

Standards Committee – 18 October 2010

Local Government Ombudsman Annual Review 2009/10

Service Area: Programme Delivery & Governance

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 2009/10
- b) submit for Committee's consideration the Ombudsman's annual letter
- c) provide Committee with an update on recent developments relating to the Ombudsman service

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 seven cases the local settlement of particular complaints included a financial element, to a total of £4,425.

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's role mainly revolves around the consideration and, where appropriate, the investigation of specific complaints by individual residents and service users, about the actions of local councils, some other public authorities, and (solely in relation to school admissions) schools. The Ombudsman service also has a broader role in relation to good administrative practice, and through conclusions on individual complaints, through the annual report and the annual letter to councils and other authorities, seeks to identify learning points of more general applicability. The Ombudsman also from time to time produces guidance notes on good administrative practice to assist councils to identify best practice.

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:

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. These details are also published on the Ombudsman's website www.lgo.org.uk.

Equality implications:

The Ombudsman service provides leaflets and information on its own website in a number of languages, including Arabic, Bengali, Chinese, Gujarati, Hindi, Polish, Punjabi, Turkish, Urdu and Vietnamese, 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 Programme Delivery & Governance, working closely with relevant service managers. Externally, details of the Ombudsman service are available in the Council's Tellus leaflet, via our web site, and directly from the Ombudsman via their own website and through their Advice Team.

Vision:

Complaints handling, and the ability of residents and other service users to make complaints about our services, contribute to the council's strategic priority to work smarter, to help identify and address customer needs expectations, and by learning from complaints to improve service delivery.

Background papers: None

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Signed:

Rory Borealis - Executive Director (Resources)

Date: 11 October 2010

1. FURTHER INFORMATION

- 1.1 The Commission for Local Administration, usually known as the Local Government Ombudsman service ('the Ombudsman', or 'the LGO'), was established by Part 3 of the Local Government Act 1974. The service investigates complaints about the range of local authority functions and services. 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 offices to the south of Coventry, headed by Dr Jane Martin, one of the Commissioners. Dr Martin commenced her duties as Ombudsman in January 2010, taking over from Mr Jerry White, the previous Ombudsman.

2. THE OMBUDSMAN'S PROCEDURES

- 2.1 Complaints can be made to the Ombudsman, using one of their complaint forms, by e-mail or letter, or by phone to the service's Advice Team (0845 602 1983). A small number of complaints are rejected by the Ombudsman service 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 have been submitted too late to be considered (normally over 12 months after the incident or issue arose – though the LGO has discretion to investigate, if there are reasonable grounds); or it may not relate to administrative matters. These cases are generally referred back to the relevant council purely for its information. Also, in a significant number of cases, including many made to the Advice Team, the Ombudsman may decide to pass the complaint back to the council concerned because the complainant has not used the council's complaints procedures first, or has not exhausted local complaint procedures, 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 can 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 Some cases can run for a considerable time, sometimes more than a year, with correspondence back and to, interviews with officers or Members, file inspections, etc.
- 2.6 On occasions that a formal investigation report is published, including the Ombudsman's conclusions and recommended course of action, that report 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 currently places responsibility for considering any reports of this nature with the Standards Committee. Committee members may recall that such a report was submitted to your meeting of 30 October 2008.
- 2.7 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.
- 2.8 The committee is referred to paragraph 6.1 below for details of a recent change to the Ombudsman's procedures, implemented from September 2010.

3. STATISTICAL REVIEW

3.1 Introduction

During the year 2009/10 the Ombudsman received 62 new complaints about the council. This represents a very similar level of complaints to previous years: 61 new complaints were received in 2008/09, and 63 in 2007/08. Comparative details relating to neighbour authorities are set out below; the Committee should note that the figures of the five authorities marked with an asterisk include significant numbers of complaints relating to housing management issues.

	2007/08	2008/09	2009/10
Birmingham*	476	522	467
Coventry	73	87	78
Dudley*	100	118	91
Sandwell*	116	154	123
Solihull*	57	49	45
Walsall	63	61	62
Wolverhampton*	65	84	86

3.2 Analysis by nature of complaint

Of the 33 complaints received by the council in 2009/10, 9 related to adult care services, 4 to education and schools, 3 to planning and building control, 3 to local taxation, 3 to transport & highways, 2 to children and family services, 2 to anti-social behaviour, 2 to waste management, 2 to land, 2 to housing matters, and 1 to parks & green spaces.

