant of the decision, and the complainant may then within 30 days of receipt of such notification request that the Review Sub-Committee review that decision.
- 4.2 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Review Sub-Committee the information which was provided to the Assessment Sub-Committee in respect of the matter, the summary of the Assessment Sub-Committee and any additional relevant information which has become available prior to the meeting of the Review Sub-Committee.

#### **5. Local Investigation**

- 5.1 It is recognised that the Monitoring Officer will not personally conduct a formal local investigation.
- 5.2 It will be for the Monitoring Officer to determine who to instruct to conduct a formal local investigation, and this may include another senior officer of the Authority, a senior officer of another authority or an appropriately experienced consultant.

This page is intentionally left blank



---

## Standards Committee

Report of the Head of Civic, Democratic and Legal Services

### Local Government Ombudsman's Annual Letter 2007/08

#### Summary

1. This report draws Members' attention to the contents of the Local Government Ombudsman's Annual Letter for the year 2007/08, which was received by the Chief Executive in June 2008.

#### Background

2. The Local Government Ombudsman (LGO) considers complaints about the administrative actions of councils and some other authorities. The Annual Letter, a copy of which is attached as Annex A to this report, provides a summary of the complaints received about the City of York Council during the year ending 31 March 2008. It includes comments on the Council's performance and complaints handling arrangements, with the aim of assisting with service improvements.
3. The Annual Letter records that the LGO received a total of 39 complaints against the City of York Council during 2007/08. This was 28 fewer than last year and 33 fewer than the year before that, representing a downward trend for which the LGO commends the Council. The LGO further comments that the Council *'has a robust complaints handling procedure which is easily accessible to residents in the Council's area'*.

#### Consultation

10. The Annual Audit Letter will also be reported to the Audit and Governance Committee.

#### Options

11. This report is for the information of the Committee. Consequently, there are no options for Members to consider.

## **Analysis**

12. The report is for information, to keep the Standards Committee advised of the situation with regard to complaints against the Council and to assist it in fulfilling its Constitutional role *'to promote and maintain high standards of conduct in the transaction of all Council and Local Council business'*. Members may wish to comment on the LGO's favourable conclusions regarding the Council's complaints procedures, as expressed in the Annual Letter.

## **Corporate Priorities**

13. Taking note of the LGO's Annual Letter will contribute to the Council's overall Corporate Strategy by supporting the Council's aim to deliver the best quality services it can afford and encourage improvement in everything it does.

## **Implications**

14. There are no specific legal, financial, HR, equalities, crime and disorder, IT, or property implications arising out of this report.

## **Risk Management**

15. There is a risk to the standing and reputation of the Council if it does not ensure high standards of conduct within the organisation.

## **Recommendations**

16. The Standards Committee are recommended to note the contents of the Annual Audit Letter for 2007/08.

Reason: In the interests of promoting and maintaining high standards of conduct in the transaction of all Council business.

**Contact Details**

**Author:**

Quentin Baker  
Head of Legal, Civic and Democratic Services  
Chief Executive's  
Tel No. 551004

**Chief Officer Responsible for the report:**

Quentin Baker  
Head of Civic, Democratic and Legal Services

**Report Approved**

**Date** 8/7/08

**Specialist Implications Officer(s)** List information for all

None

**Wards Affected:** List wards or tick box to indicate all

**All**

**For further information please contact the author of the report**

**Background Papers:**

City of York Council's Constitution (*available on the Council's website at <http://www.york.gov.uk/council/constitution/>*)

**Annexes**

Annex A – The Local Government Ombudsman's Annual Letter for City of York Council, for the year ended 31 March 2008

This page is intentionally left blank

**The Local Government Ombudsman's  
Annual Letter  
City of York Council  
for the year ended  
31 March 2008**

**The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.**

## **Annual Letter 2007/08 - Introduction**

This annual letter provides a summary of the complaints we have received about the City of York Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

## **Complaints received**

### ***Volume***

We received 39 complaints against your Council during the year, 28 fewer than the previous year and 33 fewer than in 2005 - 2006. We expect to see fluctuations like this from year to year, but this would appear to be a long term downward trend for which I commend your Council.

### ***Character***

We received fewer complaints across all the categories, but the decrease was most marked in planning and building control with only 13 compared to 29 last year. We received six housing complaints, two fewer than 2006-07 and 12 fewer than 2005-06.

We received a similar number of complaints to previous years in the areas of adult care services (three), benefits (two), education (two), public finance (three) and transport and highways (three).

The remaining seven complaints were recorded in the 'other' category. They included complaints about environmental health, antisocial behaviour, drainage and miscellaneous matters.

## **Decisions on complaints**

### ***Reports and local settlements***

When we complete an investigation we issue a report. I did not issue any reports against your Council this year.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Two complaints were settled locally with your Council. In one adult care services complaint the Council failed to complete the care plan which had been agreed with the complainant and failed to convey this properly to the care home prior to his mother's admission. The Council also delayed in dealing with the stage two complaint. The Council reinforced with staff the requirement for care plans to be agreed and signed by customers and carers and for them to be received by care homes prior to admission. It also reviewed its systems for checking that the procedure had been followed. I note that the Council had already taken action to remedy this part of the complaint before I became involved, but I have raised the issue here because it is a matter of public interest on which I have previously reported. With regard to the delay the Council agreed to pay the complainant £100 compensation.



