

Public Document Pack



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STANDARDS COMMITTEE

TO FOLLOW

DATE: WEDNESDAY 9 DECEMBER 2009
TIME: 10.00 AM
PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –

Mr Pearce (Independent Member), Chair
Councillors Mrs Aspinall, Mrs Bragg, Gordon, Dr. Mahony and Mrs Stephens

Independent Members –

Mr Roy Campbell, Mr Craig Duncan, Ms Corinne Farrell, Mr Malcolm Haggart and Mr John Williams

TO FOLLOW – Please find enclosed additional information for your consideration under agenda item numbers 5, 6 and 10.

BARRY KEEL
CHIEF EXECUTIVE

STANDARDS COMMITTEE

5. OMBUDSMAN REPORTS (Pages 1 - 20)

The committee will receive an update on Ombudsman reports.

6. PROCESS FOR DEALING WITH STANDARDS REVIEW HEARINGS - TO FOLLOW (Pages 21 - 26)

The Committee will be provided with information upon the process for dealing with Standards Review Hearings.

10. APPLICATION FOR AN EXEMPTION IN RELATION TO A POST BEING PLACED ON THE LIST OF POLITICALLY RESTRICTED POSTS (E1) (Pages 27 - 32)

The Committee will be provided with a verbal update on an application for an exemption in relation to a post being placed on the list of politically restricted posts.

CITY OF PLYMOUTH

Subject: Ombudsmen Annual Review 2008/2009
Complaints Performance.

Committee: Standards Committee

Date: 9 December 2009

Cabinet Member: Councillor Steve Ricketts

CMT Member: Adam Broome – Director for Corporate Support

Author: Hannah Metson – Improving Customer Service
Programme Manager

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Ref: OBM/09
Part: I

Executive Summary:

Attached at Appendix 1 is the Annual Response (and associated report) from the Local Government Ombudsman commenting on the council's performance in relation to complaints for the year ending in March 2009.

The Ombudsman's Advice Team received a total of 111 enquiries and complaints during 08/09, of these **61** were investigated, where as in the previous year 89 were investigated and whilst the method of recording complaints has changed, this should still be considered a reduction.

Out of the 61 investigated, 11 related to Housing, 2 related to Children and Family Services, 7 related to Education, 5 related to Benefits, 1 related to Finance, 12 related to Planning, 5 related to Transport and Highways, 8 related to Antisocial Behaviour, 5 related to Waste and 5 were classed as 'other'.

A total of 59 decisions were made during the year; there was no evidence of maladministration in **33** cases, the Ombudsmen used his discretion in 9 cases, 10 cases were considered to be outside of jurisdiction. A total of **6** cases were classed as local settlements with 4 cases receiving compensation totalling **£1000** and **1** case of maladministration resulting in a payment of **£400**.

The response times remain disappointing with the average days taken to respond improving marginally by only 0.2 days when compared to last year at **32.6** days.

Corporate Plan 2009-2012:

This report relates directly to one of the Council's corporate priorities – Improving Customer Experience (Corporate Improvement Priority 1 – Improving Customer Service)

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Resources will be required to deliver the Corporate Improvement Priority Plan to deliver the actions for improving complaints handling.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

None identified.

Recommendations & Reasons for recommended action:

Note the contents of the report.

Alternative options considered and reasons for recommended action:

None

Background papers:

Annual Letter – Appendix 1

Response to Annual Letter – Appendix 2

Sign off: comment must be sought from those whose area of responsibility may be affected by the decision, as follows (insert initials of Finance and Legal reps, and of Heads of HR, AM, IT and Strat. Proc.):

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating SMT Member											



**Local Government Ombudsman –
Annual Review 08/09**

Release: Version 1.2
Date: 02/12/09

Author: Hannah Metson
Owner: Plymouth City Council

Sponsor: Adam Broome
Document Reference: CIP1/COM/AL8/9

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Appendices

Appendix A - Local Government Ombudsman Annual Review 2008/09

Appendix B - Response to Annual Review

1.0 Document Control

1.1 Document Location

This document is only valid on the day it was printed.

