

REED William

To: THOMAS Jeremy J.**Subject:** RE: Changes to the Local Government Ombudsman Service

**For local authority LGO link officers
and other authorities within LGO jurisdiction**

LGO Link

**March 2008**

New developments from April

Welcome to the second issue of this newsletter from the Local Government Ombudsmen. Two important developments take effect from 1 April 2008. The new service provided by the LGO Advice Team opens, providing the first point of contact for all enquirers and new complainants from any part of England. Changes from the new Local Government and Public Involvement in Health Act 2007 come into force on 1 April 2008. The main provisions of the Act are set out in the sections below, followed by some FAQs.

What the LGOs can investigate

If, during the conduct of an investigation into a complaint, an apparent service failure or apparent maladministration comes to the LGOs' attention, they can investigate, even though no-one has complained. For example, if we are investigating a housing allocations case and we find that a particular property should not have been allocated to the complainant, but to a third party (not the person who was allocated it).

Service failure

The LGOs may now make a finding of 'service failure' even if there is no maladministration. This could relate to failure in a service which was the local authority's function to provide and, also, failure to provide such a service. For example, where the authority has done its best to arrange for repairs to be done, but the contractors just never turn up, so the tenants do not get the service they are due.

Maladministration without injustice

The LGOs already draw a Council's attention to fault that has been identified during the course of an investigation. The new power enables the Ombudsman, in a report where there is no injustice, to recommend action. This would be to prevent injustice being caused in the future in consequence of similar maladministration.

Partnerships

Where it is the local authority's function to provide a service, and it does this through a partnership with another body, accountability rests with the local authority. This has long been the LGOs' view, and it is now established in the legislation.

Persons affected

'Persons aggrieved' changes to 'persons affected'. This new definition refers to members of the public who claim to have sustained injustice and any third party member of the public who the LGO considers has, or may have, suffered injustice.

FAQs

Q: When will the new provisions in the Act apply?

A: They will apply to complaints received and matters coming to the attention of the LGOs on or after 1 April. The existing provisions of the Local Government Act 1974 will continue to apply to complaints received prior to this date.

Q: How will the LGOs count findings of 'service failure'?

A: In our statistics (including the annual letter and annual report), we will count findings of 'service failure' and 'maladministration' together.

Q: Will the LGOs still split the complaints among them by geographical area?

A: Yes, but the law now allows us to change the way we distribute the complaints among the LGOs, so that could change in future.

Q: Will the LGOs be able to investigate complaints about the new local standards committees?

A: Potentially complaints can be made about the process, administration and decision making of the standards committees. A separate part of the Act relating to standards committees is due to come into effect in the next few months.

Q: Can the LGOs now look at complaints about procurement?

A: Yes, but we are still considering this issue and will keep you informed.

Q: What other changes will there be?

A: There will be a number of other changes, but we have still to make decisions on how we will manage them. Some of them will involve consultation with local authorities. We will keep you informed through this newsletter of any changes that affect you.

Q: Who should I contact if I have questions?

A: Please contact the Assistant Ombudsman you usually deal with.

Making complaints

The new Act enables the LGOs to accept complaints by telephone, email or text, and not just in writing. From 1 April the LGO Advice Team will support all of these methods of first contact from complainants to a consistently high standard. Our advisers will confirm the subject matter of complaints before referring any 'premature' complaints to councils and others to the investigation teams. Copies of our new leaflet will be sent to you in April but as a reminder here are the contact details for the LGO Advice Team, which will operate Monday to Friday, 8.30am to 5pm: