

**Cabinet – 21<sup>st</sup> September, 2005**

**Report of the Director of Law and Property**

**Annual Letter 2004/05 from the Local Government Ombudsman in respect of Complaints Made Against the Council**

**Purpose of Report**

1. To consider the content of the annual letter 2004/05 from the Local Government Ombudsman in respect of complaints received against this Council and dealt with by the Ombudsman's office over the year ending 31<sup>st</sup> March, 2005.

**Background**

2. Attached, as Appendix 1 to this report, is a copy of the annual letter 2004/05 of the Local Government Ombudsman setting out his reflections on the complaints received against the Council and dealt with by his office over the last year. Attached as Appendices 2 and 3 are statistical data covering a 3-year period and a note to assist interpretation of the Commission's statistics.
3. The conclusions that can be drawn from the statistical information contained in Appendix 2 to the report are summarised below:-
  - There has been an increase in the number of complaints received in the period to 31<sup>st</sup> March, 2005 of 8 from last year mainly due to education admissions and housing complaints. The Ombudsman comments that the rise does not point to particular failures in service delivery in any area and he would expect to see such fluctuations in numbers in the normal course of events.
  - In respect of the 78 complaints decided in the year to 31<sup>st</sup> March, 2005, no formal reports finding maladministration causing injustice, formal reports finding maladministration but causing no injustice to the complainant and formal reports finding no maladministration by the Council were issued by the Local Government Ombudsman. 19 complaints were determined by way of local settlement, which is in line with the national average of 25.3% of all decisions being upheld excluding those which were outside the jurisdiction of the Local Government Ombudsman and were referred back to the Council as premature. It should also be noted that in 29 complaints no maladministration was found.
  - Regarding the outcome of complaints received compensation was mainly paid in respect of complaints involving planning matters with compensation also being paid by Social Services. Reference is also made to 5 complaints about housing repairs and to a further Social Services complaint.

- Favourable comments have been made on the Council's willingness to consider settlements to remedy complaints and the speed with which it has taken appropriate action.
- A favourable indication is given that residents were well informed about the Council's procedures and that the Council does try to resolve matters locally.
- There has been an improvement in the Council's response time in the period to 31<sup>st</sup> March, 2005 averaging 33.2 days. Arising from the comments made regarding planning complaints, the Ombudsman has expressed a hope that the Council's Planning Department can be encouraged to make further improvements in the coming year.
- In recognition of the difficulty Councils in general have in meeting the current twenty-one day target, and provide good quality, comprehensive responses to the Commission's enquiries, from 1<sup>st</sup> July, 2005, the Commission will revise the target response time to twenty eight days.

### **Finance**

4. There are no direct financial implications arising from the content of this report. Compensation determined, arising from any individual investigations by the Local Government Ombudsman will be met from existing directorate budgets.

### **Law**

5. The Commission for Local Administration was created under Part III of the Local Government Act, 1974.

### **Equality Impact**

6. The role of the Ombudsman affords a system of complaint and, where appropriate, redress to any member of the public who feel they have been subject to maladministration by the Council.

### **Recommendation**

7. That the information contained in the report, and appendices to the report, submitted be noted and that Directors be requested to review their internal arrangements, as appropriate, to ensure that requests for information on complaints received are dealt with by the date requested so that responses can be submitted to the Ombudsman's office within the set timescales.

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### **Background Papers**

Letter from the Local Government Ombudsman dated 21<sup>st</sup> June, 2005 – annual letter 2004/05