

AUDIT COMMITTEE

Local Government Ombudsman – Annual Letter 2007/08

24th September 2008

Report of Head of Information & Customer Services

PURPOSE OF REPORT

The Commission for Local Administration in England has recently published its Annual Letter and Report for 2007/08, which gives an overview of the work undertaken by the Ombudsmen, along with detailed statistics of complaints received and investigations carried out. This report highlights particular matters in the report, which may be of interest to Members and sets out the content of the Annual Letter for this District.

This report is public

1. RECOMMENDATION

- (1) That the Ombudsman's Annual Letter for 2007/08 be noted.**
- (2) The Committee is requested to consider whether any comments should be submitted to the Ombudsman on the form of the Annual Letter.**
- (3) That Members consider whether it would be helpful to invite the Ombudsman to make a presentation to officers on how complaints are investigated and/or to discuss complaint handling in general.**

2. REPORT

2.1 Background

The Local Government Ombudsmen's stated purpose is to provide independent, impartial and prompt investigation and resolution of complaints of injustice caused through maladministration by Local Authorities and to offer guidance in intending to promote fair and effective administration in Local Government.

For administrative purposes the country is divided into three broad geographical areas. The three Local Government Ombudsmen are based at offices in either London, Coventry or York. This Council would normally deal with the York office, however the Ombudsman at the York office was previously employed by this Council. To ensure that complaints against this Council are dealt with in an independent and impartial way this Council deals with the Coventry office.

2.2 Key Issues in 2007/2008

The Local Government Ombudsmen have included in their Annual Report the following main issues based on national statistics, which are summarised for Members' information: -

(a) Performance

In 2007/08 the Ombudsmen received a total of 17,628 complaints, compared with 18,320 in the previous year – a decrease of 3.8 per cent. Housing benefit complaints have continued to fall. Complaints about antisocial behaviour have fallen by over 8% after a significant rise (13.5 per cent) in 2006/07. The total number of complaints where redress was obtained was 3,057 – 27.9 per cent of all complaints determined. Reports on completed investigations where there was a finding of maladministration were issued on 119 complaints. Local settlements were agreed in 2,939 cases – 26.8 per cent of all decisions, excluding premature complaints and those outside jurisdiction. This is a similar proportion to the previous year.

The monitoring of the Ombudsmen's performance in deciding cases indicates that the percentage of complaints determined within 13 and 26 weeks has increased slightly on the previous year and the number of outstanding cases more than 52 weeks old has also increased. The Ombudsmen have stated that they are pleased with their performance against targets this year. There will always be a small minority of complaints which will take more than 12 months to decide, either because of their complexity, or because of external factors (such as the illness of the complainant). Their performance is also affected by response times from complainants and local authorities. The percentage of authorities with an average response time within the timescale of 28 days has increased compared to the previous year.

(b) Promoting Awareness and Providing Advice

In 2007/08 the Ombudsmen reviewed their complaint literature in response to feedback from the public and the advisory sector. A shorter, more customer friendly leaflet was developed to reflect the new approach to first contact with complainants provided by the LGO Advice Team. Guidance notes and training courses are provided for council officers involved in co-ordinating complaints responses. Every Council is sent an Annual Letter which summarises the Ombudsmen's experience of handling their complaints and may contain suggestions for improvements where relevant. Details of this Council's Annual Letter are set out under paragraph 2.3 below.

A digest of cases is also published each year illustrating the nature of the work and type of complaints most commonly received.

(c) Website

Further information regarding the Annual Report and other publications can be found on the Ombudsmen's Website. The address is: <http://www.lgo.org.uk>.

2.3 Complaints against Lancaster City Council

The Ombudsman first issued Annual Letters for individual authorities 3 years ago. The purpose of the Annual Letter is to give the Ombudsman's reflections on the complaints received against this Council and dealt with by the Ombudsman's Office over the last year. It is intended that the letter will provide a useful addition to other

information held by the Council and highlight how people experience or perceive the services offered and in particular will: -

- Help the Council learn from the outcome of complaints;
- Underpin effective working relations between the Council and the Ombudsman's Office;
- Identify opportunities for the Ombudsman and his staff to provide assistance that a Council may wish to seek in bringing improvements to its internal complaint handling;
- Provide complaint-based information that the Council might find useful in assessing and reviewing the Council's performance.

Annual Letters have been published on the Ombudsman's website and shared with the Audit Commission.

(a) Complaints received

The Ombudsman advises he has **received** 26 complaints from residents of the City, 5 fewer than in the previous year. However these fluctuations over time are as expected. The number of complaints remains small in relation to the many decisions taken by the Council on behalf of its citizens each year.

Nine of the complaints, 34% of all complaints received, were about housing, Six complaints were about planning and building control, an increase of four on 2006/07, and two were in relation to transport and highways, one fewer than the previous year. There were three complaints about public finance, a reduction of two on last year. One complaint was received in respect of benefits, six fewer than in 2006/07. The remaining five complaints were recorded in the 'other' category. They included complaints about environmental health, employment and pensions (which are outside the Ombudsman's jurisdiction), contracts and business matters, land and a miscellaneous matter.