The other complaint was about housing benefit. The Council did not give the complainant written notice of how to collect his belongings following his eviction from the property. By law it should have given him one month's notice before it could destroy the goods left. The Housing department said it did not do this because it did not have an address, but the Benefits section did have an address and the Council accepted that Housing should have checked with their colleagues. Although the Council did not accept there was an injustice, because it had kept his goods for more than the six months required where a notice was not served, I thought there was some evidence the complainant might have collected them had he been notified. The Council agreed to a 'goodwill' payment of £500 to be offset against his rent arrears.

### ***Other findings***

Four complaints were treated as premature and referred back to your Council so that they could be considered through your Council's complaints procedure. This was ten fewer than last year and 12 fewer than in 2005-06. Three of these were about the same planning matter.

In a further seven cases I took the view that the matters complained about were outside my jurisdiction.

Of the remaining 36 complaints two thirds were not pursued because I found no or insufficient maladministration causing injustice and the a third were not pursued for other reasons, mainly because no significant injustice flowed from the alleged fault.

### **Your Council's complaints procedure and handling of complaints**

The reduction in the number of complaints made to me indicates that your Council has a robust complaints handling procedure which is easily accessible to residents in the Council's area. This view is supported by the fact that the four complaints decided as premature represent just 9% of the total number of complaints determined this year. This is significantly less than the national average, which this year is 27%.

Five complaints that had been referred back to the Council as premature were resubmitted. Four of these were not pursued because there was no evidence of maladministration and the other was outside my jurisdiction.

### **Liaison with the Local Government Ombudsman**

Enquiries were made on 20 complaints during the year, 11 of these on planning and building control complaints. Your Council's average response time of just over 35 days, while an improvement on last year's average of just under 39 days, remains very disappointing. I am concerned that the average response time for planning and building control complaints, which amount to over half of all enquiries made, is an unacceptable 43.3 days. I criticised the Council in this respect last year when the average response time for these complaints was 48 days. I am glad there has been a slight improvement but I hope that your Council will make a determined effort in the coming year to accelerate this downward trend.

I note you have recently appointed a new link officer and would remind you that he is very welcome to attend my link officer seminar to discover how my office operates and help maintain an effective working relationship. We are holding our next seminar in November 2008. Please contact Ms Jones or Ms Chappell, my Assistant Ombudsmen, for more details.

### **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

### **LGO developments**

We launched the LGO Advice Team in April 2008, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act 2007, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

### **Conclusions and general observations**

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**J R White**  
**Local Government Ombudsman**  
**The Oaks No2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**June 2008**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

| Complaints received by subject area | Adult care services | Benefits | Children and family services | Education | Housing | Other | Planning & building control | Public finance | Social Services - other | Transport and highways | Total |
|-------------------------------------|---------------------|----------|------------------------------|-----------|---------|-------|-----------------------------|----------------|-------------------------|------------------------|-------|
| 01/04/2007 - 31/03/2008             | 3                   | 2        | 0                            | 2         | 6       | 7     | 13                          | 3              | 0                       | 3                      | 39    |
| 2006 / 2007                         | 4                   | 3        | 0                            | 3         | 8       | 10    | 29                          | 5              | 0                       | 5                      | 67    |
| 2005 / 2006                         | 4                   | 5        | 4                            | 1         | 18      | 10    | 13                          | 8              | 1                       | 8                      | 72    |

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

| Decisions               | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Premature complaints | Total excl premature | Total |
|-------------------------|---------|----|--------|---------|--------|----------|----------------------|----------------------|----------------------|-------|
| 01/04/2007 - 31/03/2008 | 0       | 2  | 0      | 0       | 24     | 12       | 7                    | 4                    | 45                   | 49    |
| 2006 / 2007             | 0       | 15 | 0      | 0       | 23     | 14       | 1                    | 14                   | 53                   | 67    |
| 2005 / 2006             | 1       | 5  | 0      | 0       | 30     | 12       | 8                    | 16                   | 56                   | 72    |

See attached notes for an explanation of the headings in this table.

| Response times          | FIRST ENQUIRIES        |                            |
|-------------------------|------------------------|----------------------------|
|                         | No. of First Enquiries | Avg no. of days to respond |
| 01/04/2007 - 31/03/2008 | 20                     | 35.3                       |
| 2006 / 2007             | 35                     | 38.7                       |
| 2005 / 2006             | 37                     | 37.1                       |

Average local authority response times 01/04/2007 to 31/03/2008

| Types of authority        | <= 28 days % | 29 - 35 days % | > = 36 days % |
|---------------------------|--------------|----------------|---------------|
| District Councils         | 56.4         | 24.6           | 19.1          |
| Unitary Authorities       | 41.3         | 50.0           | 8.7           |
| Metropolitan Authorities  | 58.3         | 30.6           | 11.1          |
| County Councils           | 47.1         | 38.2           | 14.7          |
| London Boroughs           | 45.5         | 27.3           | 27.3          |
| National Park Authorities | 71.4         | 28.6           | 0.0           |

This page is intentionally left blank

## Notes to assist interpretation of the LGO's local authority statistics 2007/08

### 1. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we send to the council to consider first. The figures may include some complaints that we have received but where we have not yet contacted the council.

### 2. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. Below we set out a key explaining the outcome categories for 2007/08 complaints.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because the authority has agreed to take some action which is considered by the Ombudsman as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the Ombudsman's jurisdiction.

**Premature complaints:** decisions that the complaint is premature. The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it to the council as a 'premature complaint' to see if the council can itself resolve the matter.

**Total excl premature:** all decisions excluding those where we referred the complaint back to the council as 'premature'.

**3. Response times**

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

**4. Average local authority response times 2007/08**

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.