

Standards Committee – 30 October 2008

Local Government Ombudsman Annual Review 2007/08

Service Area: Corporate Performance Management

Summary of report:

The purpose of this report is to:

- a) provide information on the number and range of complaints referred by the Local Government Ombudsman to the Council during the financial year 2007/08
- b) submit for Committee's consideration the Ombudsman's annual letter

Recommendations: To note the contents of this report.

Resource and legal considerations:

There are no specific financial implications arising from this report. The report indicates that in six cases, the council made a cash payment during 2007/08 towards the local settlement of particular complaints investigated by the Ombudsman.

The Ombudsman service operates in accordance with provisions in the Local Government Act 1974, as amended by subsequent legislation. Councils are expected to respond to enquiries received in the Ombudsman within a set timescale – 28 calendar days for our initial response – and must give the Ombudsman access to files and other information relevant to the complaint, and to officers and Members who have had an involvement in the matter. Any reports of maladministration that are received must be considered by the council, as must further reports issued in cases where the council declines to implement the Ombudsman's recommendation.

Citizen impact:

The Ombudsman is very largely concerned with specific complaints by individual residents and service users. However, the Ombudsman has a broader role in relation to good administrative practice, and through his conclusions on individual complaints, through the annual report and his annual letter to Councils, seeks to identify learning points of more general applicability. The Ombudsman also produces various guidance notes on good administrative practice to assist councils to identify best practice. Also the Ombudsman issues an annual digest of significant cases, which he believes offer learning opportunities to other councils. These volumes of "case law" are circulated within the council, and are an example of how the organisation learns from complaints.

Environmental impact:

A significant proportion of the Ombudsman's caseload relates to issues of an environmental nature, including planning, highways, and housing.

Performance and risk management issues:

Complaints made to the Ombudsman are no longer included within the set of statutory performance indicators, now within the National Indicator Set (NIS), formerly the Best Value indicators. The Ombudsman's annual letter and annual report provides details relating to the number of complaints received, the outcome, and the average time taken to provide an initial response.

Equality implications:

The Ombudsman service provides leaflets in a number of languages, including Bengali, Gujarati, Hindi, Punjabi, Turkish and Urdu, in large print, and other formats. These leaflets are circulated within the council, including libraries and other local service points, and are available externally, for instance at the Citizens Advice Bureau.

Consultation:

Matters relating to the Ombudsman are coordinated by Corporate Performance Management, working closely with relevant service managers. Externally, details of the Ombudsman service are available in the Council's Tellus leaflet, and via our web site.

Vision:

Complaints handling, and the ability of residents and other service users to make complaints about our services, contribute to the council's strategic priorities to make effective use of resources, deliver quality services that meet customer expectations, and by learning from complaints received to take forward the transformation agenda.

Background papers: None**Contact officer:**

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Signed:

Executive Director: Tim Johnson

Date: 21 October 2008

1. FURTHER INFORMATION

- 1.1 The Commission for Local Administration, usually known as the Local Government Ombudsman service ('the Ombudsman'), was established by Part 3 of the Local Government Act 1974. The service investigates complaints about most council matters including housing, planning, education, social services, consumer protection, drainage and council tax. The Ombudsmen can investigate complaints about how the council has done something, looking at the council's administrative practice, and at how the service has acted in the matter concerned but they cannot question what a council has done simply because someone does not agree with the outcome. The Ombudsman service which deals with complaints relating to Walsall is based in Coventry.

