

Subject: **Triennial Review of Part III of Local Government Act 1974**  
Date sent: **Tue, 25 Mar 2003 11:42:09 -0000**  
From: **"Dorothy Tims " <Dorothy.Tims@warwickdc.gov.uk>**  
To: **<a.creech@lgo.org.uk>**

(Dictated by the Chief Executive and e-mailed by Dorothy Tims)

Dear Alan

Thank you for allowing me a few days grace to respond to the Triennial Review. On behalf of the SOLACE Professional Matters Panel I would comment as follows.

1. Paragraph 3 - Merger of the Public Sector Ombudsman Service in England

It is regrettable that no time has been found in the parliamentary timetable to implement the merger. The creation of a new and independent body covering central government, local government and health service should prove to be an effective and efficient way of managing this oversight role of public sector services.

2. Paragraph 4 - Decisions by letter and local settlements.

Local settlements, where they are appropriate, are beneficial to councils and complainants. They enable matters to be dealt with promptly without the need for a lengthy investigation. So I would support an amendment to the 1974 Act to give recognition to not only the Ombudsman's power to discontinue an investigation but also a council's power to settle the matter locally.

3. Paragraph 5 - Partnerships

In addition to partnerships created in pursuance of best value, all local authorities are encouraged to work in partnership for a variety of purposes. A specific example would be community safety, whereby several public bodies share statutory responsibility for reducing crime and disorder. A corporate example would be in connection with the duty of councils to produce a community strategy which is then driven by a local strategic partnership.

There are real and significant difficulties with extending the Ombudsman's power into partnership working. For example, all local authorities now have a power to promote the social, economic and environmental well being of their communities. This is very broad. If a local authority, in working through a local strategic partnership, commissions one of its partners, for example a voluntary body, to carry out some work would the local authority be held accountable for the maladministration of the voluntary body in carrying out the commission?

4. Paragraph 7.2 - Staff employed by Superintendent Registrars, Rent Officers and Coroners.

The proposal to bring these staff within the jurisdiction of the Ombudsman is supported.

5. Paragraph 7.3 - Contracting out of goods and services.

If the Ombudsman's powers are to be extended to cover the procurement by the Council of goods and services necessary to discharge functions, great care will need to be taken in assessing the consequence of such an investigation. For example, the Government consultation paper on Communities Plan makes clear that no further public money will be available to assist local authorities to meet the Decent Homes Standards and they will be required to consider large scale voluntary transfer or an arms length management company or PFI. All of these are exhaustive, expensive and complicated processes. The opportunities to complain to the Ombudsman could be seized upon by those who oppose an externalisation and the delay that would be inherent in an Ombudsman's investigation could have significant and serious effects to the Council's financial position. For this reason the proposal is not supported.

6. Paragraph 7.4 - Regional Assemblies.

The proposal to include elected regional assemblies within the Ombudsman's jurisdiction is supported.

7. Paragraph 7.5 - Care Trusts

With the significant overlap between Social Services' powers and

duties and those exercised by Primary Care Trusts, it is suggested that the Commission should work towards only having one system of complaint for these services.

8. Paragraphs 8 to 13.

The proposals in these paragraphs are supported.

9. Paragraph 14 - Data Protection Act 1998.

Clear advice is required from the Lord Chancellor's Department on the impact of not only the Data Protection Act but also the Freedom of Information Act on the ability of public authorities to disclose, or not, information.

Janie Barrett

Chief Executive

-----  
----- Any opinions expressed in the  
E-mail are those of the individual and not necessarily those of  
Warwick District Council. This E-mail and any files with it are  
confidential and solely for the use of the intended recipient. If you  
are not the intended recipient or the person responsible for  
delivering to the intended recipient, please be advised that you have  
received this E-mail in error and that any use is strictly prohibited.  
-----  
-----

From: "Rosemary Edwards" <restonemill@btinternet.com>  
To: "Alan Creech" <a.creech@lgo.org.uk>  
Copies to: "Phelps, Liz " <Liz.Phelps@citizensadvice.org.uk>  
Subject: LGO triennial review  
Date sent: Wed, 19 Mar 2003 07:03:38 -0000

Dear Alan

Just to record that Citizens Advice have no comments to make on the consultation paper on the triennial review.

We continue to hope that the proposals to move to a united public sector ombudsman service will be brought to fruition.

Yours sincerely

Rosemary Edwards

**2002/03 Triennial Review of LGA 1974**

Telephone responses to February 2003 Consultation Paper:

1. John Wright, Chief Executive of IPSEA ((the Independent Panel for Special Education Advice) said that his organisation supported the Commission's proposed deletion of "any action concerning" internal matters in schools from paragraph 5(2) of Schedule 5 of the 1974 Act (para 6.2).

26 February 2003

2. Elizabeth Thomas, Legal Adviser to the Welsh Commissioner for Local Administration Elwyn Moseley, confirmed that he had considered the consultation paper. Mr Moseley felt that no comment was necessary this time, because he had commented on a number of the proposals in the paper in the course of past Reviews, and he had no additional proposals to make.

2 April 2003

Alan Creech  
Business Manager  
CLAE