(b) Reports and local settlements

When the Ombudsman needs to complete an investigation he will issue a report. One report was issued during 2007/08 regarding two complaints about regeneration and improvement. Failings were identified in recording, poor written communications with the complainants and inadequate advice about their options when the Council planned to acquire and demolish their homes. This resulted in lost opportunity for the complainants and financial loss. To remedy the complaints, the Council agreed to make a payment of £27,000 to one complainant and £13,625 to the other. The Ombudsman received a similar complaint from another resident after issuing his report and the Council agreed to give the complainant the same remedy as was recommended in the reported cases. The Ombudsman has commended the Council's prompt actions in this case and for settling this additional complaint without the need for further investigation.

The Ombudsman uses the term 'local settlement' to describe the outcome of a complaint where, during the course of his investigation, the Council takes, or agrees to take, some action which he considers is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints determined by the Ombudsman.

One complaint was settled locally during 2007/08. The complainant felt that the

Council had been unreasonable in taking recovery action for council tax arrears on his late father's home and by failing to respond to his queries. The Ombudsman has stated that the Council was helpful and proactive in agreeing to meet with the complainant to explain liability issues.

(c) Decisions on complaints

Seven complaints were treated as premature and referred back to the Council so that they could first be considered through the Council's complaints procedure. In a further seven cases the Ombudsman took the view that the matters complained about were outside his jurisdiction. The remaining 14 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.

(d) The Council's complaints procedure and handling of complaints

Seven of the 31 complaints decided during 2007/08 were premature (23%). This was lower than the national average, which was 27% for the year. The Ombudsman's view is that this indicates that the Council's complaints process is accessible and clear to citizens. Of the seven complaints that were determined as premature, two were resubmitted. These were both related to planning applications and were not pursued either because insufficient evidence of maladministration was seen or because it was decided not to pursue them for other reasons.

The Ombudsman has stated that he is pleased that his investigators have remarked that the Council's officers are generally proactive and helpful.

(e) Liaison between the Ombudsman's Office and the Council.

The time taken to respond to enquiries in 2005/06 was 35 days and in 2006/07 it had been improved to 29 days. Enquiries were made on twelve cases in 2007/08, and the average response time was just under 18 days. The continuing improvement here is very commendable and is now within the target response time of 28 days.

(f) Conclusions and general observations

The Ombudsman has made no further specific comments on the Council's performance regarding complaint handling but has again requested any comments on the form and content of the letter. He has also said that he would be happy to consider requests to visit the Council to present and discuss the letter with Councillors or staff.

The Committee is requested to consider whether any comments should be submitted to the Ombudsman on the form of the Annual Letter, and whether it would be useful to request attendance of a representative of the Ombudsman to discuss complaint handling with Councillors and/or staff.

4. Breakdown of Complaints against Lancaster City Council

A total of **26** complaints against this Council were **received** by the Ombudsman during 2007/2008. These can be broken down as follows: -

2 Highways

9 Housing

- 1 Benefits
- 5 Other
- 6 Planning and Building control
- 3 Public Finance

The **decisions** of the Ombudsman can be summarised as follows: -

- 2 Maladministration causing injustice
- 10 No evidence of maladministration
- 4 Ombudsman's discretion
- 1 Local Settlement
- 7 Outside Local Government Ombudsman's jurisdiction.
- 7 Premature complaints

5. Officer Comments

Since April 2006, the Information Management Officer has been responsible for co-ordinating replies and ensuring that Service based officers keep to the average response times required by the Ombudsman, currently 28 calendar days. The Council's response time had improved to 29 days for 2006/07 compared to 35 days for 2004/05 and 2005/06. This was almost a return to the 28 days reported in 2003/04. This seems to show that the current approach has been effective in improving our responses. In February 2007, the Information Management Officer transferred to Information and Customer Services from Democratic Services and there was a focus on improving the turnaround of these responses further with the aim of reducing the response time to an average of 20 days. A new database recording correspondence was introduced to allow us to manage the process more effectively. This has resulted in an average response time of just under 18 days for 2007/08.

The Ombudsman mentions specifically that he was pleased to give a talk to the Council's Audit Committee in April 2008 about the developing role of the Ombudsman. The Council's link officer had been due to attend Coventry's annual link officers' seminar in November 2007 but unfortunately was unable to do so due to illness. However her place was taken by her line manager and she hopes to be able to attend herself this November.

The Ombudsman has also offered to visit the Council and give a presentation about how complaints are investigated and it is suggested that such a presentation for Service Heads in particular could be beneficial in ensuring an understanding of the process and the benefits which can be obtained from using complaints as a performance management tool.

For the current year there were no complaints requiring a timed response received during the period April to June 2008.

The Committee is requested to consider whether it would be useful to invite the Ombudsman to give a presentation to the Council on how complaints are investigated.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability etc)

No direct impact

FINANCIAL IMPLICATIONS

Any financial implications attached to individual cases have been outlined in the body of the report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

There are no direct legal implications as a result of this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Local Government Ombudsmen's Annual Letter and Report 2007/2008.

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