2. THE OMBUDSMAN'S PROCEDURES

- 2.1 Each complaint sent to the Ombudsman, on a pre-printed complaint form, or simply by letter, is reviewed by one of the Ombudsman's team of investigators. In 2007/08, the Ombudsman has reviewed his procedures to enable complaints to be made by other means, via e-mail or by telephone to the LGO Advice team on 0845 602 1983. A small number of complaints are rejected at this stage: they may be outside the Ombudsman's jurisdiction; the complainant may have other remedies (e.g. a tribunal, or formal appeal procedure); the complaint may be submitted too late to be considered (normally over 12 months after the incident or issue arose); or it may not relate to administrative matters. These cases are generally referred to the relevant council purely for its information. Also, in a significant number of cases, the Ombudsman decides to pass back the complaint to the council concerned because the complainant has not used the council's complaints procedures first, and he will then ask the council to review the complaint through those procedures.
- 2.2 All other cases are referred to the relevant council, seeking a detailed written response within a 28 calendar day period. The Ombudsman will then consider the council's response, asking for further information or clarification as appropriate, before deciding whether to take the matter further. He may at this stage consider that the council has acted reasonably, and therefore decide not to pursue the complaint. He may consider that the council has settled the matter locally or on occasion he may suggest to the council a local settlement at this stage.
- 2.3 Where the Ombudsman considers that the council's initial response leaves matters unclear, he will continue with his investigation procedure, to establish and record all relevant facts, so that he can reach a decision on the complaint. This may involve an inspection of all relevant files, and occasionally include interviews with relevant individuals involved in the matter to a significant degree, including Members, employees, ex-employees, and the complainant(s).
- 2.4 After carrying out these enquiries, the Ombudsman will either end the investigation, if no fault on the council's part is found; he may again propose a local settlement; or he may prepare a draft report setting out the facts. The council and all those who have been interviewed will be asked to comment on the draft report before the Ombudsman publishes his formal investigation report, which will include his conclusions and recommended course of action.

- 2.5 The formal investigation report, including the Ombudsman's conclusions and recommended course of action, when it is published, will be sent by the Ombudsman to the complainant, the council, and also to the news media. The council must publish a notice in the local press, within two weeks, and must make the report available for viewing. Within three months, the report should be considered by a committee of the council and the Ombudsman advised of the council's response to his recommendations. The council's constitution places responsibility for considering any reports of this nature with the Standards Committee.
- 2.6 If the Ombudsman is not satisfied with the council's response, he may issue a further report, which the council must consider. If the Ombudsman considers the council's response to the further report to be unsatisfactory, provisions in the Local Government and Housing Act 1989 require the council to publish in 2 editions of a local newspaper of the Ombudsman's choice, a notice setting out details of the complaint, the Ombudsman's proposed course of action, and, if the council wishes, its own reasons for not following the Ombudsman's recommendations.

3. STATISTICAL REVIEW

3.1 Introduction

During the year 2007/08 the Ombudsman forwarded 63 new cases to the council. This represents an increase on 2006/07, when 58 cases were received, and on 2005/06, when 53 new cases were received. Comparative details relating to neighbour authorities are set out below, and show that figures for Walsall are broadly comparable with those authorities – bearing in mind that, in some cases, the figures include significant numbers of complaints relating to housing management issues. Prior to LSVT in 2003, housing complaints formed by far the largest proportion of complaints received by the council.

	2005/06	2006/07	2007/08
Birmingham	395	467	476
Coventry	63	59	73
Dudley	90	111	100
Sandwell	158	116	116
Solihull	43	33	57
Walsall	53	60	63
Wolverhampton	56	60	65

3.2 Analysis by nature of complaint

The majority of the 63 complaints received by the council in 2007/08 related to planning and building control (21), local taxation and benefits (10), and housing (8). Others related to adult social care (7), highways and traffic management (7), environmental health (2), waste management (1), children and family services (1), education (1), and leisure & culture (1). There were 4 others.

- 3.3 Set out below is an analysis of the 54 complaints considered to a conclusion by the Ombudsman during this period; the difference in numbers reflects the fact that some cases received in one year will be concluded in the following year. The number of cases determined by the Ombudsman has fallen from 60 in 2006/07, but this does not represent significant variation.

