

Local Government OMBUDSMAN

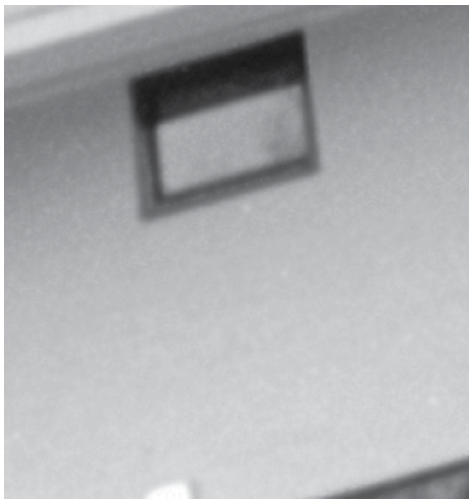
Commission for Local
Administration in England



Annual Report 0910

Delivering Public Value

www.lgo.org.uk



Commission for Local Administration in England

Annual Report 0910

Presented to Parliament pursuant to Section 23A(3A)
of the Local Government Act 1974, as amended by
Section 170(1) of the Local Government and
Public Involvement in Health Act 2007.

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Our public value vision is

to provide a high quality and efficient service, accessible to all, that remedies injustice for individuals and maximises the value of our investigations to make public services better.

The Local Government Ombudsmen investigate complaints by members of the public who consider that they have been caused injustice by the administrative actions of local authorities and other bodies within their jurisdiction.

The Ombudsmen provide a free, independent and impartial service. When they receive a complaint, they are on the side of neither the complainant nor the respondent authority. In each case they investigate whether there has been administrative fault that has caused a personal injustice to the complainant.

If the Ombudsmen find that something has gone wrong and that a person has suffered as a consequence, they aim to get it put right with a satisfactory remedy. The remedies will depend on the circumstances of the complaint and, in some cases, the authority will be asked to pay compensation.

The Ombudsmen also issue advice and guidance to authorities within their jurisdiction on good administrative practice. They do this by publishing guidance notes and special reports, as well as providing a series of training courses.

The Commission for Local Administration in England was created by Part III of the Local Government Act 1974, to run the Local Government Ombudsman service.

Who we are



Membership of the Commission

Mr Tony Redmond Chairman

Dr Jane Martin Vice-chairman
(from 11 January 2010)

Mr Jerry White Vice-chairman
(until 30 September 2009)

Ms Anne Seex Member

Ms Ann Abraham Member

Mr Redmond, Dr Martin and Ms Seex are Commissioners for Local Administration (Local Government Ombudsmen). **Mr White was a Local Government Ombudsman** until his retirement in September. **Ms Abraham is the Parliamentary Commissioner for Administration** (Parliamentary and Health Service Ombudsman) and is a member *ex officio* of the Commission.



Senior staff

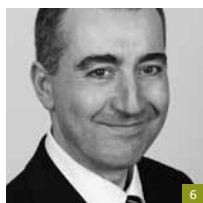
The senior staff of the Commission in 2009/10 were:

Mr Neville Jones Deputy Ombudsman, Coventry

Mr Nigel Karney Deputy Chief Executive and Secretary

Mr Michael King Deputy Ombudsman, York

Mr Peter MacMahon Deputy Ombudsman, London



1 Mr Tony Redmond

2 Dr Jane Martin

3 Ms Anne Seex

4 Mr Neville Jones

5 Mr Nigel Karney

6 Mr Michael King

7 Mr Peter MacMahon

Chairman's introduction

Meeting the challenges of the changing LGO landscape



The past 12 months have proved to be challenging yet stimulating for the Local Government Ombudsman (LGO) service.

We place considerable emphasis on the concept of service improvement. The LGO is well placed to pinpoint opportunities for local authorities to improve not only complaints handling but also systems, procedures and other aspects of service delivery. LGO training, Annual Reviews and Ombudsman reports are the principal means of achieving improvement, and local authorities have responded very positively to these.

The total number of complaints and enquiries received by the LGO showed a reduction compared to the previous year, falling from 21,012 to 18,020. Housing and planning remain the largest areas of complaint although there was no significant change in the numbers received for each of these services.

Performance within the LGO service remains strong. Decision levels and times taken to investigate complaints have been good during a period when staffing levels fell markedly. The growth in recent years in school admission appeals cases is noteworthy. Adult social care complaints increased, no doubt partly explained by the move from

a three-stage complaints-handling procedure to one stage. Children and young people complaints are rising slowly but the high proportion of findings of fault in this area may be significant. Total decisions involving redress amounted to 2,435, a reduction of 450 compared to 2008/09. Local settlements and Ombudsman reports together represented 28 per cent of the cases considered (excluding those outside our jurisdiction).