The source of the document will be found at location:

S:\Management\Corporate Improvement Priorities\CIP 1 Improving customer service\CIP 1 Improving Customer Service 0809\Complaints

1.2 Document Revision History

Revision Date	Previous revision date	Summary of Changes	Changes made by
01/07/09	N/A	First Issue	
18/07/08	01/07/09	Minor corrections	Hannah Metson
01/09/09	01/07/09	Amendments	Hannah Metson
02/12/09	01/09/09	Completion	Hannah Metson

1.4 Distribution

This document has been distributed to:

Name	Title	Date of issue	Version
Adam Broome	Director for Corporate Support	4/12/09	1.2
Carole Burgoyne	Director for Community Services	4/12/09	1.2
Anthony Payne	Director for Development	4/12/09	1.2
Bronwen Lacey	Director for Children Services	4/12/09	1.2
Barry Keel	Chief Executive	4/12/09	1.2
Ian Gallin	Assitant Chief Executive	4/12/09	1.2

2.0 Introduction

The Local Government Ombudsman (LGO) provides a free, independent and impartial service considering complaints relating to the administrative actions of councils and some other local authorities. The role of the LGO is to investigate when things go wrong for customers, such as poor service, service failure, delay or bad advice, where a customer has suffered as a result of our actions.

Over the last 12 months the Ombudsman has changed the way in which they operate, for example they now have an advice line which provides comprehensive information to complainants from the outset detailing any likely outcome, which will allow them to decide whether to contact us first through the Have Your Say process.

As a consequence of these changes the statistical recording of calls has changed from previous years and not all data will be comparable.

A summary of all the complaints received by the Ombudsman is provided each year in the Ombudsman's Annual Letter and this report summarises the findings in the report for the year ended 31 March 2009.

2.1 Executive Summary

The Advice team received a total of 111 enquiries and complaints during 08/09, of these **61** were investigated, whereas in the previous year 89 were investigated - whilst the method of recording complaints has changed, this should still be considered a reduction. Out of the 61 investigated, 11 related to Housing, 2 related to Children and Family Services, 7 related to Education, 5 related to Benefits, 1 related to Finance, 12 related to Planning, 5 related to Transport and Highways, 8 related to Antisocial Behaviour, 5 related to Waste and 5 were classed as 'other'.

A total of 59 decisions were made during the year; there was no evidence of maladministration in **33** cases, the Ombudsmen used his discretion in **9** cases, **10** cases were considered to be outside of jurisdiction. There were **6** local settlements, with 4 cases receiving compensation totalling **£1000** and **1** case of maladministration resulting in a payment of **£400**. The response times remain disappointing with the average days taken to respond improving marginally by only 0.2 days when compared to last year at **32.6** days.

2.2 Results

Attached at Appendix A is the Annual Review (and associated report) from the Local Government Ombudsman commenting on the council's performance in relation to complaints, for the year ending in March 2009.

2.2.1 Volume

The total number of Ombudsman's cases investigated has continued to fall for the fifth consecutive year and whilst the recording methods have changed, the decline from 89 last year to 61 this year should still be considered as a significant improvement.

2.1.2 Character

The number of complaints relating to Revenues and Benefits has decreased significantly when compared to previous years, falling from a total of 17 last year to **6** this year which is to be commended considering both the size and nature of the organisation as well as the increase in workload that has resulted due to the financial pressures on the economy.

The number of complaints relating to Planning & Building Control (**12**) and Housing (**11**) remained static, however Transport & Highways (**5**) **decreased by 45%**

The number of complaints relating to education rose **significantly** from 2 to **7**

A total of 18 complaints were classed as 'other' and included;

- Antisocial Behaviour (**8**), down from 11 last year
- Waste Management (**5**), down from 8 last year

2.1.3 Reporting and local settlements

The Ombudsman received a total of **111** enquiries and complaints and investigated a total of **59** cases during the year, of which **34** were classified as premature, **33** had no evidence of maladministration, **10** were outside of jurisdiction, **6** were settled locally, **9** the Ombudsman used his discretion and mal-administration was found in only **1** case.

The report of maladministration related to Legal services in that the council had unreasonably delayed the completion of a land transfer form and compensation of £400 was paid to the complainant to cover his legal costs incurred as a result of the delay.

The six local settlements resulted in four cases receiving compensation to a total of **£1000**. Two cases related to Planning issues and as a result of these complaints procedural changes have been implemented to better manage the process in future. One case related to Revenues and Benefits where an appeal took an unreasonable amount of time and one related to managing tenancies where a response was not received.

2.1.4 Training

The Ombudsman were pleased to note that PCC staff had undertaken Good and Effective Complaints handling that was instigated as part of Corporate Priority 1 improvement plan. Since this training there has been a notable improvement in the handling of complaints across the council.