3.4 Analysis by outcome

Of the 54 cases concluded by the Ombudsman in 2007/08, none resulted in a formal investigation report. The Committee is advised that the report submitted to this evening's meeting was received in June 2008 and will be included in the Ombudsman's statistical review for 2008/09 as a case concluded in the current year.

In summary, the 60 cases can be divided into the categories set out below.

	2007/08 (2006/07 figures in brackets)
Cases rejected as premature and passed back to the Council's own complaints procedures	13 (18)
Cases investigated by the Ombudsman, discontinued with no maladministration found	20 (18)
Cases rejected by the Ombudsman as being outside his jurisdiction	12 (9)
Cases investigated by the Ombudsman, considered to have been settled locally	9 (15)
Cases investigated by the Ombudsman, leading to a formal investigation report finding:	
maladministration, no injustice;	0 (0)
maladministration with injustice;	0 (0)
no maladministration	0 (0)
Total	54 (60)

4. LOCAL SETTLEMENTS

Brief details of the 9 local settlements are outlined below:

1.	Ref. 06/B/11835. The complaint related to adult social care, and specifically to arrangements for booking respite care for the complainant's elderly mother. The Ombudsman criticised the council for failing to consult the complainant on changes to those arrangements in advance, causing unnecessary distress. The council wrote to the complainant to offer an apology for this failure.
2.	Ref. 07/B/00007. The case related to council tax, and to action arising from an incorrect calculation of council tax due when the complainant moved into his new property, including the issuing of a summons for arrears. The

	council corrected the error, and subsequently apologised to the resident. The Ombudsman, having investigated the complaint, recommended that the council pay a small sum to the complainant for incorrectly issuing a summons. The council accepted the proposal, although, in the event, the complainant indicated that he did not wish to receive it.
3.	Ref. 07/B/00918. The complaint related to a planning application to extend a bungalow, adding a first floor extension and dormers, and to delays in council action to investigate the complainant's concerns about a planning condition relating to a dormer window, and relating to the council's refusal to take enforcement action relating to the window. The Ombudsman criticised the council for failing to keep the complainant informed of progress with his complaint. The council apologised for the delay, and failure to keep him informed. Staff were reminded of the importance of providing regular updates in cases which become prolonged.
4.	Ref. 07/B/02762. The complaint related to adult social care and specifically to arrangements for the assessment of the complainant's disability related expenditure. The Ombudsman criticised the council for fettering its discretion when considering relevant costs, stressing that this was the second time that the complainant had needed to raise the matter with the Ombudsman service. The council agreed to make a payment of £500 as compensation, to revise its policy in this respect, and to reassess various aspects of the complainant's disability related expenditure.
5.	Ref. 07/B/03460. The case related to Disabled Facilities Grant, and the way that the council processed the complainant's application. The council failed to advise the complainant that it was only required to fund grants up to £25,000, and that funding above that level was discretionary. The Ombudsman criticised the council for not following its policy, for delay in issuing tender documentation, and for failing to keep the complainant informed. The council agreed to the Ombudsman's proposal that it should make an apology, pay £1000 compensation, and that it should pursue alternative options to adapt the complainant's property.
6.	Ref. 07/B/04139. The complaint related to council tax benefit, and to delays in dealing with the complainant's request for backdated benefit, effectively a refund of overpayments of council tax. The council in its response to the Ombudsman noted that the case had been reviewed and council tax benefit awarded, representing the local settlement of the matter.
7.	Ref. 07/B/08111. The complaint related to disabled facilities grant (DFG), to delays by the council in processing the complainant's application, and failure to keep the complainant informed of the progress of his application. The Ombudsman, whilst acknowledging that the council had complied with government guidelines in approving the grant within 6 months after receipt of a valid application, and noting that work was then due to commence, recommended that the council should nevertheless compensate the complainants financially for its initial delays, and in recognition of his time and trouble spent making the complaint. The council complied with these recommendations.
8.	Ref. 07/B/08179. The case related to delay in dealing with a breach of a planning condition that required the developer of a factory unit to plant a landscaping screen between the unit and adjacent residential houses. The council agreed to pay £300 compensation to the complainant, and to draw