3.3 Analysis by outcome

Set out below is an analysis of the 38 complaints investigated to a conclusion by the Ombudsman during this period. Please note that the number of complaints concluded in a year is different to the number received in that year, as some cases received in one year will be concluded in the following year.

3.4 In summary, the 38 complaints can be divided into the categories set out below. Comparative figures have been added for 2008/09.

	2009/10 (2008/09 figures in brackets)
Cases investigated by the Ombudsman, discontinued with no maladministration found	18 (13)
Cases where investigation was discontinued at the Ombudsman's discretion	2 (6)
Cases rejected by the Ombudsman as being outside his jurisdiction	6 (5)
Cases investigated by the Ombudsman, considered to have been settled locally	12 (8)
Cases investigated by the Ombudsman, leading to a formal investigation report finding:	
maladministration, no injustice;	0 (0)
maladministration with injustice;	0 (1)
no maladministration	0 (0)
Total	38 (33)

4. REPORTS AND LOCAL SETTLEMENTS

4.1 As set out above, of the 38 cases concluded by the Ombudsman in 2009/10, none resulted in a formal investigation report.

4.2 Brief details of the 12 local settlements are outlined below:

Ref. 08 013 231. Environmental health – the complaint related to nuisance caused by an illuminated advertisement sign close to the complainant's home. The complaint was resolved by the council agreeing to assess the impact of the sign, to investigate whether the light from it constituted a statutory nuisance. Officers'

findings were that the light did not constitute a statutory nuisance.

Ref. 08 013 939. Anti-social behaviour – the complaint relates to the enforcement of a remedial notice issued by the council in respect of a neighbour's conifer hedge. The council agreed to a local settlement, whereby, if the hedge owners had not trimmed the hedge concerned by a certain date, the service would consult Legal Services on the possible commencement of court proceedings.

Refs. 08 000 158, 08 006 140, 08 001 160, and 08 005 942. Planning & building control – four local residents complained about the committee report relating to an application for a housing development, complaining that the report failed to provide full details relating to environmental and ecological matters, as required by government guidance. The council agreed to make a payment of £750 to each of the four complainants, for their time and trouble in pursuing the matter, and for the uncertainty of not knowing whether, if the matter had been reported differently, the outcome would have been affected.

Ref. 08 018 097. Planning & building control – the complaint related to a planning application to extend an existing residential development. The Ombudsman was critical of the committee report, in relation to the impact of the new development on existing properties within the development. The council agreed to the Ombudsman's proposed local settlement, making a payment of £1000 to the complainant, for his time and trouble and, as above, for the uncertainty of not knowing whether, if the matter had been reported differently, the outcome would have been affected. The council also agreed to remind planning officers of the need in future cases such as this to consider the impact of the planning application on existing properties within an overall development.

Ref. 09 004 866 and 09 017 971. Local taxation – to settle the complaint, the council agreed to apologise to the complainant for a summons wrongly issued for council tax arrears and for delay in responding to the complainant's prior enquiries about his account, and to make a payment of £125 for his time and trouble in having to pursue the complaint. Following a delay in making that payment, resulting in a second complaint, the council made a further apology, and increased the payment by £50 to £175.

Ref. 09 001 299. Adult care services – the complaint related to enquiries made relating to adaptations to the complainant's home, to be funded through disabled facilities grant. The council had considered that the property was unsuitable for adaptation, but no other suitable property was available in the area and the complainant wanted to remain in the locality. The council, to achieve a local settlement, agreed to fund the provision of a suitable upstairs toilet at the property.

Ref. 09 000 762. Waste management – the complaint related to the domestic refuse and recycling service, and the complainant's concern that his bins were not returned to the boundary of his property. To settle the complaint locally, the council agreed to restate its procedural guidelines on the return of emptied bins to householders' properties to the crews concerned, and to monitor the service in the area concerned, with spot checks.

Ref. 09 000 923. Planning & building control – the complaint related to enforcement issues that the complainant had raised with the council concerning the

neighbouring property. The Ombudsman criticised the council for delay in responding to the complainant, for failing to keep her informed, and for delay during investigatory work by the services concerned. The council agreed to the Ombudsman's proposal that it should pay the complainant £250 for her time and trouble; however, in the event, the complainant did not accept the payment.

