

Report of the Assistant Director Corporate Services (City Solicitor) to the meeting of the Standards Committee to be held on 30 October 2008

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Subject: LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL LETTER 2007/08

Summary statement:

The Local Government Ombudsman's Annual Letter is presented to Members for their consideration.

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2006-2007
Improving Rural Services
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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1 SUMMARY

- 1.1 The Local Government Ombudsman's Annual Letter for 2007/8 has been issued. This report is to provide an overview of the information contained in the letter.

2 BACKGROUND

- 2.1 The Local Ombudsman has issued an Annual Letter to all councils. The aim of the letter is to provide councils with information to help them improve complaint handling and services generally. A copy of the Annual Letter for Bradford is attached at Appendix A.
- 2.2 The letter includes comments and statistical information in relation to complaints received by the Ombudsman against the Council during the last 3 years and the decisions made. The letter also gives the average time taken by the Council to respond to the Ombudsman's initial enquiries. Comments are included on the effectiveness of the liaison arrangements between the Council and the Ombudsman's office and on the Council's complaint handling arrangements.
- 2.3 Draft letters were first sent to councils giving the opportunity for them to draw attention to any inaccuracies and lists have been provided showing which cases are covered by each of the data sets; complaints received, complaints determined and response times. The Annual Letters for all councils have been posted on the Ombudsman's website and the letter for Bradford has also been posted on the Council's website.

Analysis of complaints

- 2.4 Nationally, the number of complaints received by the three Local Government Ombudsmen, 17,628, has decreased slightly (by 3.8%) from the number received in the previous year, 18,320. The number of complaints against Bradford has decreased significantly (by 24%).
- 2.5 The number of complaints received by the Ombudsman against Bradford (including premature complaints) was 115 in 2005/6, 112 in 2006/7 and 83 in 2007/8.
- 2.6 The Ombudsman has commented that in 2007/8 complaints about planning and building control matters had reduced from 44 in 2006/7 to 25 in 2007/8. These complaints comprised just under 30% of all complaints received. This compares with just under 40% in the previous year.
- 2.7 During 2007/8 a total of 104 complaints against the Council were determined. Of those, 24 were originally regarded as premature and were referred back to the Council to deal with, compared with 33 in the previous year. A premature complaint is a complaint which the Council has not first had the opportunity to deal with under its own procedures. 11 complaints were outside the Ombudsman's jurisdiction and the Ombudsman exercised her discretion not to pursue 23 complaints. No evidence of maladministration was found in 29 cases. 16 complaints (23% when premature complaints and those outside jurisdiction are excluded) were settled locally. A local settlement is a complaint which is resolved by the Council taking, or agreeing to take, action which the Ombudsman considers

is a satisfactory outcome for the complainant so the investigation can be discontinued. In 2007/8 27% of complaints dealt with nationally by the Ombudsmen (excluding premature complaints and those outside jurisdiction) were resolved by local settlement.

- 2.8 One formal report was issued against the Council. This concerned a planning matter and the finding was that there had been maladministration which had caused injustice. The complaint was initially referred to the Council by the Ombudsman for comments in June 2005. In responding, the Council proposed a local settlement of the complaint and sought advice from the investigator as to what would be an appropriate remedy. The advice given was that a payment of £350 to the complainants for the time and trouble to which they had been put, together with an apology, would be a satisfactory settlement. The Council confirmed that it wished to settle the complaint on this basis. This was accepted by the investigator and the investigation was discontinued. However, the complainants did not consider that this was a satisfactory remedy or that all aspects of their complaint had been properly considered and made further approaches to the Ombudsman. As a result, in June 2006, the Ombudsman decided to re-open the investigation. This concluded in a formal report being issued in May 2007 which recommended that the amount of compensation should be increased from £350 to £600. The recommendation was accepted by the Council.

Liaison with the Local Government Ombudsman

- 2.9 The Ombudsman comments that she remains very happy with the working relationship between Council officers and her investigative staff.
- 2.10 In a letter which accompanied her Annual Letter the Ombudsman made reference to a complaint which had been settled after a round table meeting involving the complainant, Council officers and one of her investigators. The officers had considered that the meeting was a good way to approach this particular complaint and the Ombudsman believes that it paid dividends to the advantage of all parties. The Ombudsman commended the Council for the positive attitude shown towards a new way of working.

