

AUDIT COMMITTEE

Local Government Ombudsman – Annual Letter 2006/07

19th September 2007

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 2006/07, 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 2006/07 be noted.**
- (2) That Members 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 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.

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 2006/2007

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

(a) Performance

In 2006/07 the Ombudsmen received a total of 18,320 complaints, compared with 18,626 in the previous year – a decrease of 1.6 per cent. Housing benefit complaints have continued to fall as a result of improved council administration systems. Complaints about antisocial behaviour have increased significantly in the year (13.5 percent). The total number of complaints where redress was obtained was 3,088 – 28.9 per cent of all complaints determined. Reports on completed investigations where there was a finding of maladministration were issued on 138 complaints. The remaining 2956 were the subject of a local settlement.

The monitoring of the Ombudsmen'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 Ombudsmen have stated that this was due to the improvement in local authorities' handling of complaints which means that a higher proportion of the cases referred to the Ombudsmen are now more complex and contentious and take more staff time to resolve. 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).

(b) Promoting Awareness and Providing Advice

The Ombudsmen have continued to work on widening access to their service through improved awareness among the advisory and voluntary sector. Feedback from the ongoing programme of outreach work shows that visits give staff in these organisations a better understanding of the role of the Ombudsmen and the complaints which can be investigated.

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 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** 31 complaints from residents of the City, a significant increase on the 17 received 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.

Seven complaints were about benefits, five about public finance, and six about housing. Two complaints were about planning and three about highways. Of the eight complaints in the 'other' category, five were about anti-social behaviour, two were about environmental health and one 'miscellaneous'.

(b) Reports and local settlements

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.

Two complaints were settled locally. One concerned a failure to notify the complainant about a small outstanding balance for street works which was registered as a land charge. The Council agreed to refund the complainant £282, the interest accrued over 19 years, and to review the procedures for handling old accounts. In a complaint about environmental health, the Council agreed to pay the complainant £500 to reflect failure to notice non-compliance with building regulations for a neighbour's oil storage tank and the delay in resolving the matter. The total compensation paid was £782.

The Ombudsman has stated that he was grateful to the Council for its assistance in settling these complaints.

When the Ombudsman completes an investigation he must issue a report. No reports were issued against the Council during the year.

(c) Decisions on complaints

31 complaints were decided during the year. Of these six were outside the Ombudsman's jurisdiction for a variety of reasons. Eight complaints were premature and as mentioned above two were settled locally. The remaining fifteen were not pursued because no evidence of maladministration was seen, or because it was

decided for other reasons not to pursue them.

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

The Ombudsman's view is 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. The Ombudsman is pleased that, as requested last year, the Council has now included a link to their website in the same way as for the Standards Board.

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

Enquiries were made on ten complaints this year, and the average time for responding was a commendable 29 days. This is a real improvement on the 35 days it took last year and is very close to the target 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 **31** complaints against this Council were **received** by the Ombudsman during 2006/2007. These can be broken down as follows: -

- 3 Highways
- 6 Housing (not including Housing Benefit issues)
- 7 Housing Benefit
- 8 Other
- 2 Planning issues
- 5 Public Finance

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

- 11 No evidence of maladministration
- 4 Ombudsman's discretion

- 2 Local Settlement
- 6 Outside Local Government Ombudsman's jurisdiction.
- 8 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 has 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 has been 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 has been introduced to allow us to manage the process more effectively.

The Ombudsman mentions specifically that the Council's link officer has attended local training run by the York Ombudsman's office but notes that no one has attended Coventry's annual link officers' seminar recently. The Council's link Officer will be attending 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 the latest figure is 23 days.

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
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(including Diversity, Human Rights, Community Safety, Sustainability etc)
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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 2006/2007.

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