

CHESHIRE EAST COUNCIL

Standards Committee

Date of Meeting: 26th July 2010.
Report of: Customer Relations Manager.
Subject/Title: Local Government Ombudsman's Annual Review for the year ended 31st March 2010.

1.0 Report Summary

- 1.1 This report provides a summary of the complaints dealt with by the Local Government Ombudsman (LGO) about Cheshire East Council for the period 1st April 2009 to 31st March 2010.

2.0 Recommendation

- 2.1 That having regard to the parameters of the Committee's terms of reference as outlined in this report, the Committee notes this report and makes any further response it considers appropriate.

3.0 Reasons for Recommendations

- 3.1 The LGO found cause for concern in the handling of two complaints against Cheshire East Council. The complaints had not been handled properly at an early stage, which resulted in them being referred to the LGO. In one case, the complainant was paid £300 and given an apology. New advice was also given to bailiffs on their future conduct.

4.0 Wards Affected

- 4.1 All.

5.0 Local Ward Members

- 5.1 All.

6.0 Policy Implications including

- 6.1 Adherence to the Corporate Compliments, Suggestions and Complaints Policy.

7.0 Financial Implications

- 7.1 If maladministration causing injustice is found, Cheshire East Council can be asked to pay compensation to a complainant. A compensation payment is also possible where a matter is settled prior to a formal finding by the Ombudsman.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The Committee's terms of reference as set out in the Constitution include the following:
- Ensuring that the Council maintains appropriate links with the Commission for Local Administration in England (Ombudsman)
 - Referring issues, which impinge on staff conduct, performance, terms of employment, training and development to the appropriate and responsible Executive Member and/or Manager
 - Promoting high standards of responsiveness by the Council to its clients and contacts
- 8.2 The Committee's role in considering this report is to determine what, if any, action it should take to further the above aims.

9.0 Risk Management

- 9.1 In addition to other measures within the Council's management structure, the remit of this Committee contributes towards the management of risk in handling complaints, and the promotion of good practice.

10.0 Background and Options

- 10.1 The Annual Review acknowledges that the report covers the first year of Cheshire East Council's existence. A period which involved many challenges and adjustments for all officers and members.
- 10.2 The LGO found that 39% of the complaints showed no evidence of maladministration or evidence showing injustice to the complainant.
- 10.3 Of the complaints against Cheshire East Council considered by the LGO, 5 (13.2%) led to local settlements. The national average is 26.9%.
- 10.4 The Local Government Ombudsman Advice Team recorded 82 enquiries about Cheshire East Council during that period. Out of the 82 enquiries, 49 were forwarded onto LGO officers for further investigation.
- 10.5 The complaints considered by the LGO were Transport and Highways (12); Planning and Building Control (11); Other (7); Education (7); Adult Care Services(7); Housing(2); Benefits(2) and Public Finance(1).
- 10.6 The LGO office made decisions on 41 of the 49 complaints. The decisions on the 41 complaints are recorded as follows:- Local Settlements (the discontinuing of an investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant)(5); No Maladministration (the discontinuing of an investigation because the LGO has found no, or insufficient evidence of maladministration)(15); Ombudsman's Discretion (the discontinuing of an investigation in which the LGO have used their discretion not to pursue the

complaint. This can be for a variety of reasons, the most common of which is that the LGO have found no or insufficient justice to warrant pursuing the matter further)(18); Outside jurisdiction (cases which are outside of the LGO's Jurisdiction)(3).

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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