

**Committee:** Governance, Audit and Performance

**Agenda Item**

**Date:** 28 September 2017

**4**

**Title:** Annual Ombudsman Report

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Item for decision:  
yes

## Summary

1. The annual review letter has been received from the Local Government Ombudsman summarising the complaints relating to the Council's services dealt with by the Ombudsman's office for the year ended 31 March 2017. The annual review information has previously been reported to members via the members' bulletin but there has been no formal review process by the relevant committee. This report seeks to close that loop by allowing members the opportunity to comment directly on the Council's performance in dealing with complaints reaching the Ombudsman stage. This generally means that the complainants have been dissatisfied with the way in which their complaints have been dealt with by the Council.
2. Members are invited to review the handling of Ombudsman complaints in 2016/17 and to make any relevant comments.

## Recommendations

3. To note the contents of the Ombudsman's annual review letter and make appropriate comments on the handling of complaints.

## Financial Implications

4. There are no financial implications arising from this report. Any agreed amounts of compensation paid to complainants arising from Ombudsman investigations are covered by existing budgets.

## Background Papers

5. The papers referred to by the author in the preparation of this report are mentioned in the body of the report and are already published.

## Impact

- 6.

Communication/Consultation	Review reports are published both on the Council's and the Ombudsman's websites
Community Safety	N/A

Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	Residents and users of the Council's services are able to complain to the Ombudsman about the handling of complaints where the complainant is dissatisfied with the service or response received, within time limits
Sustainability	N/A
Ward-specific impacts	All wards
Workforce/Workplace	N/A

## Situation

7. The Council's annual review letter from the Local Government Ombudsman has been received. It lists ten complaints received and 11 cases in which a decision has been made.
8. In five cases, the complaint was closed after initial enquiries. One complaint was incomplete and could not be investigated; two were referred back for local resolution; in two cases local advice was given and in one case the complaint was upheld.
9. This is a fairly typical pattern of complaint investigation by the Ombudsman so that nothing particularly stands out as unusual or worthy of especial comment. The previous review letter for 2015/16 covered 13 complaints of which four were subject to detailed investigation, one of which was upheld.
10. Complainants who are dissatisfied with the Council's response to the service they have received often approach the Ombudsman prematurely because they have not exhausted the Council's complaints procedure. In these cases the Council is generally asked to complete the Council's complaints process in an attempt to resolve the problem highlighted and to remind the complainant of their right to complain again if they remain dissatisfied. In not all cases are the complaints followed up in these circumstances.
11. When matters are referred for full investigation, the Council's link officer will seek to discover the stage the complaint has reached, track down the case work concerned and ask the service manager concerned to set out the facts of the case, answer any specific points raised by the Ombudsman's investigator, and form a judgement about whether a resolution of the complaint is possible. This will usually involve a judgement internally about whether the handling of the case is seen to include any fault.

12. The internal work of the link officer is not therefore that of an investigating officer in the formal sense but does often involve reviewing the facts of the case, and seeking out any flaws in the responses provided to the complainant. The main role of the link officer is to ensure that all relevant information is provided to the Ombudsman and that all questions raised are answered fully.
13. Once this has been done the Ombudsman does often ask for further information or clarification to be provided and will then prepare a draft decision notice for comment. This is sent to both the Council and the complainant. After the comment period has elapsed, the Ombudsman will review the case again in the light of any further comments made and will then issue a final decision notice.
14. The decision notice will either conclude that there is some justice in the complaint or not. If fault is found there are a range of remedies available and this can result in the issuing of an apology and the payment of compensation. Occasionally, the Council will be advised to remind officers of the need to follow better procedures, for example in the full noting of telephone conversations or in face to face meetings. Sometimes the Council will be advised to revise an internal procedure in administering a particular aspect of a service.
15. In the case noted as “complaint upheld”, the Council had delayed taking planning enforcement action allegedly resulting in the removal of trees and a hedge. The complainant criticised officers strongly for the attitude they had displayed and said they had lied and then stopped contacting her.
16. Although the Ombudsman found some evidence of fault in this case, the decision notice stated the Council’s apology already given was a sufficient remedy for the fault caused as there was no significant injustice. In this case also, as stated in paragraph 14 above, the Council’s was asked to remind planning officers to keep a record of all actions, contacts or decisions beyond the trivial and transitory, and that was duly done.
17. The Council is not obliged to follow all Ombudsman recommendations but in my experience has always done so. This has sometimes involved the payment of compensation to complainants. All cases are published by the Ombudsman with the personal details stripped out. There is strong moral pressure on the Council to implement proposed remedies and it would be unusual not to do so. There would have to be very strong grounds to resist the outcome of an Ombudsman decision even if officers sometimes feel aggrieved by the criticism of their actions.
18. The review letter points to a change in the method of working with local councils to agree a time-frame for the implementation of recommendations where these have been agreed. To date this new method has not impacted on any decisions made by the Ombudsman relating to Uttlesford.
19. The review letter is attached to this report as appendix A and also attached as appendix B is a summary of complaints received by the Council during the 2016/17 period to enable a contrast to be drawn between the number of

overall complaints referred for internal investigation and the number then referred onwards for investigation by the Ombudsman.

20. Members are asked to review the contents of the review letter and the complaints and decisions received as appended to this report, and to make comments about the consideration of Ombudsman complaints.

## Risk Analysis

21.

Risk	Likelihood	Impact	Mitigating actions
1 – full investigation of complaints referred to the Ombudsman is always undertaken	2 – in cases where fault has been found it might be necessary to provide a remedy to satisfy the complainant and in some cases to changes internal procedures followed by service areas	2 – where a change of process is required to meet a recommendation from the Ombudsman it may have some impact on service provision	As recommended by the Ombudsman – sometimes a review of internal practices may be required if significant failings in service provision are identified

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.