Plans were put in place during the year to deliver a significant expansion of the LGO's work. The Ombudsman's jurisdiction will, this year and next, extend to most aspects of education provided by local authorities and state schools (other than academies) together with the provision of adult social care in the private and not-for-profit sectors.

A new service design has been put in place for each of the new areas of jurisdiction, and teams have been established in each of our three offices combining the existing expertise of LGO investigators with a number of staff recruited from the sectors which will be within jurisdiction. The LGO has acquired expertise in dispute resolution over many years and is confident that it will deliver an effective service in fulfilling its new responsibilities.

" I must admit that I was apprehensive about contacting you with my complaint, but the young lady to whom I spoke in Coventry could not have been more helpful. The conversation answered all my queries; there was a total absence of stuffiness."

LGO Advice Team customer feedback

These new services will be launched with a clear undertaking to recognise the specific requirements and sensitivities associated with these sectors, as well as listening carefully to the interests and wise counsel of our stakeholders. We will maintain the LGO principles of independence, impartiality, fairness and rigour in delivering these new services.

The year saw the departure of some 10 per cent of the Commission's staff in response to the reduced grant settlement announced over the period 2008 – 2011. Many of those staff had given loyal and dedicated service over a long period of time and the Commission would like to place on record its appreciation for their valued contribution.

Changes in the size and composition of the workforce were accompanied by measures to continue to provide our service in a way which was efficient and effective and was consistent with a rapidly changing local government environment and rising customer expectations. 'Council First' recognised the importance of giving the local authority a full opportunity to investigate complaints first, and the LGO Advice Team built on its first year of success in establishing a Commission-wide first-contact facility. At the same time we encountered the impact of the new

one-stage complaints-handling arrangements for local authority adult social care.

The Commission was delighted to welcome Jane Martin as the new Vice-chair and Local Government Ombudsman in the Coventry office, and I am sure Jane's background and experience will be a major asset to the service. She succeeds Jerry White who retired in September 2009 after a distinguished period of service over 14 years. I would also like to record my personal thanks to Peter MacMahon, who retired as Deputy Ombudsman in London in April 2010, for his admirable skills and professionalism in supporting me and the Commission over many years.

This will be my last Annual Report as, in November 2010, I too will be retiring. I have enjoyed my term of office immensely as I have witnessed the organisation developing, and indeed expanding, its role over the past eight-and-a-half years. Its ability to adjust and adapt to a rapidly changing local government landscape has been very satisfying, and my sincere thanks go to my fellow Commissioners who have helped steer the organisation to the position it has achieved today. This, of course, could not have happened without the commitment and fortitude of our staff for which I am grateful.

My final thanks must go to my Personal Assistant, Dil Gorwala. She has performed quite outstandingly in support of me over the past seven years, and I know this sentiment is shared by all who have been in any way associated with her work.

My very best wishes go to all my colleagues and friends within the Commission as they face the exciting and, possibly, daunting challenges that lie ahead.



Tony Redmond
Chairman

Homelessness

Ms K was eight months pregnant, and left her privately-rented accommodation following an incident of domestic violence. She applied to a council for help.

Housing officers encouraged her to find accommodation in the private sector through the Direct Lettings Scheme, but they:

- > applied too strict a test when deciding whether to provide Ms K with temporary accommodation by insisting she provide proof of homelessness first
- > did not tell her that she could apply for housing as a homeless person, and
- > did not refer her to specialist support for victims of domestic violence.

Ms K said that, later, she spent four nights sleeping rough in a park.

The Ombudsman's investigation was hindered by the council's very poor records. He concluded that Ms K suffered injustice because the council had not provided her with the level of support and assistance she should have had as a homeless person in priority need.

The council apologised to Ms K, paid her £750 compensation and improved its procedures.

Failure to provide housing support and assistance to a pregnant, homeless woman

Case reference 09 001 262



PROFILE

Tony Redmond

Local Government Ombudsman

Tony Redmond joined the Commission as Chairman and Local Government Ombudsman on 12 November 2001. He is a member of the Parliamentary and Health Service Ombudsman Advisory Board. He is also a former Chair of the British and Irish Ombudsman Association.

