

ANGUS COUNCIL**POLICY AND RESOURCES COMMITTEE - 25 JUNE 2002****LOCAL GOVERNMENT OMBUDSMAN - PERFORMANCE 2001/02****REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION****ABSTRACT**

This Report advises of complaints received by the Local Government Ombudsman against Angus Council in 2001/02 and compares the performance of the Council with preceding years.

1. RECOMMENDATION

It is recommended that the Committee:-

- (i) note the terms of the Report and the continuing relatively low number of complaints made in respect of services provided by Angus Council; and
- (ii) note that complaints dealt with in 2001/02 were resolved without any findings of maladministration by the Ombudsman.

2. BACKGROUND

Members will be aware that the Office of Commissioner for Local Administration in Scotland (the Ombudsman) was created under the Local Government (Scotland) Act 1975. The Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies.

There is a three stage process in respect of Ombudsman complaints. Stage one involves the Ombudsman investigating whether or not the complaint comes within his jurisdiction. If it does not, the complaint is then categorised as "not accepted without enquiry". The second stage is where the Ombudsman, having been satisfied that there are prima facie grounds for looking into a complaint of maladministration, requests information from the Council concerned. At this stage, there are often detailed comments supplied by the Council based on its dealings with the complainer. The Ombudsman may decide that there are no grounds for further investigation - in which case the complaint will be categorised as "not accepted after enquiry". Alternatively the Council may offer an action which is acceptable to the Ombudsman which will resolve the complaint.

The third stage is where the Ombudsman decides to make a formal investigation. This involves one of his investigators carrying out a local enquiry where the Ombudsman can interview witnesses and call for the production of papers and reports.

3. PERFORMANCE 2001/02

In 2001/02, two complaints were brought forward from the previous year and ten were received during the course of the year. Comparison with previous years is as follows:-

	Brought forward	Received	Total	Not accepted without Enquiry	Not accepted after Enquiry	Offers of Settlement	Decisions to investigate	Carried forward at 31 March
2001/02	2	10	12	7	1	0	1	3
2000/01	3	14	17	5	5	5	0	2
1999/00	3	12	15	5	3	4	0	3
1998/99	3	12	15	6	4	2	0	3
1997/98	3	11	14	8	2	1	0	3
1996/97	3	11	14	5	6	1	0	3

It can be seen from these figures that Angus again has a relatively low level of complaints to the Ombudsman and that the number actually dropped in 2001/02, with fewer requirements of further investigation by the Ombudsman and no offers of local settlement. Comparisons with other local authorities will be available later in the year when the Local Government Ombudsman's Annual Report is published, at which time, a copy will be placed in the Members' Lounge.

It will be noted that one investigation is taking place. It is likely that the result of this will be available soon and members will be advised of the outcome in due course.

All complaints are dealt with in Angus Council on a confidential basis but local members are advised of decisions made by the Ombudsman. However, full details of any of the complaints are available to members from my office on request.

4. FINANCIAL IMPLICATIONS

There are no financial implications as a result of this Report.

5. HUMAN RIGHTS IMPLICATIONS

There are no Human Rights issues arising from the terms of this Report.

6. CONSULTATION

The Chief Executive and the Director of Finance have been consulted in the preparation of this Report.

CATHERINE A COULL
Director of Law and Administration

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above Report.