

Report of the Assistant Director Corporate Services (City Solicitor) to the meeting of the Standards Committee to be held on 29 September 2010

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Subject: LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW 2009/10

Summary statement:

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

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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1 **Summary**

- 1.1 The Local Government Ombudsman's Annual Review for 2009/10 has been issued. This report is to provide an overview of the information contained in the Review.

2 **Background**

- 2.1 The Local Government Ombudsman (LGO) has issued an Annual Review to all councils. The aim of the Review is to provide councils with information to help them improve complaint handling and services generally. A copy of the Annual Review for Bradford is attached. This, and the Reviews for all other councils, can be viewed on the Ombudsman's website at www.lgo.org.uk.
- 2.2 The Review is divided into two sections. The first is about complaints against the Council; this includes comments and statistical information in relation to complaints and enquiries received by the Ombudsman against the Council and the decisions made. Comments are also included on the effectiveness of the liaison arrangements between the Council and the Ombudsman's office. The second section provides a general update on LGO developments. There are two appendices to the Review: statistical data for 2009/10 and a note to help the interpretation of the statistics.
- 2.3 Drafts of the Reviews were first sent to councils giving the opportunity for them to draw attention to any inaccuracies and lists were provided showing which cases were covered by each of the data sets: complaints forwarded to the investigative team, outcomes and response times.

Analysis of complaints

- 2.4 The number of enquiries and complaints received by the Ombudsman about the Council in 2009/10 totalled 172. Of these, the LGO Advice Team gave advice in 14 cases and a further 96 complaints were judged to be premature (these are complaints which have not first been considered under the Council's own complaints procedure). A significant number of the premature complaints were in relation to a particular issue.
- 2.5 62 of the complaints received by the Ombudsman during the year were forwarded to the Investigative Team for further consideration. Of these, 13 were complaints which were initially determined as being premature but were re-submitted to the Ombudsman as the complainants were dissatisfied with the way in which the Council had dealt with their complaints. The remaining 49 were new complaints. The subject area for which the greatest number of complaints was received, 21, was education.
- 2.6 Decisions were made by the Ombudsman on 56 complaints during the year. This figure differs from the number of complaints received because of work in hand at the beginning and end of the year. Of these 56 complaints, 13 were outside the Ombudsman's jurisdiction and in 10 cases discretion was exercised by the Ombudsman not to pursue the matter. No evidence of maladministration was found in 29 cases and four complaints were settled locally by the Council. As in the previous year, education complaints made up the largest category of complaints

determined. Decisions were taken on a total of 16 complaints about education, 12 of which concerned admission appeals. However, this was a significant reduction on the previous year's total of 24. There were no findings of maladministration in respect of any of these complaints.

- 2.7 No public reports were issued against the Council during the year.

Liaison with the Local Government Ombudsman and response times

- 2.8 The Council provided responses to enquiries from the Ombudsman on 24 complaints during the year. The average time taken to respond was 21.3 days. Replies are requested within 28 calendar days (except for complaints about urgent matters which are given a shorter timescale). The Ombudsman congratulates the Council in its continuing efforts to meet her time targets. She further comments that the quality of the Council's responses to her enquiries remains consistently high but that to respond so quickly says much about the Council's continuing commitment to complaints and customer service.

LGO developments

- 2.9 An update of current and proposed developments in the way in which the Ombudsman operates is included in Section 2 of the Annual Review. The most significant of these are, firstly, that from September 2011 the Ombudsman's jurisdiction will extend to considering complaints from parents and pupils about state schools and, secondly, that from 1 October 2010 the Ombudsman will have the power to investigate complaints about privately arranged and funded adult social care. This will include care which is arranged by an individual and funded from direct payments.

3. Legal appraisal

- 3.1 Article 11.9.2 of the Council's Constitution places the overview of complaints handling and Ombudsman investigations within the remit of the Standards Committee. It is appropriate that the Committee considers the Ombudsman's Annual Review for 2009/10. The Committee has considered the Reviews for previous years.

4. Other implications

- 4.1 There are no equal rights, sustainability, community safety, Human Rights Act, trade union, financial or resource implications arising from this report.

5. Not for publication documents

- 5.1 None

6. Recommendation

- 6.1 That the contents of the Annual Review be noted.

7. Reason for recommendation

- 7.1 By considering the Annual Review the Standards Committee will be made aware of the number and nature of complaints against the Council which the Ombudsman has dealt with over the past year and their outcomes.

8. Appendices

Local Government Ombudsman's Annual Review for 2009/10

9. Background documents

Local Government Ombudsman's Annual Review for 2009/10

**The Local Government Ombudsman's
Annual Review
Bradford City Council
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, 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 Bradford City Council 2009/10

Introduction

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

There are two appendices to the review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

The number of enquiries and complaints about the Council received this year totalled 172. Our Advice Team gave advice in 14 cases and a further 96 complaints were judged to be premature. In these cases we either asked the Council directly to address the complaint or we advised the complainant to make a formal complaint to the Council. My office received 62 new complaints during the year. Of these, 13 were complaints initially determined by our Advice Team as premature but re-submitted to me by complainants dissatisfied with the way in which the Council had dealt with their complaint. The remaining 49 complaints were new complaints.