	up a timetable to resolve the issue, and to keep the complainant informed of progress.
9.	Ref. 07/B/09204. The case related to the death in residential care of an elderly resident, and to the council's failure to make contact with family members. The Ombudsman was critical of the council, and also in relation to information subsequently provided to the deceased's son. The local settlement included the payment of a significant sum of compensation to the son, and the introduction of new procedures relating to deaths in local authority care and to the recording of next of kin details on client files.

5. ANNUAL LETTER

Each year the Ombudsman sends each council an annual letter, setting out details of the Council's performance during the year, and offering advice and guidance. The letter sent to the Council by the Ombudsman in June 2008 is attached to this report. The letter is available publicly via the Ombudsman's website www.lgo.org.uk. The main points are as follows:

- 5.1 The letter gives a summary of **complaints received by the Ombudsman**. The Ombudsman has indicated that the number of complaints that the Ombudsman has classified as 'premature' (sent to the Ombudsman, without recourse to the Council's own complaints procedure) suggests that our local procedures are widely known and accessible.
- 5.2 The letter sets out **details of complaints which were upheld**, in part or in total. As noted above, of the cases concluded during 2007/08, there were no reports of maladministration. There were 9 local settlements. In all cases, the service concerned has acted as agreed, and where necessary looked at procedures and made changes where appropriate (see paragraph 4 above). The Ombudsman has welcomed the council's willingness to seek and to accept the local settlement of complaints where mistakes have been made.
- 5.3 The letter also provides an **average initial response time**, for those complaints where a response to the Ombudsman is required. In 2005/06 after two years of improving average response times, the council's average performance fell back to 36.1 calendar days, failing to achieve the Ombudsman's 28 day target timescale. In 2006/07, this figure improved, to 34.5 days, but remains outside the target timescale. In 2007/08, the average response time has dipped significantly, to 45.3 days, placing the council in the lower performance quartile. The average is based on calendar days, including weekends, and is calculated from the day of despatch (in 2007/08, by post: for 2008/09 the Ombudsman is sending his letters electronically) to the date of receipt back, and is, in Walsall's case, based on 26 cases. Of those only 6 (23%) were returned within the 28 day period, and a disappointing 8 (30%) took more than 50 days – though it should be noted that three of these related to a single topic and received a single, combined response.
- 5.4 Whilst it is the case that the matters taken to the Ombudsman in 2007/08 have been complex ones, several involving more than one services, and the preparation of long, very detailed responses by the council, it is nevertheless the case that action needs to be taken to ensure more prompt replies in future. To

this end, the link officer has attended two days' training with the Ombudsman service and, as part of the wider review of the council's performance management arrangements, benchmarking will be undertaken with those West Midlands districts who have achieved upper quartile performance in 2007/08. Further training for all service areas, focussing on the importance of giving Ombudsman cases due priority, is planned.

18 June 2008

Mr P Sheehan
Chief Executive
Walsall Metropolitan Borough Council
Civic Centre
Darwall Street
WALSALL WS1 1TP

Our ref: JRW/KB/jw
(Please quote our reference when contacting us)

**If telephoning contact: Mr D Pollard on 02476 820062
or email: d.pollard@lgo.org.uk**

Dear Mr Sheehan

Annual Letter 2007/08

I am writing to give you a summary of the complaints about your authority that my office has dealt with over the past year, set out in the annual letter attached. I hope you find the letter a useful addition to other information you have on how people experience or perceive your services.

I would again very much welcome any comments you may have on the form and content of the letter.

We will publish all the annual letters on our website (www.lgo.org.uk) and share them with the Audit Commission. We will wait for four weeks after this letter before doing so, to give you an opportunity to consider the letter first. If a letter is found to contain any material factual inaccuracy we will reissue it. We will also publish on our website a summary of statistics relating to the complaints we have received and dealt with against all authorities.