Response Times

- 2.10 The Council provided responses to enquiries from the Ombudsman on 41 complaints during the year. This compares with 35 in the previous year. The average time taken to respond in 2007/8 was 30.9 days, compared with 32.9 days the previous year. Replies are requested within 28 days (except for complaints about school admission appeals which are requested within 14 days due to the urgency which attaches to these).
- 2.11 In the previous Annual Letter, the Council was asked to improve on the average time taken to respond to complaints. The Ombudsman comments that she is happy with the efforts made by officers to respond as quickly as possible. She commends the Council for ensuring that replies to her enquiries about education admission appeal complaints were sent back to her in slightly under 13 days and comments that the willingness to respond so quickly reflects well on the Council.

The Council's complaints procedure and handling of complaints

- 2.12 The Ombudsman reports that no issues have arisen during the year to suggest that there are any problems with the way in which the Council handles complaints made to it by the public.

3. RECOMMENDATIONS

- 3.1 That the contents of the Annual Letter be noted.

4. BACKGROUND DOCUMENTS

Local Government Ombudsman's Annual Letter for 2007/8

5. APPENDICES

Appendix A Local Government Ombudsman's Annual Letter for 2007/8

The Annual Letter for the Council, together with those for all other councils, can be viewed on the Ombudsman's website at www.lgo.org.uk.

6. NOT FOR PUBLICATION DOCUMENTS

None

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

**City of Bradford Metropolitan
District 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 received about Bradford Metropolitan District Council and comments on the authority's performance and complaint-handling arrangements.

I hope that the letter will assist you in improving services by providing a useful perspective on how some people who are dissatisfied 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

During the year my office received 83 complaints against the Council which marks a significant reduction [24%] when compared with the previous year when complaints totalled 112. The Council will, I am sure, take some comfort from this. I draw no conclusions from this reduction in the number of complaints received but I do note that the number of complaints I received in the year about planning and building control matters fell from 44 in 2006/2007 to 25 in 2007/2008. Such complaints though remain the largest single category of all complaints made although having comprised a little under 40% of complaints received in the previous year they comprised just under 30% in this year.

Liaison with the Local Government Ombudsman

I remain very happy with the working relationship between your office and my investigative staff. I ask for responses from all authorities to reach my office within 28 calendar days and although the Council failed to meet this target overall [averaging 30.9 days] I am happy with the efforts made by officers to respond as quickly as possible. I commend the Council for ensuring that enquiries about education admission appeal complaints were dealt with and sent back to me in a fraction under 13 days. The Council recognises the urgency which attaches to these complaints and the willingness to respond so quickly reflects well on the Council.

Decisions on complaints

Reports and local settlements

We will often discontinue enquires into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. In 2007/08 the Local Government Ombudsmen determined 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). If an investigation is completed I issue a public report.

I issued one report about the Council during the year. I found that the Council, in considering the likely impact of a domestic extension upon the amenity of near neighbours, failed to follow the statutory procedure, failed properly to notify the affected neighbours and failed to record a visit made to the site by officers and failed to demonstrate that any consideration had been given to the merits of the planning application. The Council accepted my recommendation that it should pay compensation to the complainants.

Your Council's complaints procedure and handling of complaints

As with last year I am happy to report that no issues have arisen during the year to suggest that there are any problems with the way in which the Council handles complaints made to it by the public.

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. A detailed evaluation of the training provided to councils over the past three years shows very high levels of satisfaction.

The range of courses is expanding in response to demand. In addition to 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 will customise courses to meet your Council's specific requirements and provide courses for groups of staff from different smaller authorities.

Participants benefit from the complaint-handling knowledge and expertise of the experienced investigators who present the courses.

I enclose 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, has 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'. Feedback on special reports is always welcome. I would particularly appreciate information on complaints protocols in the governance arrangements of partnerships with which your Council is involved.

Conclusions and general observations

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Anne Seex
Local Government Ombudsman
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YO30 5FZ**

June 2008

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

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	4	3	8	8	6	14	25	5	0	10	83
2006 / 2007	8	5	8	7	1	22	44	5	0	12	112
2005 / 2006	10	6	4	17	4	15	47	1	2	9	115

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	1	16	0	0	29	23	11	24	80	104
2006 / 2007	0	20	1	0	30	9	14	33	74	107
2005 / 2006	1	6	0	0	41	9	7	36	64	100

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	41	30.9
2006 / 2007	35	32.9
2005 / 2006	65	32.0

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

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.