2.1.5 Speed of response

The speed of response was **32.6** days, 0.2 days faster the previous year, which was disappointing, as the response time continues to remain outside of the target of 28 days.

The response time by the majority of services was within the 28 days target; however 6 cases significantly exceeded this target and if these cases were removed the response time would have in fact been an impressive 23.3 days.

The case exceeding this time related to:

- Children and Families – **133** days and **56** days for their 2 cases
- Education – **76** days (2 within target)
- Housing – **83** and **55** days 94 within target)
- Waste – **43** days (1 within target)

The council's response to the points raised by the Ombudsman review is attached at Appendix B.

3.0 Recommendations

- **Accept the findings of the report and agree that improving Ombudsman complaints handling will continue to be a key focus across all directorates.**
- **Ensure complaints handling process is understood and embedded across all services.**
- **Support CIP 1 action plan to improve complaints handling and processes.**

Appendix A

16/06/09

Mr B Keel
Chief Executive
Plymouth City Council
DX 8278
PLYMOUTH 2

Our ref: JRW/VJ/CK
(Please quote our reference when contacting us)

**If telephoning contact: Ms Vereena Jones on 02476 820043
or e-mail: v.jones@lgo.org.uk**

Dear Mr Keel

Annual Review 2008/09

I am writing to give you a summary of the complaints about your Council that my office has dealt with over the past year, set out in the annual review attached. We have changed the name from annual letter to annual review to better describe the updated document format. I hope you find the review a useful addition to other information you have on how people experience or perceive your services.

The review is split into two sections. The first concerns complaints about your Council and the second section provides a general update on LGO developments. This includes our proposal to introduce 'statements of reasons' for Ombudsmen decisions. I would welcome your views on this and any comments you may have on the form and content of the review.

We will publish all the annual reviews on our website (www.lgo.org.uk) and share them with the Audit Commission. We will wait for four weeks after this letter before doing so, to give you an opportunity to consider the review first. If any material factual inaccuracy is found we will reissue it. We will also publish on our website a summary of statistics relating to the complaints we have received and dealt with against all authorities.

I would again be happy to consider requests for me or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

I am also arranging for a copy of this letter and the review to be sent to you electronically so that you can distribute it easily internally and put the annual review on your Council's website. You do not need to include this covering letter on your website.

This is the last Annual Review that I will have the honour of presenting to your authority. I retire from my position as Local Government Ombudsman on 30 September 2009, after more than fourteen years in post, in order to become Professor in London History at Birkbeck, University of London. I would like to take this opportunity to thank you for the unfailing courtesy I have received from officers and Members of the Council during my period in office; and I offer the Council warmest wishes for the future.

Yours sincerely



J R White
Local Government Ombudsman

Local Government
OMBUDSMAN

Plymouth City Council
for the year ended
31 March 2009

**The Local Government Ombudsman's
Annual Review**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

Section 1: Complaints about Plymouth City Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about Plymouth City Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of calls to our service has increased significantly since then. It handles more than 3,000 calls a month, together with written and emailed complaints. Our advisers now provide comprehensive information and advice to callers at the outset with a full explanation of the process and possible outcomes. It enables callers to make a more informed decision about whether putting their complaint to us is an appropriate course of action. Some decide to pursue their complaint direct with the council first.

It means that direct comparisons with some of the previous year's statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

Enquiries and complaints received

Our Advice Team received a total of 111 enquiries and complaints about your Council in 2008/09. Housing generated 24 contacts, of which 10 were considered premature and 11 were passed for investigation. Fifty other complaints were forwarded to the investigation team, either as new complaints or as re-submitted premature complaints. Twelve of these concerned planning and building control; seven were about education matters; five were about transport and highways; five were about benefits; two were about children and family services; and one was about public finance. Of the remainder, most were about either anti-social behaviour or waste management. Thirty-four complaints were considered as premature, and advice was given in a further 16 cases.

Complaint outcomes

Overall, I decided 59 complaints against the Council during the year. In 33 of those cases I found no evidence of maladministration. I used my discretion not to investigate a further nine. Typically these are cases where even though there may have been some fault by the Council there is no significant injustice to the complainant. In ten cases I took the view that the matters complained about were outside my jurisdiction and so they were not investigated.

Reports

When we complete an investigation, we generally issue a report. This year we issued one report against your Council.

