

Report of The Head of Civic, Democratic & Legal Services

**The Local Government Ombudsman's Annual Review Year Ending
31 March 2009**

1. Summary

1.1 This report highlights the recently received Annual Review from the Local Government Ombudsman which sets out data on complaints against City of York Council that have been processed by the Ombudsman in some way during the 12 Months up to 31st March 2009. The report asks Members to note the information.

2. Background

2.1 The Local Government Ombudsman was established by the Local Government Act 1974 and is responsible for investigating complaints of maladministration made against local authorities. The term maladministration is not defined within the legislation itself although it was explained in the House of Commons by Richard Crossman as including:-

“...bias, neglect, inattention, delay, incompetence, ineptitude, perversity, turpitude, arbitrariness and so on.”

2.2 The above definition emphasises the very broad range of actions which potentially fall within the jurisdiction of the Local Government Ombudsman, (LGO), and this definition was clarified in 2007 to include failures in service and the failure to provide a service which it was the authority's function to provide.

2.3 As for potential complainants, only those who can claim to have suffered an injustice as a result of the maladministration or failure of service, or those acting on their behalf, are entitled to lodge a complaint with the LGO. It is also a pre-requisite that the complainant has first exhausted the authority's internal complaints system.

2.4 The LGO has a range of options open to it where it has a complaint within jurisdiction including conducting investigations and issuing public reports identifying maladministration. The LGO will often seek to resolve matters by

local settlement if that is possible. The LGO shares its reports and data with the Audit Commission for the purposes of audit and inspection.

3 The Annual Report – Headlines

- 3.1 The Annual Review, which is attached as appendix 'A', covers the twelve months up to the 31st March 2009 and contains data in tabular format with comparisons against other authorities and a narrative element. The report notes that during that period the team received fifty seven complaints and enquiries concerning City of York Council, (CYC). Of this twenty eight were forwarded to the investigations team either as new complaints or as resubmitted premature complaints.
- 3.2 As for decisions made during the year, thirty decisions were made during the year and in twelve of these the LGO found no evidence of maladministration. In a further seven cases the LGO used their discretion not to investigate and another four were considered to be outside jurisdiction. Seven cases were decided as local settlement cases where during the course of an investigation the council takes action which is considered by the LGO to be a satisfactory response to the complaint. The report itself describes the circumstances of some of the cases decided as local settlements
- 3.3 The one area of performance in complaint handling that is highlighted as being out of target range is that of the speed in which the council responds to the LGO when it submits enquiries to the council. The response times are recorded as thirty five days on average compared to the target of twenty eight days. The LGO welcomes the improvement in response times in connection with planning and building control matters but notes that response times in housing and anti social behaviour cases could be improved.

4 Further Work

- 4.1 It is noted that many authorities publish their LGO annual reports and I understand that this is not currently the case here at CYC. In the spirit of openness it is suggested that these reports should be made available on the council's website in the pages dealing with complaints. This is technically very easy to achieve.
- 4.2 The council is currently working on developing an new IT based complaints recording system which will assist in the recording and management of complaints.

5 Recommendations

- 5.1 It is hereby recommended that the members of the committee note the content of the LGO Annual Report and endorse the proposal to make this and future reports available on the council's website.

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Specialist Implications Officer(s) *n/a*

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

All

For further information please contact the author of the report

Background Papers

None

Annexes

Appendix A: The local Government Ombudsman's Annual Review for City of York Council, year ending 31st March 2009