I would again be happy to consider requests for me or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the council and put the annual letter on your Council's website. This covering letter is not intended for publication.

Yours sincerely



J R White
Local Government Ombudsman

**The Local Government Ombudsman's
Annual Letter**

Walsall Metropolitan Borough Council

**for the year ended
31 March 2008**

The Local Government Ombudsman (LGO) provides 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. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Walsall Metropolitan Borough Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

Volume

We received 63 complaints against your Council during the year, a slight increase on the 58 complaints received in 2006/2007. We expect to see fluctuations like this from year to year.

Character

Twenty one complaints, a third of all those we received against your Council, were about planning and building control.

Small increases were noted in some other subject areas - housing, adult care services and highways. But complaints about the benefits decreased by 80% from ten in 2006/2007 to two this year.

We received a similar number of complaints to previous years in the areas of children and family services, education and public finance.

Two complaints were made about environmental health and one each about antisocial behaviour, access to information, land and waste management. Three complaints were received about miscellaneous matters.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your Council this year.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Nine complaints were settled locally this year, and the Council paid a total of £5,402 in compensation.

In a complaint about adult care services I criticised the Council for the way it dealt with the death of a lady living in local authority care. In that case the Council's lack of procedures for identifying the next of kin meant that inadequate attempts were made to contact the deceased's son. As a result the complainant was unaware of his mother's death until after she had been cremated. I also criticised the Council for delaying the complainant's access to his mother's ashes and for contradictory information he was given by a number of Council officers. In that case the Council admitted that its procedures were not adequate and had already offered the complainant compensation prior to his

complaint to me. I agreed that significant compensation, in addition to the introduction of a new policy for dealing with people who die in local authority care and amendments to the recording of next of kin contacts on social service files, was a suitable outcome.

In another complaint about adult care services the Council agreed to pay the complainant £500 compensation for failing to assess her disability-related expenditure properly. I was particularly concerned that the Council had fettered its discretion when considering some of the costs presented by the complainant given that I had already criticised it for fettering its discretion in the same way on an earlier complaint submitted by the same complainant. I also criticised the Council for restricting the amount allowable for various items of disability-related expenditure when that restriction was not set out in any of its policies. In addition to compensating the complainant, the Council agreed to revise its policy and reassess various aspects of the complainant's disability-related expenditure.

In a complaint about private housing grants I criticised the Council for the way in which it administered an application for a disabled facilities grant. In that case the Council failed to advise the complainant that it was only required to fund grants up to a maximum of £25,000 and that any funding above that would be discretionary. This failure unreasonably raised her expectations and encouraged her to pursue a project which was never likely to receive full funding as the costs were considerably in excess of £25,000. I also criticised the Council for failing to follow its policy, for delay in issuing tender documentation and for failing to keep the complainant up to date with what was happening. In that case the Council agreed to pay £1,000 compensation and to consider whether there were any alternative adaptations which could be funded as part of the mandatory grant scheme. I understand that the Council has now agreed with the complainant that she will arrange for the work to be carried out at a lower cost and the Council will refund the money against invoices. I welcome that approach.

A complaint about regeneration and improvement also concerned that payment of a disabled facilities grant. I criticised the Council for delays in processing the grant application and for failing to keep the complainant informed about why approval of the grant was taking so long. In that case the Council agreed to pay £250 compensation.

The Council will be aware that I intend to issue a report shortly on a disabled facilities grant application because I have concerns about the Council's decision to cancel all grants above the grant maximum without consideration of individual circumstances, a policy which I understand has now been amended.

In a complaint about planning I criticised the Council for delay in dealing with a breach of condition and failure to keep the complainant informed. The delay here meant that almost seven years after the breach of condition was first identified there was still no landscaping on site. The complainant had to live with an unscreened development close to his property for longer than should have been the case. The Council agreed to pay £300 compensation, to draw up a timetable for resolution of the issue and to share that timetable with the complainant.

