

**STANDARDS COMMITTEE
10 NOVEMBER 2008**

ANNUAL LETTER FROM THE LOCAL GOVERNMENT OMBUDSMAN

Purpose of report

1. To bring the Ombudsman's Annual Letter to the attention of committee members.
2. To advise members of actions which have been taken as a result of comments made by the Ombudsman in the Annual Letter.

Background

3. The Commissioner for Local Administration in England issues an Annual Letter to councils. The letter summarises the complaints he has received about each council during the previous year, and includes comments about the council's performance and arrangements with regard to the handling of complaints. Wiltshire County Council's 2007-08 letter is attached at **Appendix 1**.

Main issues for consideration by the Committee

4. Members of the committee are asked to note the contents of the Annual Letter.
5. Members' attention is drawn in particular to the comments about the council's complaints procedure and handling, which are as follows:

"Last year I remarked that I felt that, while robust and easily accessible, your Council's corporate complaints procedure might be rather cumbersome and time-consuming, particularly for less complex complaints. I understand that the Council seeks to resolve complaints at the first or second stage wherever possible. Nevertheless, there remains a risk that complainants may drop out of the complaints process without obtaining satisfaction, because they are suffering from "complaint exhaustion"."

And to the comments about the way in which the council responds to complainants:

"Last year I had reason to write about a perception on the part of a number of complainants that the Council had seemed unwilling to accept any fault, or reach a suitable compromise, in some cases. Children's Services, and in particular Education, were the services

singled out. I am glad to learn that the Council has taken formal steps to address this issue. I have yet to see the results of those improvements, but this will largely be because complaints about the events of the past two or three years are still working their way through the system.”

6. The Chief Executive, the Director for Children and Education and the Corporate Standards Manager attended a meeting with the Ombudsman and the Deputy Ombudsman to discuss these comments, and to seek an understanding of how the council might make changes to improve its performance with regards to the handling of customer complaints. This was mentioned in a report to the Committee at its last meeting. A note of that meeting is attached at **Appendix 2**.
7. After the meeting, the Chief Executive asked the Corporate Standards Manager to consider the council's approach to complaints in order to reflect the discussion and advice we received from the Ombudsman. The result was a report that the Corporate Standards Manager brought to the Corporate Leadership Team in September 2008. A copy of that report is attached at **Appendix 3**.
8. The Corporate Leadership Team approved the report and recommendations, and these are now being implemented and will be brought into effect in order to coincide with the creation of Wiltshire Council on 1st April 2009. In the interim, the Chief Executive is receiving regular reports on individual complaints, and the complaints teams within the County Council are working towards better integration in terms of sharing good practice and lesson learning.
9. A new complaints procedure is being drafted to reflect the reduction in the stages of the complaints procedure from 3 to 2, and the consideration of stage 2 complaints by the corporate complaints team, rather than in departments. This will result in the third stage of the complaints procedure, the Review Panel stage, being removed from the complaints procedure. The Standards Committee will retain a role in the oversight of complaints, and in particular, considering the effectiveness of the procedure.

Financial implications

10. There are no financial implications arising directly from the recommendations in this report.

Risk Assessment

11. There is a risk that the removal of the independent Review Panel stage might result in a perception that the complaints procedure is less independent. However, this stage has been replaced by the option to go straight to the Ombudsman after Stage 2, meaning that there is more incentive for the council to resolve complaints quickly, and resulting in a

fast track process for complainants. In addition, the consideration of complaints outside service departments at Stage 2 introduces a degree of independent challenge at an earlier stage in the process.

12. The requirement for Stage 2 complaints to be investigated and considered by the corporate complaints team will result in pressures on capacity. That has been mitigated by approval of the appointment of 2 full time complaints officers to that team with effect from 1st April 2009.

Proposal

13. The Standards Committee is asked to:

- (a) note the Ombudsman's Annual Letter
- (b) approve and recommend to Council the consequential changes to the Standards Committee's Terms of Reference in the Constitution, those changes resulting from the removal of the Review Panel stage from the corporate complaints procedure.

Note: Item 9 on the agenda refers to the terms and reference of the Committee

STEPHEN GERRARD, MONITORING OFFICER

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Unpublished documents relied upon in the production of this report:

The CIPFA Finance Advisory Network: The Statement on Internal Control "A Rough Guide for Practitioners"

CIPFA Guidance "The Statement on Internal Control in Local Government - Meeting the Requirements of the Accounts and Audit Regulations 2003.

Environmental impact of the recommendations contained in the support: None

- Appendix 1 - Annual Letter of the LG Ombudsman
- Appendix 2 - Notes of meeting with Ombudsman
- Appendix 3 - Report to CLT