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## Report of the Chief Customer Services Officer

### Standards Committee

Date: 1<sup>st</sup> July 2008

Subject: The Local Government and Public Involvement in Health Act 2007 and its Implications for the Local Government Ombudsman

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#### Electoral Wards Affected:

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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### Executive Summary

1. The purpose of this report is to provide the Committee with information regarding the Local Government and Public Involvement in Health Act 2007 and the implications of this for Local Government Ombudsman complaints.
2. The Committee is asked to note the provision of the Act and the potential implications that this will have.

## **1.0 Purpose Of This Report**

- 1.1 To provide the Committee with information regarding the Local Government and Public Involvement in Health Act 2007 and the implications of this with regards to Local Government Ombudsman complaints.

## **2.0 Background Information**

- 2.1 The Local Government and Public Involvement in Health Act 2007 received Royal Assent on 30<sup>th</sup> October 2007.
- 2.2 From a date to be announced (currently the Standards Committee are due to approve the new process on the 1st of July) the Standards Committee (SC) of a council will act as a local filter and take over the role of the Standards Board (SB) becoming the gateway for allegations of misconduct against council members or co-opted members.

## **3.0 Main Issues**

- 3.1 Contained within the Local Government and Public Involvement in Health Act 2007 is an amendment to the Local Government Act 2000 and states that the Local Government Ombudsman (LGO) may consult the SC (as well as the SB) about a case if he/she believes that the LGO case that he/she is considering relates partly to a matter which may be of concern to the committee.
- 3.2 In addition the action of a SC, as a committee of the council, will be within the Ombudsman's jurisdiction.
- 3.3 The SB will no longer receive complaints centrally nor take the decision whether to refer them for investigation. Local SCs will receive and assess new allegations, decide whether they appear to reveal a breach of the code and if so whether they merit investigation, informal procedure or no action.
- 3.4 SCs must have a review mechanism for complainants to use if they wish to appeal against a decision not to investigate.
- 3.5 The SB will oversee the performance of the new statutory framework in order to assess its effectiveness and present to local government a record of progress. This will be achieved through a requirement for SCs to report to the SB on a quarterly basis to include quantitative information about how many allegations handled and how many referred to investigation. In addition there will be an annual report to include qualitative information about the SC such as what training was undertaken or mediation carried out.
- 3.6 Through this monitoring by the SB it is expected to identify authorities that are having problems or failing in their obligations and offer help. Ultimately the SB can suspend the local filter power.
- 3.7 Regulations have yet to be finalised on the process and following this the SB will issue guidance to councils. The regulations will, in part deal with a Monitoring Officer's (MO) role in the new process. Many MO duties are personal to the MO and the Regulations may follow this model. If this is the case then a MO's action would not be action taken on behalf of the Council and therefore outside the Ombudsman's jurisdiction.

#### **4.0 Implications For Council Policy And Governance**

4.1 The power for the Ombudsman to consult Standards Committee may be discharged by the full committee or delegated to a sub committee or the Monitoring Officer.

#### **5.0 Legal And Resource Implications**

5.1 None other than those contained in this report.

#### **6.0 Conclusions**

6.1 The Committee will be actively involved in the introduction of the new act and this report seeks to provide background information on the new provisions of the act for the Local Government Ombudsman.

#### **7.0 Recommendations**

7.1 The Committee note the provision of the Act and the potential implications that this may have.