In a complaint about local taxation the Council delayed in considering a backdating request in respect of council tax benefit. In that case the Council took action and awarded backdated benefit before responding to our enquiries. I welcome that approach.

No specific learning points were raised by the remaining complaints.

Other findings

Thirteen complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In a further 12 cases I took the view that the matters complained of were outside my jurisdiction.

The remaining 20 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

I am pleased to see that the number of premature complaints made to me has declined from 18 to 13. This suggests that your Council has a robust complaints handling procedure which is easily accessible to residents in the Council's area. This view is supported by the fact that the 13 complaints decided as premature represent 24% of the total number of complaints determined this year. This is less than the national average, of 27%.

Six complaints that had been referred back to the Council as premature were resubmitted to me. Two of these were not pursued because there was no evidence of maladministration, one was outside my jurisdiction, one was closed as a local settlement and two were still under consideration at the end of the year.

Liaison with the Local Government Ombudsman

Enquiries were made on 26 complaints during the year. Your Council's average response time of 45.3 days is a significant deterioration on last year's average of 34.5 days. Only six responses – less than a quarter - were received with the target timescale of 28 days.

In eight cases it took more than 50 days for a response to be received, although that included three linked planning cases where we did not receive a response for 68 days. One adult care services complaint took 99 days before a response was provided, although I recognise that this complaint involved a significant amount of documentation. Another complaint about transport and highways took 85 days for a response to be provided and even then that response did not include all of the supporting documentation. I consider these delays to be unacceptable, particularly in cases where complainants are vulnerable or have an ongoing injustice. I hope that your Council will make a determined effort in the coming year to effect improvements.

The quality of responses has also declined. In relation to the transport and highways complaint mentioned in the previous paragraph, the Council failed to provide documentation to support its response and there have been delays in providing information in response to further enquiries. There have also been delays in another complaint about transport and highways where, although the Council agreed a remedy, it failed to ensure that it was put into effect promptly.

My staff advise me that they are having to spend a considerable amount of time chasing the Council either for first responses or follow-up responses to local settlement proposals. I am sure you can appreciate that complainants are unlikely to be reassured that the Council takes their complaints seriously when there are considerable delays responding to Ombudsman enquiries. I hope that the Council will address this problem in the coming year. If there is no significant improvement I will begin to summons senior officers to attend my office with all relevant documentation to hand.

I am pleased to see that the Council sent a representative to our link officers seminar last year. I hope that he found the seminar useful.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and

resolution) we now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

J R White
Local Government Ombudsman

The Oaks No 2
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Westwood Business Park
COVENTRY CV4 8JB

June 2008

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Notes to assist interpretation of the LGO's local authority statistics 2007/08

1. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we send to the council to consider first. The figures may include some complaints that we have received but where we have not yet contacted the council.

2. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. Below we set out a key explaining the outcome categories for 2007/08 complaints.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because the authority has agreed to take some action which is considered by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

Premature complaints: decisions that the complaint is premature. The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it to the council as a 'premature complaint' to see if the council can itself resolve the matter.

Total excl premature: all decisions excluding those where we referred the complaint back to the council as 'premature'.

3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

4. Average local authority response times 2007/08

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	7	2	1	1	8	8	21	8	0	7	63
2006 / 2007	3	10	2	2	4	13	15	6	0	3	58
2005 / 2006	6	4	3	1	4	12	16	5	1	1	53

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2007 - 31/03/2008	0	9	0	0	14	6	12	13	41	54
2006 / 2007	0	15	0	0	10	8	9	18	42	60
2005 / 2006	0	12	0	0	14	5	7	18	38	56

See attached notes for an explanation of the headings in this table.

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2007 - 31/03/2008	26	45.3
2006 / 2007	20	34.5
2005 / 2006	19	36.1

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0