

## POLICY AND RESOURCES COMMITTEE - 23 OCTOBER 2001

## LOCAL GOVERNMENT OMBUDSMAN - ANNUAL REPORT 2000/01

## REPORT BY DIRECTOR OF LAW AND ADMINISTRATION

**ABSTRACT**

This Report advises of the receipt of the Local Government Ombudsman's Annual Report 2000/01 and compares the performance of the Council with preceding years and with that of other authorities.

**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 2000/01 were resolved without a formal inquiry 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 1 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 inquiry where the Ombudsman can interview witnesses, call for production of papers and reports.

### 3. ANNUAL REPORT 2000/01

Attached as Appendix 1 to this Report is an analysis of the number of complaints regarding each local authority for the year 2000/01. For Angus Council, three complaints were brought forward from the previous year and fourteen were received in 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
2000/01	3	14	17	5	5	5	0	2
1999/2000	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 will be seen from these figures that Angus again has a relatively low level of complaints to the Ombudsman and that the number has remained fairly stable over the five years of the Council's life.

Copies of the Ombudsman's Report have been sent to elected members and placed in public libraries. 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 Director of Finance have been consulted in the preparation of this Report.

Catherine A Coull  
Director of Law and Administration

**NOTE:** The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above Report are as follows:-

Ombudsman Annual Report 2000/01.

## Appendix One

### Complaints by Local Authority 1 April 2000 to 31 March 2001

Authority	Brought Forward	Received	Total	Not Accepted				Carried Forward at 31/3/2001
				Without Enquiries	After Enquiry	Offers of Settlement	Decisions to Investigate	
Aberdeen City Council	9	29	38	14	11	6	0	7
Aberdeenshire Council	7	28	35	13	10	6	0	6
Angus Council	3	14	17	5	5	5	0	2
Argyll and Bute Council	8	35	43	16	10	10	0	7
Clackmannanshire Council	4	12	16	3	7	3	0	3
Dumfries and Galloway Council	6	34	40	21	8	4	1	6
Dundee City Council	1	22	23	12	4	6	0	1
East Ayrshire Council	7	24	31	9	9	6	0	7
East Dunbartonshire Council	3	23	26	9	3	8	2	4
East Lothian Council	1	11	12	7	4	0	0	1
East Renfrewshire Council	3	8	11	2	6	3	0	0
Falkirk Council	7	34	41	11	12	11	0	7
Fife Council	16	70	86	40	20	17	0	9
Glasgow City Council	22	91	113	41	27	22	0	23
Inverclyde Council	2	13	15	5	4	3	0	3
Midlothian Council	1	11	12	5	5	1	0	1
North Ayrshire Council	2	26	28	13	7	7	0	1
North Lanarkshire Council	16	61	77	25	21	17	1	13
Orkney Islands Council	1	1	2	0	2	0	0	0
Perth and Kinross Council	12	38	50	15	14	3	1	17
Renfrewshire Council	19	49	68	25	19	17	0	7
Scottish Borders Council	4	12	16	3	2	5	0	6
Shetland Islands Council	1	4	5	3	2	0	0	0
South Ayrshire Council	5	10	15	9	3	2	0	1
South Lanarkshire Council	6	49	55	22	16	6	0	11
Stirling Council	4	18	22	6	9	4	0	3
The City of Edinburgh Council	24	97	121	55	32	18	1	15
The Highland Council	7	41	48	23	8	7	1	9
The Moray Council	2	12	14	6	3	2	0	3
West Dunbartonshire Council	5	18	23	5	10	4	0	4
West Lothian Council	12	24	36	13	13	6	0	4
Western Isles Council	0	4	4	1	1	0	0	2
Scottish Homes	1	4	5	2	1	1	0	1
Other Within*	0	7	7	5	0	0	1	1
Out of Scope	0	29	29	29	0	0	0	0
	221	963	1184	473	308	210	8	185

