

**ANGUS COUNCIL****POLICY & RESOURCES COMMITTEE - 8 SEPTEMBER 1998****Report by the Chief Executive****OMBUDSMAN'S ANNUAL REPORT 1997/98****ABSTRACT**

This Report draws attention to the receipt of the Local Government Ombudsman's Annual Report for 1997/98, and provides comparisons with last year's figures, the first year of operation of the Council.

**1. RECOMMENDATIONS**

It is recommended that the Council should note the terms of this Report dealing with complaints arising in the Angus Council area in 1997/98.

Note - a copy of the Ombudsman's Report has been distributed to members and is also available in the Members' Lounge and will be made available in the local Libraries.

**2. BACKGROUND**

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.

The Ombudsman's Annual Report for 1997/98 has been received and copies circulated. Details of the number and type of complaint which have been raised with the Council during the year have already been reported to the Policy and Resources Committee (Report 505/98, June 23) and the Annual Report of the Ombudsman allows comparison on a wider basis and on a year-on year basis.

**3. DETAILS**

From the Report it was seen that for Angus Council three complaints were carried forward from last year, there were 11 complaints made about the authority during the year making a total of 14. Of those complaints, 8 were not accepted without inquiry of Angus Council, two

were not accepted after inquiry, in one case there was an offer of settlement, and there were no cases taken to investigation stage. The balance of three cases was carried forward.

Comparison with neighbouring Councils is as follows (1997/98 figures in bold, 1996/97 figures in brackets): -

Authority	Brought forward/ Inherited	Received	Total	Not Accepted (without Enquiry)	Not Accepted (after Enquiry)	Offers of Settlement	Decisions to Investigate	Carried Forward at 31 March 1998
Angus Council	<b>3</b> (3)	<b>11</b> (11)	<b>14</b> (14)	<b>8</b> (5)	<b>2</b> (6)	<b>1</b> (0)	<b>0</b> (0)	<b>3</b> (3)
Aberdeenshire	<b>6</b> (10)	<b>27</b> (36)	<b>33</b> (46)	<b>12</b> (21)	<b>15</b> (9)	<b>2</b> (8)	<b>0</b> (2)	<b>4</b> (6)
Dundee City	<b>2</b> (1)	<b>24</b> (16)	<b>26</b> (17)	<b>10</b> (5)	<b>11</b> (9)	<b>2</b> (0)	<b>0</b> (1)	<b>3</b> (2)
Perth & Kinross	<b>9</b> (5)	<b>24</b> (31)	<b>33</b> (36)	<b>12</b> (11)	<b>10</b> (11)	<b>3</b> (4)	<b>2</b> (1)	<b>6</b> (9)
National Total	<b>176</b> (195)	<b>902</b> (873)	<b>1078</b> (1,068)	<b>386</b> (371)	<b>304</b> (311)	<b>216</b> (191)	<b>17</b> (19)	<b>155</b> (176)

It will be seen from these figures that in comparison to the national total based on population, Angus again has a relatively low level of complaints made to the Ombudsman's office and, equally, in comparison with its neighbouring authorities complaints run at a lower level than in these authorities.

Council	Population	Population percentage (Scottish population = 5,128,000*)	Number of complaints- both carried forward and new	Complaints as percentage of total complaints (Total for Scotland-inherited and carried forward =1078( 1,068)
Angus	110,780	2.16%	<b>14</b> (14)	<b>1.29%</b> (1.31%)
Perth & Kinross	132,570	2.59%	<b>33</b> (36)	<b>3.06%</b> (3.37%)
Aberdeenshire	227,430	4.44%	<b>33</b> (46)	<b>3.06%</b> (4.31%)
Dundee	150,250	2.93%	<b>26</b> (17)	<b>2.41%</b> (1.59%)

\*Registrar General's mid-year estimate.

In his comment on the year, the Ombudsman, Frederick C Marks, says that a great deal has been written about local government in the last year, much of it critical.

Mr Marks comments: - "Sadly the alleged misdemeanours of individual members have attracted far more attention than the efforts of local authorities to provide quality services and high standards of customer care." He goes on to note that as the report must contain details of complaints and examples of cases where things have gone wrong, there is a real danger that the report could become nothing more than a "catalogue of errors and omissions".

“Such a document would create a completely inaccurate impression and represent a wholly unbalanced view of the current state of play in local government. Mistakes do sometimes happen, delays do still occur and matters are not always as well handled as they could be. However, there is also a positive side.”

He goes on to note that in the course of making inquiries, his office encounters considerable willingness to put matters right and, as a consequence of his involvement, improvements for the future often result.

He notes that the total of complaints was 902 as against 873 in 1996/97. The figure for 1996/97 was the lowest annual total since 1989/90. Of the 902 complaints received: -

- 289 related to housing (296)
- 151 involved planning matters (161)
- 49 related to social work (41)
- 61 related to finance (68)

Of the 923 complaints determined, 216 were satisfactorily resolved without the use of formal powers. The number of formal investigations reported on was 18. Of these: -

- in 10 reports maladministration with injustice was found
- 2 reports resulted in findings of no maladministration
- 6 investigations involving 7 complaints were discontinued when the authority took action to remedy the matter.

He also notes that the average time taken to conduct an investigation reduced from 4 months 13 days to 4 months 4 days and the total average time from receipt of a complaint to issue of a formal report was 33 weeks.

Of the 889 complaints dealt with (including cases subject to formal report) 233 (26%) were satisfactorily resolved as a result of action taken by the authority concerned. The Ombudsman reported on a number of case studies, where authorities made compensation ranging from £500 to £5000. He also lists local settlements where resolutions included an apology for lack of response and agreement to adjust the position of a disabled parking bay and a formal apology and reinstatement of Improvement Grant of £5,411.

The Ombudsman also comments on good administrative practice and notes that this Council has acknowledged the worth of having a formal annual report on Ombudsman cases as part of their continuous performance assessment. He notes that a number of authorities have introduced this arrangements which, he says, may commend itself to others as a useful adjunct to reports on the operations of their own systems.

**4. CONSULTATION**

All Departments have been consulted in the preparation of this Report.

**5. FINANCIAL IMPLICATIONS**

There are no financial implications.

Note: In terms of the Local Government (Scotland) Act 1973, the following background paper was consulted in the preparation of this report: - Local Government Ombudsman Report 1997/98.

A B Watson  
Chief Executive

17 August 1998