

Title of meeting:	Governance, Audit and Standards Committee
Subject:	Local Government Ombudsman Complaints 2011/2012
Date of meeting:	15 November 2012
Report by:	Head of Customer, Community and Democratic Services
Wards affected:	All

1. Requested by

Head of Customer, Community and Democratic Services

2. Purpose

To bring to the attention of the Governance, Audit & Standards Committee the Annual Review by the Local Government Ombudsman dated June 2011 regarding the complaints it has considered against Portsmouth City Council for the year 2010/2011.

3. Information Requested

The local government ombudsman's annual review provides a summary of the complaints they have dealt with regarding Portsmouth City Council. It includes comments of the authority's performance and complaint handling arrangements, to assist with service improvements.

The Local Government Ombudsman received 53 complaints about Portsmouth City Council during 2011/2012, compared with 56 in 2010/2011 and 51 in 2009/2010. Of these 27 cases were passed to the Investigative Team, with formal enquiries being carried out in 17 cases.

Portsmouth City Council's average response time to the ombudsman's enquiries was 26 days; this is a slight increase on the previous two years but still within the ombudsman's 28 day target.

The Local Government Ombudsman decided 27 cases during the year. In three cases the ombudsman had no power to investigate and in another three an investigation was not warranted.

In 13 cases the ombudsman decided that there was not enough evidence of fault and in a further four cases the ombudsman decided that there was no or minor injustice and the investigations subsequently discontinued.

The remaining four cases were remedied either during the investigation or as a result of an investigation by the ombudsman. These are termed as 'local settlements' and are where, during the course of an investigation the council takes or agrees to take some action which the Local Government Ombudsman considered to be a satisfactory conclusion to the complaint.

The following actions have been agreed as a direct result of complaints received.

Adult Social Care agreed to:

- to investigate the award of the 2010/2011 contract to a private company for the day to day care and support in adult supported accommodation;
- to carry out a review of its procedures regarding the handling of third party top-ups and implement a new process that adheres to the relevant guidance;
- review its service contracts to ensure that a third party contribution is included when applicable;
- to carry out a review of all current contracts where a third party is paying a top-up to ensure that people are fully aware of the implication of such an agreement.

Education:

- agreed to hold a fresh admission appeal.

Portsmouth City Council agreed the total of £4,100 in compensation, this comprised of:

- £350 to Mr & Mrs A for damage to a wall – Housing Service;
- £250 to Mrs B in recognition of her time and trouble in bringing her complaint – Adult Social Care;
- £3,000 to Ms C for additional living costs from January – March 2010 to be offset against any outstanding rent arrears – Housing Service;
- £500 to Ms C ex gratia payment for not responding in a timely manner – Housing Service.

Since April 2010 the Local Government Ombudsman has been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas, including Portsmouth. However, this was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education, with effect from 1 August 2012.

During the year 2011/2012 the Local Government Ombudsman considered a total of 235 complaints about schools, of these 11 were in the Portsmouth area. Three of these complaints were about bullying, one on curriculum and teaching, two centred on behaviour and discipline, two on teacher conduct, one on alternative provision and two were on other issues.

The ombudsman decided nine complaints in the Portsmouth area, in three the schools agreed to investigate and in six cases no fault was found.

4. City Solicitors Comments

The City Solicitor is satisfied that it is within the Council's powers to approve the recommendations as set out and is happy with the action which the Council has taken in response to the complaints and in particular where a local settlement has been determined to be appropriate. The City Solicitor will continue to monitor complaints to the Ombudsman and where appropriate will request further reports to this Committee in addition to the regular reporting which currently takes place.

5. Head of finance's comments

There are no financial implications arising from the recommendations contained within this report other than that expenditure that has already been made.

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Louise Wilders
Head of customer, community & democratic services

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Nil	