

| <b>Bath &amp; North East Somerset Council</b>                           |   |   |
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| MEETING/<br>DECISION<br>MAKER:  | <b>Standards Committee</b>  |   |
| MEETING/<br>DECISION<br>DATE:   | <b>18 January 2018</b>  | EXECUTIVE<br>FORWARD PLAN<br>REFERENCE: |
|   |   | E                                       |
| TITLE:  | <b>Commission for Local Administration in England (Local Government &amp; Social Care Ombudsman) Annual report &amp; update on determinations</b> |   |
| WARD:   | All   |   |
| <b>AN OPEN PUBLIC ITEM</b>  |   |   |
| <b>List of attachments to this report:</b>                              |   |   |
| Appendix 1 Annual letter from the Ombudsman                             |   |   |
| Appendix 2 Anonymised determinations made by the Ombudsman 2016 – 2017  |   |   |
| Appendix 3 Anonymised determinations made by the Ombudsman 2017 to date |   |   |
|   |   |   |

## **1 THE ISSUE**

- 1.1 To provide the Committee with a copy of the Ombudsman's Annual Review for 2016 – 2017; report the determinations made by the Ombudsman for the period 2016- 2017 (the first period) and the determinations made by the Ombudsman for the period 2017 to date (the second period).

## **2 RECOMMENDATION**

The Committee is asked to;

2.1 Note the Annual Review

2.2 Note the determinations made by the Ombudsman and determine what if any further action is required.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

3.1 None.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Monitoring Officer is under a duty under S 5(2) of the Local Government & Housing Act 1989 to prepare a formal report to Council where the Ombudsman has issued a formal report finding maladministration. The Ombudsman has issued guidance that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the Council summarising the findings on all upheld complaints over a specific period and that this may be addressed through an annual report.
- 4.2 The Council has delegated to the Standards Committee the function to consider any reports from the Council's Monitoring Officer regarding illegality, unlawfulness or maladministration and any report of the Local Government Ombudsman.

### **5 THE REPORT**

- 5.1 This report covers the two periods ending 31 March 2017 and 1 April 2017-to date.
- 5.2 During the first period 59 complaints were made to the Ombudsman and 57 decisions were made. This period is covered in the Ombudsman's Annual Letter. Of the 25 detailed investigations undertaken by the Ombudsman, 14 were not upheld; 9 were upheld with only 6 cases with a finding of causing injustice.
- 5.3 Appendix 2 to the report details in anonymised form the 6 cases of injustice in which maladministration was found and where the Council agreed to remedy the complaint by implementing the recommendations made following the investigation.
- 5.4 During the second period covered by this report, 4 detailed investigations were undertaken by the Ombudsman.
- 5.5 Appendix 3 to the report details in anonymised form, 4 cases in which maladministration was found and where the Council agreed to remedy the complaint by implementing the recommendations made following the investigation.

### **6 RATIONALE**

- 6.1 To allow the Standards Committee to consider the Annual Review and any actions required.

## **7 OTHER OPTIONS CONSIDERED**

7.1 None

## **8 CONSULTATION**

8.1 S.151 Officer and Strategic Management Team

## **9 RISK MANAGEMENT**

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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| <b>Contact person</b>  | Maria Lucas tel 01225 395171 |
| <b>Background papers</b>   | None                         |
| <b>Please contact the report author if you need to access this report in an alternative format</b> |                              |