

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

1 SEPTEMBER 2016

**REPORT OF SENIOR
MANAGEMENT TEAM**

CABINET DECISION

Leader of the Council – Councillor Cook

LOCAL GOVERNMENT OMBUDSMAN (“Ombudsman”) COMPLAINTS – THE LOCAL AUTHORITY REPORT FOR STOCKTON 2015/16

1. Summary

This report provides Cabinet with details of the Ombudsman’s annual review letter for the Council for 2015/16.

2. Recommendations

It is recommended that the report be considered and received.

3. Reasons for the Recommendations

To ensure Members are aware of the position regarding complaints to the Ombudsman about the Council.

4. Members’ Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council’s code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member’s judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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SUMMARY

The report provides Cabinet with details of the Ombudsman’s annual review letter for the Council for 2015/16.

RECOMMENDATIONS

It is recommended that the report be considered and received.

DETAIL

1. The Ombudsman has published the annual summary of statistics on the complaints and enquiries received about the Council and the decisions made in that respect for the year ended 31 March 2016.
2. Copies of the review letter and statistics tables are attached at **Appendix 1** to the report.

Annual Review Letter

3. The review letter provides links to the following:-
Effective Complaint Handling – www.lgo.org.uk/training
How the Ombudsman interprets their statistics – <http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Statistics Tables

4. Also at **Appendix 2**, as a comparison, is a copy of the 2014/15 Ombudsman’s annual report for the Council.
5. When comparing the two statistics tables, it can be seen that:-
 - Complaints/enquiries received in 2015/16 reduced significantly (from 54 to 39)

- Complaints/enquiries about adult care services also reduced significantly (from 12 to 2)
 - Complaints/enquiries about education and children's services reduced slightly (from 17 to 15)
 - Complaints about benefits and tax reduced (from 5 to 3); and
 - Complaints about planning and development remained fairly consistent (5 compared to 4 in 2014/15)
6. The number of decisions made by the Ombudsman in 2015/16 reduced slightly (from 47 to 45). The number of detailed investigations undertaken increased from 13 (in 2014/15) to 20 in 2015/16, and the number of complaints upheld also increased from 4 to 12.
7. In terms of the upheld complaints, 3 were remedied by the Council before the Ombudsman became involved; 6 were remedied following the Ombudsman's involvement, and the remaining 3 required no remedies. No formal reports were published by the Ombudsman in 2015/16.

Annual Review of Local Government Complaints

8. Attached at **Appendix 3** is an email and press release from the Local Government Ombudsman providing details about the Ombudsman's annual review of Local Government complaints for 2015/16. This provides a national context for Stockton's complaint statistics.
9. The report shows that nationally:-
- The number of complaints and enquiries received by the Ombudsman remained at a similar level to 2014/15. This contrasts with Stockton's figures, which showed a significant decrease.
 - There was a 13% increase in complaints and enquiries about education and children's services. Stockton's complaints and enquires about education and children's services reduced slightly.
 - The number of detailed investigations upheld increased as did the number of Stockton's detailed investigations that were upheld.

COMMUNITY IMPACT IMPLICATIONS

10. There is no requirement for an assessment in relation to this report. The Ombudsman annual review, of itself, does not constitute a new policy, strategy or a change in the delivery of a service insofar as the Council is concerned. Any community impact implications arising as a result of responses to complaints will be assessed by the relevant service or Officer in that context, and at the appropriate time.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

11. None as a direct result of this report. The financial implications of individual complaints would be dealt with separately as part of the responses to those complaints.

Legal

12. There are no direct legal implications arising from the report. They may, however, arise on a case by case basis, depending on the particular circumstances of the complaint and related decision.

RISK ASSESSMENT

13. Existing management/operational systems and procedures are sufficient to control and minimise the risks arising to low to medium status.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

14. The Ombudsman's annual review for the Council is relevant to the Authority's organisational and operational effectiveness.

CORPORATE PARENTING IMPLICATIONS

15. There are no corporate parenting implications arising from the report.

CONSULTATION

16. Ombudsman complaints information is reported on a quarterly basis to the Senior Management Team, and to leading members. A copy of this report, and the annual review letters and statistics will also be made accessible to all Council Members via agenda, and a copy of the 2015/16 annual review letter will be emailed to all Members.

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<u>Education related?</u>	No
<u>Background Papers:</u>	None
<u>Ward(s) and Ward Councillors:</u>	The report affects all Members
<u>Property Implications:</u>	None