In this case, a solicitor acting for a couple selling their property applied to the Council to lift a restriction on the property so that they could transfer part of the land to their son prior to selling. The restriction was in the form of a section 106 agreement and so the Council needed to complete a Land Registry form. The solicitor had to contact the Land Registry on three occasions to seek an extension of time because of the Council's delay in completing the required form. As a result, the solicitor incurred extra costs.

I found that the Council had unreasonably delayed in completing the requested form and that the extra effort and costs incurred by the solicitor could have been avoided if the Council had properly explained at the outset the time that the process would take. I recommended that the Council make a payment of £400 to the complainant. I am pleased that the Council agreed to do so.

Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority six resulted in local settlements and in four of these cases I asked the Council to pay compensation totalling £1000.

Two of the complaints settled locally were about planning applications. In one of these I found that the Council had taken four months to determine the complainant's listed building application and this delay had caused him to miss an opportunity to obtain a regeneration grant. Although the grant became available to him later, he had already started the building work. The Council agreed to pay the complainant £500 and to assist him in obtaining a grant if he was still minded to pursue this. The Council also implemented a procedural change in order to better manage the process in future.

In the second planning case, the Council had notified the complainant about a planning application but had given an incorrect description of the development. This meant that the complainant assumed he would not be affected by the proposal and so he did not submit objections. Although I found that the outcome of the application was unlikely to have been different had he objected, the complainant had a justifiable sense of outrage. In recognition of this the Council apologised and agreed to pay him £250. The Council had already examined its procedures to try to prevent a recurrence of this problem.

A complaint about housing benefit was settled locally when the Council agreed to pay the complainant £200. In this case there had been a delay of 18 weeks in submitting papers to the appeals service, as well as delays in replying to correspondence. This caused the complainant uncertainty and anxiety about his ability to pay his rent.

In a complaint about managing tenancies, the Council had agreed to provide details and dimensions of the garden associated with a property but it then changed its mind and failed to respond to the complaints it received about the matter. To settle the complaint, the Council agreed to meet the complainant to discuss the situation and to provide the dimensions of the garden as requested. It also offered an apology and agreed to pay the complainant £50.

Two complaints were settled locally without financial compensation. In the first of these, the Council had failed to explain how it had taken account of the complainant's mitigating circumstances in respect of a parking fine. It agreed to look again at the case and reconsider its decision, and to inform the complainant of the consideration given to the mitigating circumstances.

In the second complaint, about waste management, the Council responded promptly and positively by agreeing to meet the complainant and to undertake to ensure refuse would be collected as agreed.

Liaison with the Local Government Ombudsman

Formal enquiries were made on 33 complaints during the year. Your Council's average response time of 32.6 days is only slightly improved on last year's figure of 32.8 days and remains outside the 28 day target response time.

In education, enquiries on one complaint about student support were responded to in 76 days. In housing most complaints were responded to within the target timescale but two cases about allocations had response times of 55 and 83 days respectively. Enquiries made on two complaints about children and family services were responded to in 56 days and 133 days, but I am aware that there were difficulties with the second of these cases which meant that the delay here was not entirely the Council's fault. In the service areas of planning and building control, transport and highways, benefits and anti-social behaviour, most responses met the target response time.

The Council should now make every effort to improve on its response times.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I am pleased that during 2008/09 we provided training courses in Good and Effective Complaint Handling for staff from your authority.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

J R White
Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB
June 2009

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a 'statement of reasons' for Ombudsmen decisions.

Council First

From 1 April 2009, the LGO has considered complaints only where the council's own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.

Adult Social Care Self-funding

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

Internal schools management

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

Further developments

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

**J R White
Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB
June 2009**



Appendix 1: Notes to assist interpretation of the statistics 2008/09

Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Formal/informal prematures: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

Advice given: These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

Forwarded to the investigative team (resubmitted prematures): These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

Forwarded to the investigative team (new): These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

Table 4. Average local authority response times 2008/09

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

Appendix 2: Local Authority Report - Plymouth City C

For the period ending - 31/03/2009

LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	2	0	10	4	3	2	1	11	34
Advice given	0	0	0	3	1	1	2	0	10	17
Forwarded to investigative team (resubmitted prematures)	0	1	1	2	4	0	2	0	9	19
Forwarded to investigative team (new)	0	1	5	9	0	2	9	4	12	42
Total	1	4	6	24	9	6	15	5	42	112

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	1	5	0	0	33	9	10	59

Average local authority response times 01/04/2008 to 31/03/2009

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	33	32.6
2007 / 2008	29	32.8
2006 / 2007	20	30.7