Before becoming a Local Government Ombudsman, Mr Redmond was Chief Executive of the London Borough of Harrow. Prior to that he served as Treasurer and Deputy Chief Executive of Knowsley Metropolitan Borough Council and also Treasurer to the Merseyside Police Authority. He has also held senior posts in Wigan Metropolitan Borough Council and Liverpool City Council.

Ombudsmen's report Delivering public value

In a year of great economic upheaval and political change, we have been reminded of our important role in providing a free and independent service to citizens aggrieved about the way they have been treated by local authorities. Whether it is a concern about planning decisions, the allocation of social housing, benefits payments, antisocial behaviour, the care of adults or children, or other local issues that impact on people's lives, the Ombudsmen have a unique role. We enable citizens, especially the most vulnerable, to voice their concerns and seek redress.

We also know that local authorities constructively use the outcomes of our investigations, many of which are settled to the satisfaction of the complainant without the need for a formal report, to review and improve services. The Annual Reviews we issue to each local authority in June every year are likely to be discussed at cabinet or scrutiny committee as part of the suite of indicators that drive corporate performance.

Ombudsman's investigations and decisions are increasingly recognised as a valuable contribution to local public accountability. This powerful combination of individual redress aggregated up to corporate improvement is the essence

of the public value that the LGO has created over many years. In 2009/10, as in the years to come, when local government faces financial constraints and is asked to do 'more for less', we became even more aware of the need to sustain and enhance our local presence.

During 2009/10 new legislation began extending our jurisdiction into two new areas: the internal management of schools, and privately-arranged and funded adult social care.

The Apprenticeships, Skills, Children and Learning Act 2009 created a new role for us to deal with complaints from parents and pupils about state schools. It brings together the arrangements for unresolved complaints on services affecting children and young people of school age, enabling a unified approach to complaints on the whole range of child-related services.

This extension of our role started with a pilot in April 2010 involving four local authority areas. This first phase is set to be extended to a further 10 areas in September 2010. We are working in the pilot areas to shape the design and delivery of the new service. It is intended that, by September 2011, our jurisdiction will cover all state-maintained schools in England.

CASE STUDY

Environmental health and planning enforcement

From 2000 to 2007, thousands of tonnes of rubbish were illegally dumped, burned and processed on farmland a few metres from Mrs D's home, enough to fill three Olympic-sized swimming pools.

The area was a beauty spot in the green belt noted for its biological and archaeological heritage. Mrs D and her son made many complaints. Three public bodies knew about the extent of the problem and the damage being caused to the environment, but failed to take effective action.

A national protocol between the Environment Agency and the Local Government Association clearly required a co-ordinated joint approach on waste enforcement but it was not applied.

The complaint was investigated jointly by the Local Government Ombudsman and the Parliamentary Ombudsman.

The Ombudsmen said: "Anyone seeing the evidence of what happened on that land and of the devastation wrought on this beauty spot should be justifiably shocked and outraged that, despite all the legal safeguards in place, such events could actually happen."

The three bodies agreed to apologise and pay Mrs D and her son a total of £95,000 to reflect years of extreme distress, aggravation and financial loss, and determine whether any other action was required to prevent a recurrence of such events.

Failure to take action over illegal waste-dumping activities over a seven-year period

Case references 05C11620 and 05C09690
Environmentally Unfriendly

" I would just like to say thank you so much for the work you did on my case... I think I would have struggled to cope with it all, had you not [done] your job so well."

Ms S

THE WEST COUNTRY



PROFILE

Jane Martin

Local Government Ombudsman

Dr Jane Martin was appointed to the post of Local Government Ombudsman and Vice-chair of the Commission for Local Administration in January 2010. She has extensive knowledge and experience of public service delivery. At the University of Birmingham and Warwick Business School she conducted research on public management and governance in the fields of education, health and local government. She has worked in local authorities across England as a Consultant for the Improvement and Development Agency for Local Government (IDeA) and was the first Executive Director of the Centre for Public Scrutiny. Prior to joining LGO she was Deputy Chief Executive at the Local Better Regulation Office and a Non-executive Director of Coventry Primary Care Trust.

The second new area of jurisdiction was introduced by the Health Act 2009, extending our powers to investigate complaints about privately-arranged and funded adult social care.

We will be dealing with private and non-profit sector providers. When the new powers come into effect from 1 October 2010, we will be able to deal with all complaints brought against commissioners and providers of adult social care. 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.

