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Ombudsman Section

# A Complainant's View of the Local Government Ombudsman

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## Ombudsman Section

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### Introduction

While public sector ombudsmen (Ombudsmen) have played an important part in improving the provision of redress over the last 40 years, the ombudsman sector cannot afford to be complacent. This point is regularly made by the Ombudsmen themselves (e.g. Parliamentary Ombudsman, 2004a, p. 3). It is also fair to say that not everyone is convinced of the effectiveness of the ombudsman sector. In a recent Parliamentary review of the work of the Local Government Ombudsman (LGO), the Select Committee on the Office of the Deputy Prime Minister<sup>1</sup> received a number of submissions from dissatisfied users of the service provided by the LGO (Select Committee on the ODPM, 2004–2005, Ev 16–28). In amongst these submissions, there were even proposals for the abolition of the LGO (*ibid.*, Ev 26). To a certain extent, such criticisms misunderstand the purpose of public sector redress mechanisms and the remit of the Ombudsmen. However, two essential aspects of the work of the Ombudsmen are their capacity to provide redress and their ability to be *seen* to establish a fair resolution of a complaint. The Parliamentary select committee investigation does at least raise the possibility that the LGO is failing to optimise its potential in these respects.

This article seeks to explore some of the issues that face the complainant in their dealings with the LGO and will assess whether there are any lessons to be learnt from the submissions made to the Select Committee on the Office of the Deputy Prime Minister. The particular focus will be on the work of the LGO, although some of the points made apply equally to the other Ombudsmen.

### Difficulties in Using the Ombudsman

The LGO has become one of the most important complaint mechanisms in the civil justice sector, dealing with more complaints than any of the other Ombudsmen. One reflection of this higher workload is the fact that in England there are three LGOs.<sup>2</sup> As with other Ombudsmen, the LGO's workload has generally increased since it was originally introduced in 1974. In recent years, it has received almost 19,000 complaints a year (Local Government Ombudsman, 2005, p. 19). Despite being proud of its achievements, the LGO is aware that current arrangements need to be

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# Notes

1. Otherwise known as the Housing, Planning, Local Government and the Regions Committee.
  2. In Scotland, Wales and Northern Ireland, the equivalent work of the LGO is performed by the Scottish Public Services Ombudsman, the Public Services Ombudsman for Wales and the Northern Ireland Commissioner for Complaints.
  3. The figure is an approximation, but is derived from the 2,405 complaints that the LGO deemed were outside jurisdiction, the 4,713 complaints that were premature, and the 2,892 complaints where the LGO used their discretion not to pursue the matter (Local Government Ombudsman, [2005](#), p. 27).
  4. These are known in ombudsman jargon as 'comebacks'.
  5. Note that the Financial Services Ombudsman approaches complaints slightly differently, in that he employs an independent assessor to consider complaints about the service of the ombudsman, albeit the assessor cannot reconsider the complaint itself (Financial Services Ombudsman, [2005](#), pp. 46-48).
  6. Jerry White and Tony Redmond.
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