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 2010 and published in July 2010 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**. As noted above, 62 complaints were received by the Ombudsman during the year.
- 5.2 The letter sets out **details of complaints which were upheld**, in part or in total. As noted above, of the 38 cases concluded during 2009/10, no reports of maladministration were published. There were 12 local settlements. In all cases, the service concerned has acted as agreed, and where necessary looked at procedures or made changes.
- 5.3 The letter also provides an **average initial response time**, for the 23 complaints where a detailed, formal response to the Ombudsman was required. In 2009/10 the council achieved an average response time of 30.1 calendar days, outside of the Ombudsman's 28 day target timescale but nevertheless representing an improvement on the council's average for 2008/09, 34.9 days. Walsall's figure places the council at the midpoint of the seven West Midlands metropolitan authorities. These figures are calculated by the Ombudsman based on calendar days, including weekends and bank holidays, and is calculated from the day of despatch (from 2008/09, the Ombudsman has sent most of his initial letters electronically) to the date of receipt back at the Ombudsman's Coventry offices. Given the volume of documentation that is generally required, the council's reply is generally made by post.
- 5.4 Of the 23 cases, 14 were returned within the 28 day period, compared with 11 in 2008/09 and only 6 in 2007/08, the remaining 9 falling outside the Ombudsman's timeframe. No responses took 50 days or more, compared to 3 in 2008/09 and 6 in 2007/08.

6. OTHER MATTERS

- 6.1 Committee Members will recall that, in last year's report, it was noted that the Ombudsman service was intending to make a change to their procedures, so that, in future, details of the outcome of complaints would be published in an anonymised way, via the Ombudsman's website. Officers had responded to the LGO's consultation exercise to welcome the development as a means of developing open, 'transparent' governance arrangements, and to promote the value of the Ombudsman service, but to offer caution to ensure that such details did not identify the complainant (particularly where the complainant may be

vulnerable), and to suggest that the change should be introduced for the next financial year, rather than, as proposed, from October 2009.

- 6.2 These changes have now been introduced, commencing last month, September 2010.

21 June 2010

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

Our ref: JM/DP/JG/ap

(Please quote our reference when contacting us and, if using email,
please put the reference number in the email subject header)

Dear Mr Sheehan

Annual Review 2009/10

I am pleased to enclose a copy of this year's annual review, summarising the complaints about your authority that my office has dealt with over 2009/10. I hope you find it a useful addition to other information you have on how local people experience your services.

The review is in two sections. The first section concerns complaints about your authority and the second provides a general update on LGO developments. This is the first annual review since I took up post in January so I would particularly welcome any comments you have on the format as well as the content.

The annual reviews are public documents and will be published on our website (www.lgo.org.uk) together with our press release and a summary of statistics for all local authorities. We will not publish until three weeks after the date of this letter to give you an opportunity to consider the review first and alert us to any changes you feel should be made. If any material factual inaccuracy is found we will reissue it.

The review will be of interest to council members and officers and I would be happy to consider requests for me or a senior colleague to visit the authority to present and discuss it further.

For some years now we have held an annual seminar for local authority complaints officers. This year's seminar will be held on 11 and 12 November and will be of particular interest to newly appointed ombudsman link officers, local authority complaints officers and investigators. The seminar will give officers a good appreciation of how LGO staff deal with complaints on a day-to-day basis so that they are better able to deal with Ombudsman complaints. Places are limited so please contact Louise McCaig at L.mccaig@lgo.org.uk for further details as soon as possible.

A copy of this letter and the review will also be sent to you electronically.

Yours sincerely



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Local Government Ombudsman

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Jane Martin
Local Government Ombudsman

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

**Walsall Metropolitan Borough
Council**

**for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

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Section 1: Complaints about Walsall Metropolitan Borough Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with 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 review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

In 2009/10 we received 61 enquiries and contacts relating to the council. A total of 12 of these were about adult care services and six about children and family services. Seven concerned education, seven were about public finance and local taxation, and a further seven covered planning and building control. Five were about transport and highways, four concerned housing and two were about benefits. The 11 others included antisocial behaviour and land.

A total of 34 were passed to the investigative team (25 new complaints and nine resubmitted premature complaints). We treated 19 complaints as premature and either referred them to the council or advised the complainant to make a complaint direct. In a further eight cases we gave the complainant advice.

This is the same number of complaints and enquiries as we received in 2008/9, of which 31 were forwarded to the investigative team. We expect to see slight fluctuations of this kind over time.