Maintaining and improving standards

Our focus on maintaining and improving the output, quality and standards of our existing local government jurisdiction from the initial enquiry to a complaint decision is essential in this changing environment.

We are pleased to report that the LGO Advice Team has made good progress over the year in delivering an accessible, fair and consistent service. Our team of trained advisers dealt with 40,000 calls in 2009/10. The average time to answer a call is 23 seconds.

The Advice Team helps us ensure a consistent approach to advising and signposting complainants from their very first contact with us. This clarifies our process from the outset and can save valuable time. This is particularly the case when a caller comes straight to us without having gone through the council's own complaints procedure. We know that many complaints can be resolved locally without the need to come to us. This also ensures that we make best use of our resources. In 2009/10 the Advice Team referred 4,553 complaints to local authorities as 'premature'. During the coming year, we will be researching the views of people whose complaints have been referred to councils as premature.

Regular contact with all parties in an investigation is built into our process, and the times we take to conduct investigations and reach decisions are key performance indicators for us. During 2009/10 our monitoring showed that 85 per cent of cases were completed within 26 weeks, with many cases completed in a shorter timescale.

Case decisions

Investigating complaints with an independent, fair and impartial focus remains the key part of our role. We made decisions on

School admissions

M had an undiagnosed hearing problem when he sat the entrance tests for a selective grammar school. He misheard some important instructions, so part of his work was not marked and he did not pass.

His parents appealed twice against the refusal of a place, producing medical evidence of M's hearing problem, which had been diagnosed by then. Both appeals failed. The parents complained that the appeal panels failed to properly consider the effect of the Disability Discrimination Act.

The Ombudsman found that the panel should have concluded that M had a disability as defined in the legislation and that he had been disadvantaged in his test. Had this happened, it was likely that the panel would have concluded that M's case outweighed any prejudice that would arise by admitting an extra child.

In accordance with the Ombudsman's recommendations, the school's governing body:

- > offered M a place at the school
- > apologised
- > paid £250 compensation, and
- > ensured that future admission appeal hearings take into account a claim that a child suffers from a disability.

Failure to properly consider the effect of a boy's hearing disability at an admission appeal

Case reference 08 011 742

" Many, many thanks for your letter, and your actions and prompt reply. You have certainly got the ball rolling."

Mr C

LONDON



PROFILE

Anne Seex

Local Government Ombudsman

Anne Seex was appointed to the Commission as the Local Government Ombudsman based at York in October 2005. She previously had over 25 years' experience in local government, joining the Commission from Norwich City Council where she had served as Chief Executive for five years.

Anne's experience included 11 years in various roles in the Chief Executive's Department at Manchester City Council. She left Manchester to become Director of Community Services for Lancaster City Council where she was responsible for housing, leisure, environmental health, engineering, and estates.

10,309 complaints forwarded by advisers to our offices during the year.

Housing complaints represented the largest proportion of cases, accounting for around 20 per cent of the total, closely followed by complaints about planning and building control. Developments over the year in housing include a protocol agreement with the Housing Ombudsman that will help to ensure that complaints made by, or on behalf of, social housing tenants are directed to the appropriate Ombudsman scheme. The agreement reached in December 2009 paves the way for more collaborative working and sharing of information for the benefit of tenants and landlords.

Complaints about adult social care have increased from 4 per cent of the total in 2008/09 to 6 per cent in 2009/10. Children's care services have also gone up slightly, from 4 per cent in 2008/09 to 5 per cent in 2009/10. New statutory arrangements for complaints about adult social care started in April 2009, replacing the prescribed three-stage procedure with a single local resolution stage, enabling cases to reach us more quickly. However it is difficult to predict whether the upward trend will continue.

Within the 10,309 decisions made during the year there were 2,366 local settlements. A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2009/10, 27 per cent of all complaints we decided (and that were within our jurisdiction) were local settlements. Where we complete an investigation we generally issue a report that includes recommendations for a remedy for the complainant. In 2009/10, we issued reports finding maladministration causing injustice on 69 complaints, and reports finding no maladministration or no injustice on five complaints.

We published two joint reports with the Parliamentary and Health Service Ombudsman, including *Environmentally Unfriendly*. This concerned the failings of three public bodies in allowing illegal waste activities to go unchecked over a seven-year period with devastating effect (see case study on page 9). They agreed to pay compensation totalling £95,000 to the neighbours of the unauthorised waste site. We also issued our first report about commercial and contract

Disabled facilities grants

Mrs M complained about long and unreasonable delay before a council provided housing appropriate to her family's needs. Two of her five children were seriously disabled by a rare, muscle-wasting condition. They needed 24-hour care and assistance with feeding, dressing, bathing and toileting.

