

AUDIT & GOVERNANCE COMMITTEE – 19 SEPTEMBER 2012

**LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW OF
OXFORDSHIRE COUNTY COUNCIL**

Report by County Solicitor & Monitoring Officer

Introduction

1. This report summarises the findings of the Local Government Ombudsman (LGO)'s Annual Review of Oxfordshire County Council for the year ended 31 March 2012. The Ombudsman has commented on the complaints made about the Council and our performance in handling them.
2. Under the Local Government Act 1974, the LGO has two main statutory functions:
 - To investigate complaints against councils (and some other public bodies)
 - To provide advice and guidance on good administrative practice
3. Each year, the LGO issues an Annual Letter to each council providing a summary of the complaints dealt with by the LGO relating to that council. The Annual Letters also include a schedule summarising the Council's performance.

Exempt Information

4. None.

Ombudsman's Annual Review - findings

Headline findings

5. The LGO's summary of the Council's performance, outlined more fully below, is:

"I am pleased to say that I have no concerns about your authority's response times and there are no issues arising from the complaints that I want to bring to your attention."
6. This is a very positive result and is consistent with the Council's performance in previous years.

Complaints

7. The LGO received 47 complaints and enquiries about the Council during the year 2011/12. This is 19 fewer than in 2010/11. This decrease is largely due to significantly fewer LGO complaints/enquiries about 'Education and childrens services'. Of these 47 complaints, the LGO found nine to be 'premature' meaning that the Council had not previously had the opportunity to consider them; a further nine were simply the subject to advice to the complainant; and the remainder were formally considered.
8. The LGO breaks down the total number of cases into the following service areas:
- Adult Care – 16 (previously 11)
 - Corporate and Other – 2 (previously 1)
 - Education and Children – 15 (previously 29)
 - Environment and Public Protection – 2 (previously 0)
 - Highways & transport – 11 (previously 15)
 - Planning and development - 1 (previously 4)

Outcome & handling

9. Of these issues, 29 were formally considered by the LGO (only one more than in 2010/11). The LGO's categories of complaint were previously:
- Local settlement
 - No maladministration
 - Ombudsman's discretion
 - Outside jurisdiction
10. For 2011/12, this has been superseded by three broad categories:
- Not investigated: largely equating to 'outside jurisdiction' and 'Ombudsman's discretion'
 - Investigated: where either there is no evidence of fault; investigations have led to a local settlement; or any injustices were remedied during enquiries; and
 - Report: where a finding of maladministration has occurred
11. Encouragingly, the Council's performance has been judged as:

Not investigated	Investigated			Report
	No evidence of fault	No or minor injustice	Injustice remedied	
4	18	2	5	0

12. This shows that there was no evidence to sustain the complaint in 22 of the cases considered by the LGO. In the remaining seven cases, the injustices were minor or were proactively remedied the Council. Significantly, there were no instances of maladministration warranting a report from the LGO.

Response times

13. In 2009/10, the Council took an average of 28.4 days to respond to the Ombudsman's case enquiries. In 2010/11, the Council significantly improved upon this, responding within 25.5 days. During 2011/12, the average response time was 26.7 days. This is still well within the Ombudsman's target of 28 days and demonstrates a commitment to meeting the LGO's standards in the interests of good public administration.

Training

14. The LGO provides training courses in complaints handling and investigations, as part of its advice and support role. Two one-day events have been arranged for October this year for the LGO to deliver 'effective complaints handling' training to 30 managers from across the Council. It is important periodically – given developments in good practice and our own organisational changes – for those managers responding to complaints to have sessions directly with the Ombudsman. This has proved very beneficial in the past in building the skills and perspectives necessary to handling complaints effectively and to improving services.
15. This can itself minimise complaints to the LGO through the quality of proportionate investigations and an ability to learn from experiences.

Conclusion

16. I am pleased to say that the LGO has 'no concerns' about the Council's performance in handling complaints. The LGO made no findings of maladministration against the Council and has been satisfied with the council's willingness to find local settlements in the closure of five cases. The Council's average response time is also well within the LGO's targets and is consistent with last year. Vigilance is still needed to ensure this standard continues and the scheduled LGO training for managers will assist in strengthening the Council's commitment to good governance in handling complaints.

Financial and Staff Implications

17. None.

RECOMMENDATION

18. **The Committee is RECOMMENDED to note and comment upon this report and on the Local Government Ombudsman's Annual Review of Oxfordshire County Council for 2011/12.**

Peter Clark

County Solicitor and Monitoring Officer

Background papers: Local Government Ombudsman's Annual Review of Oxfordshire County Council 2011/12 – copy available at:

<http://www.lgo.org.uk/documents/annualreview/2012/oxfordshire%20cc.pdf>

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