

Report of the City Solicitor to the meeting of the Standards Committee to be held on  
29 September 2011

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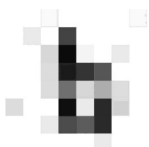
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**Subject: LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW 2010/11**

**Summary statement:**

**The Local Government Ombudsman's Annual Review is presented to Members for their consideration.**

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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



## 1 **Summary**

- 1.1 The Local Government Ombudsman's Annual Review for 2010/11 has been issued. This report is to provide an overview of the information contained in the Review.

## 2 **Background**

- 2.1 The Local Government Ombudsman (LGO) has issued an Annual Review to all councils. The aim of the Review is to provide councils with information to help them improve complaint handling and services generally. A copy of the Annual Review for Bradford is attached. This, and the Reviews for all other councils, can be viewed on the Ombudsman's website at [www.lgo.org.uk](http://www.lgo.org.uk).
- 2.2 The Review includes information about complaints against the Council; this includes comments and statistical information in relation to complaints and enquiries received by the Ombudsman against the Council and the decisions made. There is also a general update on LGO developments. There are two appendices to the Review: statistical data for 2010/11 and a note to help the interpretation of the statistics.
- 2.3 Drafts of the Reviews were first sent to councils giving the opportunity for them to draw attention to any inaccuracies and lists were provided showing which cases were covered by each of the data sets: complaints forwarded to the investigative team, outcomes and response times.

### **Analysis of complaints**

- 2.4 The number of enquiries and complaints received by the Ombudsman about the Council in 2010/11 totalled 124 compared with 172 in the previous year. Of these, the LGO Advice Team gave advice in 27 cases and a further 37 complaints were judged to be premature (these are complaints which have not first been considered under the Council's own complaints procedure). In the previous year a significant number of premature complaints were received in relation to a particular issue and this inflated the figures for that year.
- 2.5 60 of the complaints received by the Ombudsman during the year were forwarded to the Investigative Team for further consideration. Of these, 14 were complaints which were initially determined as being premature but were re-submitted to the Ombudsman as the complainants were dissatisfied with the way in which the Council had dealt with their complaints. The remaining 46 were new complaints. The subject category for which the greatest number of complaints was received, 37, was Education and Children's Services.
- 2.6 During 2010/11, as in the previous year, decisions were made by the Ombudsman on 56 complaints. This figure differs from the number of complaints received because of work in hand at the beginning and end of the year. Of these 56 complaints, 4 were outside the Ombudsman's jurisdiction and in 16 cases discretion was exercised by the Ombudsman not to pursue the matter. No evidence of maladministration was found in 20 cases and 16 complaints were settled locally by the Council.

- 2.7 No public reports were issued against the Council during the year and there were no findings of maladministration.

### **Response times**

- 2.8 The Council provided responses to formal enquiries from the Ombudsman on 16 complaints during the year. The average time taken to respond was 23.5 days. Replies are requested within 28 calendar days (except for complaints about urgent matters which are given a shorter timescale). 64% of metropolitan authorities respond in less than 28 days.

### **LGO developments**

- 2.9 An update of current and proposed developments in the way in which the Ombudsman operates is included in the Annual Review. These are briefly set out below.
- 2.10 Decision letters were previously sent to complainants and copied to councils. This practice has now changed and a statement of reasons is now issued which is intended to be clear and comprehensible. The statement is sent to both the complainant and the council.
- 2.11 From 1 October 2010 the Ombudsman has had the power to investigate complaints about privately arranged and funded adult social care. This includes care which is arranged by an individual and funded from direct payments. Previously only complaints about adult social care provided by councils were within the Ombudsman's jurisdiction.
- 2.12 Powers were also introduced for the Ombudsman to consider complaints from parents and pupils about state schools. This was to be introduced in phases and currently applies in 14 council areas (not Bradford). However, the Education Bill currently before Parliament proposes to rescind this jurisdiction from July 2012.

## **3. Conference**

- 3.1 The Ombudsman makes reference to a conference held in Bradford, which she attended, for councils on the future of complaint handling in a time of budget restraints. The conference was arranged by the Council's Corporate Customer Service Business Development Team and the Ombudsman comments that it was very well organised and was a real show case for some of the important improvements that the Council has made in recent years.

## **4. Legal appraisal**

- 4.1 Article 11.9.2 of the Council's Constitution places the overview of complaints handling and Ombudsman investigations within the remit of the Standards Committee. It is appropriate that the Committee considers the Ombudsman's Annual Review for 2010/11. The Committee has considered the Reviews for previous years.

## **5. Other implications**

- 5.1 There are no direct equal rights, sustainability, community safety, Human Rights Act, trade union, financial or resource implications arising from this report.

**6. Not for publication documents**

6.1 None

**7. Recommendation**

7.1 That the contents of the Annual Review be noted.

**8. Reason for recommendation**

8.1 By considering the Annual Review the Standards Committee will be made aware of the number and nature of complaints against the Council which the Ombudsman has dealt with over the past year and their outcomes.

**9. Appendices**

Local Government Ombudsman's Annual Review for 2010/11

**10. Background documents**

Local Government Ombudsman's Annual Review for 2010/11