Mrs M could only keep her disabled children clean by hosing them down in the garden, strip-washing them in a downstairs toilet, or risking injury by getting them upstairs to a small and inadequately-equipped bathroom. The council knew the family needed a home with ground-floor bathroom and bedrooms. The family was moved to a four-bedroom house with the intention of building a ground-floor extension, but the council did not check feasibility and planning permission was refused.

The Ombudsman said "The underlying cause was ineffective management that can fairly be described as 'institutionalised indifference'..."

Eventually a purpose-built property was provided for the family, but in the meantime the council failed to provide adequate interim adaptations.

The family spent three years in unsuitable accommodation as a result of council failures. The Ombudsman recommended the council to:

- > apologise to Mrs M and her family
- > pay £36,000 to Mrs M and her older disabled child over three years
- > create a fund of £5,000 for the other children, and
- > review its procedures and leadership capacity in the relevant services.

Long and unreasonable delay in meeting the housing needs of a family including seriously disabled children

Case reference 07C03887

“ Whilst clearly I would have hoped for a different outcome, I just thought I’d let you know that I am very satisfied with the impartial and thorough way you have dealt with this unfortunate case.”

Ms C

YORKSHIRE



matters following an amendment to our legislation in 2008 (see case study on page 29).

Over the year we consulted councils on our broad proposals for introducing statements of reasons on individual decisions 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. We intend to introduce the new arrangements during 2010/11 for all areas of our work.

Citizens' **views**

At the time of writing, research work is in progress to provide detailed insight into the experiences and expectations of people who complain to us, building on the research undertaken in 2007. Our aim is to assess the impact of the various initiatives and actions we have undertaken over the last two years, including the establishment of the LGO Advice Team and revised complaint literature. We will use the findings to make further improvements to our service.

Efficiency

We have been developing a new casework management system that

builds on the system introduced for the LGO Advice Team. A single casework management system from the initial enquiry about a complaint to the final decision will help to increase our efficiency and ensure that we make the best use of our resources. We will be rolling this out during 2010/11, starting with the new areas of jurisdiction.

The year **ahead**

We will face even more challenges in the year ahead. It is difficult to predict complaint numbers in the new areas of work, but we will focus on delivering successful new services and establishing the confidence and co-operation of all parties involved, while ensuring we maintain public trust and confidence in our local government service. Our jurisdiction is expanding in the context of a wider economic climate where there are great pressures on public funds, higher expectations about the standard of public services and increased public accountability. We are determined to continue to increase the efficiency, cost-effectiveness and public value of all of our work, and we are committed to constantly improving.

Tony Redmond
Jane Martin
Anne Seex

In this section we present figures on our work during the year ended 31 March 2010, including progress towards achieving our business goals in the year.

Analysis of complaints

Complaints and enquiries received

The LGO Advice Team is the single point of contact for all enquiries and new complaints. The Advice Team received a total of 18,020 complaints and enquiries in 2009/10, compared with 21,012 in 2008/09. These include telephone enquiries that were not pursued any further at the time beyond giving the caller advice; complaints taken down over

the telephone and forwarded to one of the three investigative teams; and complaints received in writing – either via the complaint form on our website, or through the post.

The breakdown of advice given to people who telephoned the LGO Advice Team in 2009/10 is shown in chart 1 below.

This compares with the breakdown of advice given in 2008/09, shown in chart 2 below.

