

AUDIT COMMITTEE

Local Government Ombudsman – Annual Letter 2005/06

24th January 2007

Report of Head of Democratic Services

PURPOSE OF REPORT

The Commission for Local Administration in England has recently published its Annual Letter and Report for 2005/06, 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 2005/06 be noted.**
- (2) That it be noted that a link to the Ombudsman's website has been included on the Council's website as suggested.**
- (3) That Members consider whether any comments should be submitted to the Ombudsman on the form of the Annual Letter.**
- (4) That Members consider whether it would be helpful to invite the Ombudsman to make a presentation to Members and/or 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.

2.2 Key Issues in 2005/2006

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

(a) Performance

In 2005/06 the Ombudsman received a total of 18,626 complaints, compared with 18,698 in the previous year – an increase of 0.4 per cent. Housing benefit complaints have continued to fall as a result of improved council administration systems. Other areas of housing have also resulted in fewer complaints last year, particularly council housing repair complaints. Planning complaints have increased however particularly in the area of consideration and neighbour amenity. The total number of complaints where redress was obtained was 2,932 – 27 per cent of all complaints determined. Reports on completed investigations where there was a finding of maladministration were issued on 129 complaints. The remaining 2842 were the subject of a local settlement.

The monitoring of the Ombudsman's performance in deciding cases indicates that the percentage of complaints determined within 13 and 26 weeks has reduced slightly each year and the number of outstanding cases more than 52 weeks old has increased. The Ombudsman has stated that this was due to the number of incoming complaints exceeding their capacity to make decision, partly as a result of staff turnover and the need to recruit and train new investigators. It is also due to the improvement in local authorities' handling of complaints which means that a higher proportion of the cases referred to the Ombudsman are now more complex and contentious and take more staff time to resolve.

(b) Promoting Awareness and Providing Advice

The Ombudsman has continued to work on widening access to their service through improved awareness among the advisory and voluntary sector. Holding a joint seminar with the Parliamentary and Health Service Ombudsman during 2005/06 for the second time.

Guidance notes and training courses are also provided for council officers involved in co-ordinating complaints responses and the initiative of providing an Annual Letter offering an analysis of complaints statistics to all Councils has been continued. 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 Ombudsman'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 2 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.

This year for the first time 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** 17 complaints from residents of the City, two fewer than the previous 2 years. These fluctuations over time are as expected. Six were about housing issues. The number of complaints is small in relation to the many decisions taken by the Council behalf of its citizens each year.

(b) Decisions on complaints

During the year there were **decisions** on 14 complaints. Two of these were premature and were referred them back to the Council for investigation. Two complaints were outside the Ombudsman's jurisdiction, in both cases because the complainants had a right to appeal to another body. Two complaints were settled locally by the Council and these cases are detailed later. The remaining eight complaints were not pursued because no evidence of maladministration was seen, or because it was decided for other reasons not to pursue them. That was mainly because the Ombudsman considered the fault alleged had not caused the complainants injustice

(c) Reports and local settlements

When the Ombudsman completes an investigation he issues a report. But there is a significant proportion of investigations that do not need to be completed because a 'local settlement' is reached during the course of the investigation and it is therefore discontinued.

No reports were issued during the last year but two complaints were settled by the Council.

A complaint was made by a Council tenant about a senior housing officer's refusal to meet to discuss his complaint about anti-social behaviour arising outside his home. The tenant also complained that the Council did not adequately investigate an incident concerning a neighbour and that the Council refused to put his complaint through all stages of the Housing Complaints Procedure and so allow his complaint to be heard by a Housing Review Panel.

The Ombudsman saw no fault in the majority of issues complained about. However, he did consider that the Council's refusal of a Housing Review Panel was unreasonable and contrary to its policy. He recommended therefore that the complainant's request for a Panel should be accepted and the Council agreed to this course of action.

Another complaint also concerned the Council's response to neighbour nuisance, on this occasion caused by local youths in the communal areas of the flats where the complainant lived. Complaints had been made over a number of years and it was felt that the Council had been slow to respond. A door entry system had now been

installed which the Council felt had reduced problems. The complainant considered, however, that the nuisance had continued.

The Ombudsman considered that the Council should have been more proactive in investigating the claims of nuisance and in having a plan of action to deal with any ongoing nuisance. He thought it appropriate to recommend to the Council that it should canvass other residents about the ongoing problem and possible solutions; it should contact the County Council who owned the land at the rear of the flats to discuss the possibility of improving fencing round the local school to reduce access to the flats; and to consider additional landscaping to the rear of the flats, to which the Council agreed.

The remaining eight complaints raised no particular issues.

The Ombudsman has stated that he very much welcomes the Council's willingness to put things right when mistakes have been made. He did not consider it necessary to recommend any financial compensation last year.

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

The Ombudsman's view is that that the Council's complaints process appears clear and is readily available on the website. Complaints can be made online, a facility increasingly valued by citizens. No issues arose in the complaints investigated which relate to the complaints process but it has been suggested that the Council could include a link to the Ombudsman's website in the way it already has for the Standards Board.

Neither of the two premature complaints had been resubmitted by the end of the year which the Ombudsman feels indicates that the Council does act to try and resolve complaints referred to it.

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

Enquiries were made on eleven complaints last year, and the average time for responding was 35 days, as it was in the previous year which is disappointing. The Council should now take steps to return to the good response times of 2003/2004. Only one response, on a housing benefit complaint, was received in the 28 days requested.

(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, or 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 **17** complaints against this Council were **received** by the Ombudsman during 2005/2006. These can be broken down as follows: -

- 1 Highways
- 6 Housing (not including Housing Benefit issues)
- 3 Housing Benefit
- 4 Other
- 3 Planning issues

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

- 4 No evidence of maladministration
- 4 Ombudsman's discretion
- 2 Local Settlement
- 2 Outside Local Government Ombudsman's jurisdiction.
- 2 Premature complaints

5. Officer Comments

The Council's response time has remained at 35 days for 2004/05 and 2005/06. This was an increase of 7 days on the 28 days in 2003/04 when a vast improvement had been made on the previous two years when the average had been 42 days.

There have however been some changes over the past year which should see an improvement in the figures for the current year when the next Annual Letter is received. Firstly, capacity has been increased in the Service by the addition of a further post in Democratic Support. Secondly, as Members will be aware, as part of the roll out of Customer Services the Information Management function is being transferred to Information and Customer Services. In readiness for this, some responsibilities within Democratic Services have been reallocated so that the Information Management Officer will transfer to Customer Services without affecting the remaining Service. To this end she has taken on responsibility for complaint and enquiry handling alongside her Data Protection and Freedom of Information role. With a similar co-ordinating role being required within set timescales, albeit not in the case of the Ombudsman a legislative requirement, she has been able to focus more on the need to chase Service based officers responsible for providing the content of the Council's response and the figures to date this year are showing an improvement. This does seem to prove that the current approach, having a corporate officer based centrally, liaising with the Ombudsman and responsible for co-ordinating replies and ensuring that Service based officers keep to the deadlines, is essential to meet the ombudsman target of replying within 28 calendar days.

The Ombudsman mentions specifically his regret that the Council's link officer was unable to attend the annual link officers' seminar held in November 2005. This was as a result of the officer responsible being off sick at the time.

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.

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

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

SECTION 151 OFFICER'S COMMENTS

The S151 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 2005/2006.

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