Types of authority	<= 21 days %	22 - 28 days %	> = 29 days %
District Councils	57	78	95
Unitary Authorities	7	18	21
Metropolitan Authorities	7	16	13
County Councils	8	13	13
London Boroughs	4	14	15
National Parks Authorities	3	3	0

Appendix B

Mr J R White
Local Government Ombudsmen
The Commission for Local
Administration in England
The Oaks
No 2 Westwood Way
Westwood Business park
Coventry CV4 8JB

Adam Broome

AB/AL09

Dear Mr White

Re: Annual Review 2008/09

Thank you for your Annual Review 2008/09 addressed to the Chief Executive.

We very much welcome the analysis and advice set out in your review and find it a valuable addition to helping us understand how our customers experience and perceive our services and especially, identifying areas for improvement. We feel that the new format introduced in this review is extremely clear and whilst the statistics this year are not directly comparable to the previous annual letter we can still use this information to help improve our performance.

We are pleased to note, that whilst local settlement payments have been necessary, we have learnt from the complaint and implemented new procedures to prevent reoccurrence. We are disappointed that there were only marginal improvements in the average days taken to respond. However the training that we undertook is beginning to show results, with the majority of the cases dealt with after this date are within the 28 day target time and we remain confident that next years result will show a greater improvement.

We would like to thank you for your support and advice over the last fourteen years and would like to wish you well in your new post as Professor in London history at Birbeck.

Yours sincerely

Adam Broome

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CITY OF PLYMOUTH

Subject: The process for dealing with hearings by the Standards Committees.

Committee: Standards Committee

Date: 9, December 2009

Cabinet Member: -

CMT Member: Director for Corporate Support.

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Part: I

Executive Summary:

The purpose of the report is to make recommendations to Members of the Committee on the new process for dealing with hearings into allegations of breaches of the Members' Code of Conduct.

Following an investigation of an alleged breach of the Code of Conduct the Committee is required to hold a hearing if it considers that to be appropriate. This has not been required to date and so the Committee has not adopted procedures to deal with hearings. It is recommended, however, that a set of procedures is adopted, so that the Committees procedures are clear and transparent.

Standards for England have issued guidance and a model hearing process for determining alleged breaches of the Members Code of Conduct. It is recommended that these procedures are adopted by the Committee, further details of which are given in the main body of the report

Corporate Plan 2007-2010:

This links to the corporate plan objective of putting the customer first by increasing the Councils ability to deal with complaints about Councillors locally.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

It is hoped that the costs of the new regime can be contained within existing budgets. This will depend on the volume and complexity of complaints. Training will be a key requirement for Standards Committee members and officers.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

It will be important to make sure that the complaints system is accessible to all citizens.

Recommendations & Reasons for recommended action:

- 1.1 To recommend that the Committee adopts the model hearing process for determining alleged breaches of the Members' Code of Conduct.

- 1.2 That the Committee authorises the Monitoring Officer to make appropriate pre hearing arrangements for any hearings in liaison with the Hearings Committee who will deal with any individual hearing.

Alternative options considered and reasons for recommended action:

The reasons for the recommended action are to allow the Council to comply with its statutory requirements under the Standards Committees (England) Regulations 2008. No other options are considered to be appropriate.

Background papers:

Sign off: comment must be sought from those whose area of responsibility may be affected by the decision, as follows (insert initials of Finance and Legal reps, and of Heads of HR, AM, IT and Strat. Proc.):

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating SMT Member: Head of Legal Services											

1.0 Introduction

- 1.1 Members of the Committee will be aware of the proposals, now enacted in Part 10 of the Local Government and Public Involvement in Health Act 2007, for allegations of breaches of the Members' Code of Conduct to be assessed, investigated and determined by local Standards Committees.
- 1.2 The new regime came into effect on 8 May 2008 following the making of regulations and the issuing of guidance by the Standards Board for England.
- 1.3 Standards for England has issued guidance dealing with the process that need to be followed by local Standards Committees determining alleged breaches of the Members' Code of Conduct.
- 1.4 The Committee is recommended to establish procedures to be followed at any determination hearing.

