

Complaints about compacts between councils and civil society organisations

This fact sheet is aimed primarily at civil society organisations who are having difficulties with the implementation of a compact agreement with the council and may be considering making a complaint to the Ombudsman.

What is a civil society organisation (CSO)?

CSOs are bodies such as charities, social enterprises and community groups. Examples might include residents associations, preservation trusts, allotment societies, community associations, advice organisations such as CABs and charities providing support for people with specific needs in the locality.

Most councils have a large number of such organisations operating in their area. Some of them may receive annual grants from the council to support their community activities, or the CSO may have a contract with the council to provide specific services to people living there.

What is a compact?

A compact is an agreement between a government body and civil society organisations (CSOs) which sets out a how the working relationship between them will operate.

Every council is expected to either have its own local compact agreement with CSOs in its area, or to abide by the principles in the National Compact statement (issued by the coalition Government in December 2010) that governs working relationships. The purpose is to strengthen trust and commitment between partner organisations so they can work together flexibly for the benefit of their local community.

The council has not consulted our CSO in line with the compact agreement. Can the Ombudsman help me?

In some cases, yes. If consultation on matters that affect the purpose for which your CSO operates has not taken place and your CSO has suffered some disadvantage as a result, you may have grounds for a complaint. If there is no satisfactory resolution to local difficulties in implementation of a compact agreement, the CSO can complain to the Local Government Ombudsman (LGO). The CSO is a body that can suffer loss, expense, or inconvenience if their reasonable expectations, based on the compact, are not met, so we can look at complaints from CSOs in their own right. We can also look at complaints where a CSO is acting as representative for an individual who has suffered from fault or service failure, when a council has not worked in accord with compact good practice standards. Sometimes a CSO and an individual may make joint complaints.

The LGO can investigate complaints where commissioning or contracting may be at issue since the law was changed to allow us to investigate certain contractual matters, such as complaints of a flawed contract bidding processes. But it does depend on the nature of the dispute and whether it would be better dealt with as a contract dispute in the courts.

How do I complain?

- You should normally complain to the council first. This doesn't just mean telling council staff about what your neighbours are doing. It means making a formal complaint about the council not taking any action even though you have asked for help. It is important to keep a note of each time you contact the council telling it about your neighbours' behaviour.

- Councils often have more than one stage in their complaints procedure and you will usually have to complete all stages before we will look at your complaint.
- Then, if you are unhappy with the outcome, or the council is taking too long to look into the matter – we think 12 weeks is reasonable – you can complain to us.
- You should normally make your complaint to us within 12 months of realising that the council has done something wrong.
- To complain to the Ombudsman phone our Advice Team on 0300 061 0614 or 0845 602 1983 (8.30am to 5.00pm, Mondays to Fridays). You will be able to discuss your complaint with one of our advisers. You can text us on 0762 480 4299.
- You can complete an online complaint form at www.lgo.org.uk/making-a-complaint, or you can email us at advice@lgo.org.uk.

If you can consider my complaint what will the Ombudsman look for?

In investigating complaints about compacts we will have regard to the benchmarks established by the National Compact statement, and locally agreed compacts, especially where the CSO is a recognised partner organisation. Promised behaviours, such as:

- early involvement in service planning
- timely consultation
- giving adequate notice of funding changes, and
- effective communication

are all measures of whether a compact agreement is being honoured.

What happens if the Ombudsman finds that the council was at fault?

It depends on what went wrong and how that affected the CSO itself, or the person it is representing.

- For example, if a council has withdrawn funding for a CSO without warning, or consultation, we would ask the council to reconsider its decision, after consulting parties involved.
- In appropriate cases, we can recommend that the council pay compensation for distress or inconvenience caused, and for any time and trouble expended in making the complaint. The level of compensation will depend on the how badly the council's wrong-doing has affected the CSO or person involved.

We may also recommend that the council review its policies and procedures to avoid the same problem happening to another individual or CSO.

Examples of some complaints we have considered

Following the introduction of the National Bus Pass scheme, a council decided to change its concessionary travel scheme, and stop providing travel tokens that allowed people choosing that option to make private travel arrangements with taxis or other providers. Enhancements to the existing bus pass scheme and other transport services were made instead.

The local Older Person's Forum made strong representations against the change, and argued that councillors had taken their decision in ignorance of the requirements of the Disability Discrimination Act 1995 to consider an equality impact statement (EIA). After the decision was made and implemented the forum made a complaint to the LGO jointly with a couple who, because of the wife's specific disabilities, were unable to make use of the public transport offered.

The Ombudsman concluded that, while a council is entitled to revise its concessionary travel arrangements, its decision-making process should be properly informed. It had failed to consult relevant interested groups who could represent elderly or disabled people before considering a material change in its service that would directly affect them. The council agreed to put things right by apologising to the forum, reconsidering its decision after a proper consultation exercise and completing an EIA to be put before councillors. It also agreed to apologise to the couple and offer them £100 in recognition of the time and trouble they had been caused.

Elected council members decided to close a village library to save £31,000, but proceeded without fully considering the alternative.

A community association came forward offering to recruit volunteers to operate the service. Those arrangements progressed but then failed because the council had made no provision for the running costs of the building. No timely support was given for the necessary training of volunteers. The library closed for two months, and the association was caused anxiety and frustration, but given little help, while it sought alternative grant aid funding for the premises costs that would enable the association to restore this community service in the village.

The Ombudsman recommended that the council should pay the association £750 and provide help and assistance in seeking funding to secure the future for the volunteer-run library service.

Other sources of information

- [Accountability and Transparency Guide](#): This companion document to the National Compact statement sets out how the relationships between partner organisations should work, and what steps can be taken if they do not. Many council compacts set out local dispute resolution protocols.
- Compact Voice provides a network of over 2,300 members ranging from community organisations to large national charities. Their Board members are from front line groups and umbrella bodies, in turn representing over 20,000 voluntary and community groups. Their literature and activities promote good practice across England. Their website at www.compactvoice.org.uk/ gives easy access to the national Compact and the Accountability and Transparency guide.

Our fact sheets give some general information about the most common type of complaints we receive but they cannot cover every situation. If you are not sure whether we can look into your complaint, please call 0300 061 0614.

The Local Government Ombudsmen provide 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.

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