Complaint outcomes

We decided 38 complaints against the council during the year. In 18 cases we found no evidence of maladministration, and six complaints were outside jurisdiction. In a further two cases we exercised discretion not to investigate further. One concerned a building control matter and the other education. The former was withdrawn and in the latter case the complainant was content that the complaint was progressing through the council's complaints procedure following his complaint about delay to us.

Reports

When we complete an investigation, we generally issue a report. This year we issued no reports against your council.

Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority 12 were local

settlements, representing 37.5% of complaints decided. We recommended that the council should pay a total of £4,475 in compensation in 2009/10. In this letter I shall deal with some of the more noteworthy examples.

Planning and building control

Four local residents complained about inadequacies in the planning officer's report to committee on an application for development, part of which was on a greenfield site. These included failure to conduct a survey before the decision was made which considered ecological aspects, as required by government guidance. For outrage (the uncertainty of not knowing whether, if the scheme had been deferred to allow a survey to be carried out, they would have been in a different position, and the time and trouble in pursuing their complaints) the council agreed to remedy this injustice by payment of £750 to each complainant.

Another planning complaint was settled by the council agreeing to pay £1,000 to the complainant for outrage and time and trouble in pursuing the complaint which resulted from a flawed committee report.

Local taxation

The council had unreasonably delayed in responding to the complainants request for a statement of account for council tax payments and then delayed in making a repayment by three months. During this time the council wrongly issued a summons for payment. Having agreed compensation to the complainant for these errors, the council then delayed further in making the compensation payment which prompted the complainant to raise the matter with us. Following our investigation the council made an enhanced compensation payment of £175 for the distress caused.

Adult care services

The complainant was disabled and confined to living and sleeping in a downstairs room in the home which he shared with his family. The council refused to carry out work under a disabled facilities grant because the cost was double the maximum grant available. No suitably adapted property was immediately available in the locality, and the complainant was reluctant to move further away because of strong family associations with that area. Following our investigation which further demonstrated the necessity for the work, the council agreed to carry it out.

Enforcement

The council failed to keep the complainant up to date about its action to investigate her complaints about enclosure of part of the highway and smells from a neighbouring property. The complainant was put to time and trouble in pursuing her complaint and was caused outrage at the council not dealing with the issues effectively. The council agreed to pay £250 compensation.

Other complaints subject to settlement

The council agreed to repeat to its collecting team its instructions about the return of waste bins to householders' properties and to make further spot checks to see that this was being done. We considered that this was a reasonable settlement of the complaint that bins were not always returned to the correct position.

The council's environmental health officers investigated whether an illuminated advertisement was causing a statutory nuisance to the complainant in his nearby home. We could not criticise the professional judgement that it was not a statutory nuisance, but the carrying out of the investigation by officers was a sufficient resolution of the complaint.

Liaison with the Local Government Ombudsman

We made formal enquiries on 23 complaints this year. In the annual review for 2009, my predecessor noted that the council had made a marked improvement in its response times, although the time achieved remained outside our 28 day target. In 2009/10 the council took an average of 30.1 days to reply to our enquiries, which is a further improvement on the time in 2008/09, and yet closer to the 28 day target we set for councils. I am pleased that the council has in recent years placed much greater emphasis on replying to my enquiries in a timely way and hope that it will maintain its efforts and be within the 28 days in 2010/11.

Training in complaint handling

I would like to take this opportunity to remind the council that 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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

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

Conclusions

I am pleased to note my officers' comments on the council's prompt response to our proposals for local settlements and the general willingness of the council to resolve complaints in this way.

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 authority's services.

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June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

Dr Jane Martin
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June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Premature complaints: 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

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 action has been agreed by the authority and accepted by the LGO 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 LGO'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 LGO's jurisdiction.

Table 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.

Table 4. Average local authority response times 2009/10

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

LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	2	0	2	2	4	2	2	4	19
Advice given	2	2	2	0	0	0	2	0	1	9
Forwarded to investigative team (resubmitted prematures)	1	1	0	0	0	1	0	2	4	9
Forwarded to investigative team (new)	8	1	5	2	0	2	3	1	3	25
Total	12	6	7	4	2	7	7	5	12	62

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	12	0	0	18	2	6	38

Average local authority resp times 01/04/2009 to 31/03/2010

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	23	30.1
2008 / 2009	24	34.9
2007 / 2008	26	45.3

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20