2.0 Pre-Hearing

- 2.1 The purpose of having a pre-hearing process is to allow matters at the hearing to be dealt with more fairly and efficiently. This is because it highlights possible areas of difficulty and, if possible, allows them to be resolved before the hearing itself. In particular the pre-hearing process should be an attempt to focus the relevant parties' attention on isolating all relevant disputes of facts between them. This is because attention to the factual issues will save valuable time later on in the determination process.
- 2.2 It is recommended that the Hearings Sub Committee should request the subject member to make clear precisely what, if any, findings of fact in the investigation report they disagree with and why. It should then invite the monitoring officer or investigating officer to comment on the subject member's response within a set time period. This is to make sure that all parties are clear about any factual disputes and can prepare to deal with those issues on the appointed day.
- 2.3 It is also recommended that the Hearings Sub Committee ask the relevant parties to provide outlines or statements of the evidence their witnesses intend to give. This is to allow the Hearings Sub Committee to decide how many witnesses may be needed and to identify the issues they will be dealing with at the hearing and estimate the time of the hearing. Standards for England recommend that the Hearings Sub Committee should then not allow the relevant parties to raise new disagreements over factual matters in the investigation report at the hearing unless there are

exceptional circumstances for doing so; such as new evidence becoming available that the parties could not have produced before.

2.4 Parts of the pre-hearing process will be able to be carried out in writing. However, a pre meeting of the Hearings Sub Committee may be necessary to deal with any preliminary matters.

The aim of the pre-hearing process is to:

- set the date, time and place for the hearing;
- summarise the allegation;
- outline the main facts of the case that are agreed;
- outline the main facts which are not agreed;
- note whether the subject member or investigating officer will go to the hearing or be represented at the hearing;
- list those witnesses, if any, who will be asked to give evidence, subject to the power of the standards committee to make a ruling on this at the hearing;
- outline the proposed procedure for the hearing.

2.5 It is recommended that the Monitoring Officer should liaise with the Hearings Sub Committee and the parties to make sure that matters which can be dealt with in any prehearing process are done so. These may vary from case to case.

3.0 The process at a hearing

3.1 Standards for England have issued the following guidance about holding hearings:

"A hearing is a formal meeting of the authority and is not a court of law. It does not hear evidence under oath, but it does decide factual evidence on the balance of probabilities.

The Committee should work at all times in a demonstrably fair independent and politically impartial way. This helps to ensure that members of the public, and members of the authority, have confidence in its procedures and findings.

The standards committee should bear in mind the need to maintain public confidence in the council's ethical standards. This requires that the standards committee's decisions should be seen as open, unprejudiced and unbiased. All concerned should treat the hearing process with respect and with regard to the potential seriousness of the outcome, for the subject member, the council and the public. For the subject member, an adverse decision by the committee can result in censure or in suspension for up to six months."

3.2 Representatives

The subject member may choose to be represented if they wish. If the subject member concerned wants to have a non legal representative, the subject member must obtain the consent of the standards committee.

The standards committee may choose to withdraw its permission to allow a representative if that representative disrupts the hearing. However, an appropriate warning will usually be enough to prevent more disruptions and should normally be given before permission is withdrawn.

3.3 Evidence

The Hearings Sub Committee controls the procedure and evidence presented at a hearing, including the number of witnesses and the way witnesses are questioned. It can allow witnesses to be questioned and cross-examined by the subject member, the monitoring officer, the ethical standards officer or their representative. Alternatively, it can ask that these questions be directed through the chair. It can also question witnesses directly.

3.4 Witnesses

Generally, the subject member is entitled to present their case as they see fit, which includes calling the witnesses they may want and which are relevant to the matters to be heard. The subject member must make their own arrangements to ensure that their witnesses (and witnesses they would like to question) will attend the hearing.

3.5 The Process for the Hearing

The process recommended by Standards for England is a three stage process. At stage one the Hearings Sub Committee would hear any evidence and representations about any factual disputes before retiring to make a decision about the facts of the case which the parties would be told. The second stage would be to listen to any representations about whether there has been a breach of the Members' Code of Conduct based on those facts, before retiring to form a view on that issue. Finally if there has been a breach of the Code the Committee will listen to any representations about what sanction is appropriate before retiring to decide this. A draft procedure based on this model is attached as Appendix One to this report and it is recommended that the Standards Committee adopt this for use by any Hearings Sub Committee.

4 Sanctions

The maximum sanction the standards committee can impose is six months suspension, or partial suspension from office. Guidance from Standards for England on considering sanctions is attached as Appendix Two.

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By virtue of paragraph(s) 1, 7c of Part 1 of Schedule 12A
of the Local Government Act 1972.

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