The Council will wish to know that the subject areas of the complaints received by me during the year break down as follows.

Education	21
Planning and Building Control	15
Public Finance	6
Benefits	4
Transport and Highways	4
Housing	3
Adult Social Care	3
Children and Family Services	2
Other	4

Complaint outcomes

I determined 56 complaints during the year, a figure which differs from the number of complaints received because of work in hand at the beginning and the end of the year. This represents a further drop on last year and continues the downward trend in complaints forwarded to the Ombudsman.

Of those complaints determined by me, 13 were closed on the basis that they were not within my jurisdiction while in 10 further complaints I exercised the general discretion available to me not to pursue the matter. In 29 cases I found no evidence of maladministration by the Council sufficient to justify my continued involvement. The Council agreed to settle the remaining 4 complaints accepting that something had gone wrong and that it was appropriate to provide a remedy of some description for the complainant.

Reports

I issued no public reports against the Council this year.

Local settlements

We will often discontinue enquiries 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. 26.9% of all decisions on complaints in the Ombudsmen's jurisdiction were local settlements. The four complaints which the Council agreed to settle during the year amounts to 9.3% of the total number of complaints I determined and which were within my jurisdiction.

Complaints by service area

Education

As with last year this category made up the largest number of complaints decided. I decided 16 complaints about education matters but this was a significant reduction on last year's 24. Of the 16 complaints, 12 concerned education admission appeals. I found no evidence of maladministration in any of these appeal complaints.

The remaining education complaints concerned a school transport matter, special educational needs, student loans (and another general one). I found no maladministration in the first three of these, while the final one I closed using my general discretion available to me not to pursue the matter.

Planning and Building Control

I decided 15 complaints in this category during the year – a similar figure to last year. Of the nine complaints which concerned planning applications, four were outside of my jurisdiction; I closed a further three using my general discretion not to pursue a complaint; and in the remaining two complaints I found no maladministration.

I determined four complaints about enforcement issues. In three of these I found no maladministration. The fourth complaint the Council agreed to settle, accepting responsibility for the delay in enforcing noise nuisance and agreeing to pay out £2250 in compensation.

One complaint about trees was outside my jurisdiction.

The final complaint under this category was about building control. Here the Council again accepted responsibility that something had gone wrong and agreed to pay £350 compensation.

Public Finance

This category made up the third largest group of complaints about which I made decisions during the year.

All six complaints I determined in this category were to do with local taxation. Three of these complaints were closed because they were not within my jurisdiction. One I closed using my general discretion not to pursue and in the remaining two I found no maladministration.

Social Services – Adult Social Care and Children and Family Services

I determined four complaints in these two categories, two in adult care and two in children and family services. Of the adult care complaints I found no maladministration in one and closed one at my discretion. Of the children and family services complaints, one was outside my jurisdiction and in the other I found no maladministration.

Benefits

In the one complaint I determined that concerned council tax benefit I found no maladministration. The remaining three complaints in this category all concerned housing benefit. One was outside my jurisdiction, I closed a further complaint using my general discretion not to pursue and the third the Council agreed to settle, accepting that something had gone wrong to the complainant and made a compensation payment of £300.

Transport and Highways

I made three decisions in this category during the year. I found no maladministration in a traffic management complaint, used my discretion to close a complaint about highways management and a parking complaint was outside my jurisdiction.

Housing

I determined three complaints about housing issues during the year. I found no maladministration in one, closed one using my discretion and the third was outside my jurisdiction.

Others

The remaining five complaints determined during the year fall into the miscellaneous category as no other single subject area raised significant numbers of complaints. The Council agreed to settle a complaint concerning a poor response on a taxi licensing application and paid £100 in compensation.

I found no maladministration in two further complaints, one was closed at my discretion and one was outside my jurisdiction.

Liaison with the Local Government Ombudsman

I ask all authorities to respond to my enquiries within 28 calendar days. The Council took on average 21.3 days to respond to my enquiries during the year and the Council is to be congratulated in its continuing efforts to meet my time targets.

The quality of the responses sent to me by the Council remains consistently high but to respond so quickly says much about the continuing commitment of the Council to complaints and customer service. I was very pleased that the Council was able to send two officers to the seminar held in York during the year for liaison officers

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. 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.

In previous years we have provided training in Good and Effective Complaint Handling to staff from your authority.

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

Conclusions

I hope this review provides a useful opportunity for you to reflect on how the Council deals with those complaints that residents make to my office. If there are any issues that you wish to discuss, I or one of my senior colleagues would be happy to meet with the Council.

**Mrs A Seex
Local Government Ombudsman
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YORK
YO30 5FZ**

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.

**Mrs A Seex
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Beverley House
17 Shipton Road
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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.