Chart 1: Advice given in 2009/10

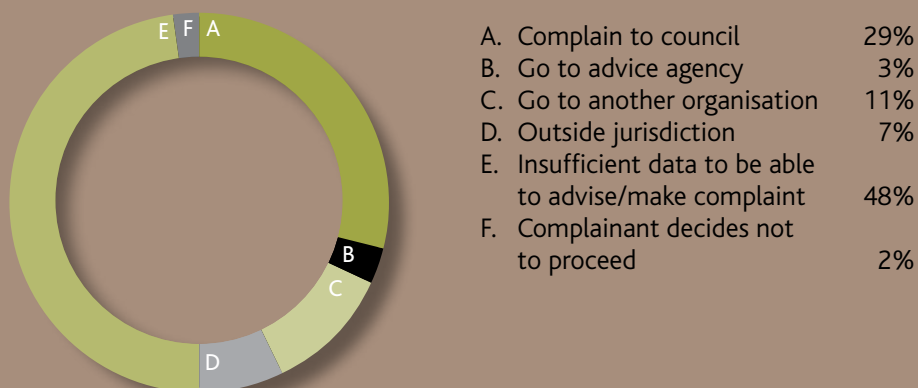


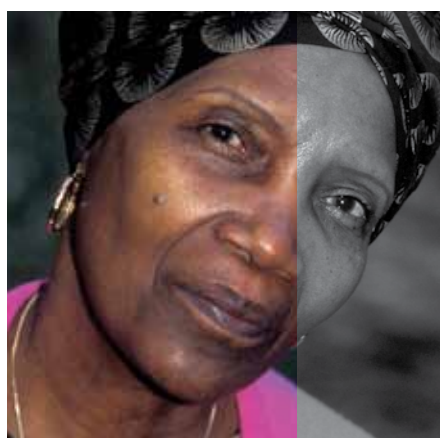
Chart 2: Advice given in 2008/09



Table 1: Subjects of complaints and enquiries received 2009/10 (with 2008/09 in *italics*)

	Adult care services	Children's care services	Education	Housing	Benefits	Public finance (inc local taxation)	Planning and building control	Transport and highways	Other	Total
Premature complaints and enquiries	216 <i>310</i>	309 <i>298</i>	65 <i>134</i>	1,187 <i>1,637</i>	312 <i>379</i>	550 <i>595</i>	703 <i>960</i>	412 <i>544</i>	799 <i>1,117</i>	4,553 5,974
Advice given (excluding premature advice)	169 <i>155</i>	199 <i>164</i>	261 <i>304</i>	559 <i>738</i>	149 <i>177</i>	242 <i>244</i>	353 <i>540</i>	358 <i>416</i>	712 <i>1,610</i>	3,002 4,348
Forwarded to investigative team (resubmitted premature)*	81 <i>82</i>	89 <i>90</i>	27 <i>64</i>	422 <i>583</i>	98 <i>112</i>	132 <i>150</i>	467 <i>641</i>	172 <i>254</i>	378 <i>551</i>	1,866 2,527
Forwarded to investigative team (new)	586 <i>362</i>	404 <i>340</i>	1,783 <i>1,757</i>	1,526 <i>1,387</i>	280 <i>261</i>	360 <i>300</i>	1,484 <i>1,705</i>	825 <i>758</i>	1,351 <i>1,293</i>	8,599 8,163
Total	1,052 909	1,001 892	2,136 2,259	3,694 4,345	839 929	1,284 1,289	3,007 3,846	1,767 1,972	3,240 4,571	18,020 21,012

* 'Resubmitted premature' complaints will previously have been a 'premature complaint or enquiry' so these two figures would need to be added together to get the total number of premature complaints and enquiries made.



Subjects and handling of complaints and enquiries

The subjects of complaints and enquiries received during the year are shown in table 1 above, along with the way they were handled.

Premature complaints and enquiries are where the complainant has not already complained to the council first. After they have done so, the complainant may resubmit their complaint to the Ombudsman if they remain unsatisfied after the council has considered it. These will be forwarded to an investigative team as a 'resubmitted premature' complaint.

The number where advice was given indicates where people have telephoned the LGO Advice Team and have been told that it is unlikely the Ombudsman can deal with their complaint and that they should try another organisation, go to an advice agency, or that their complaint is outside the Ombudsman's jurisdiction. The figure also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

"I am particularly impressed by the clarity of the language being used. An excellent example of modern English – clear, lucid and unambiguous."

LGO Advice Team customer feedback

The number of complaints and enquiries in each subject category for 2009/10 is shown in chart 3.

This compares with the subject breakdown of complaints and enquiries received in 2008/09 shown in chart 4.

Housing and planning complaints remain the largest two categories of complaint.

Within the education category, school admission complaints and enquiries have reduced slightly, after increases in the previous two years. There were small increases in the number of complaints and enquiries about special educational needs and school transport, however.

Adult social care complaints have gone up from 4 per cent of the total in 2008/09 to 6 per cent in 2009/10. At the start of the year, new arrangements were introduced for complaints about adult social care. A single local resolution stage replaced the previous three-stage procedure. It is likely that, in the early phase of these new arrangements, cases have been reaching us more quickly.

Children's care services have also increased slightly, from 4 per cent in 2008/09 to 5 per cent in 2009/10.

Chart 3: Complaints and enquiries received by category 2009/10

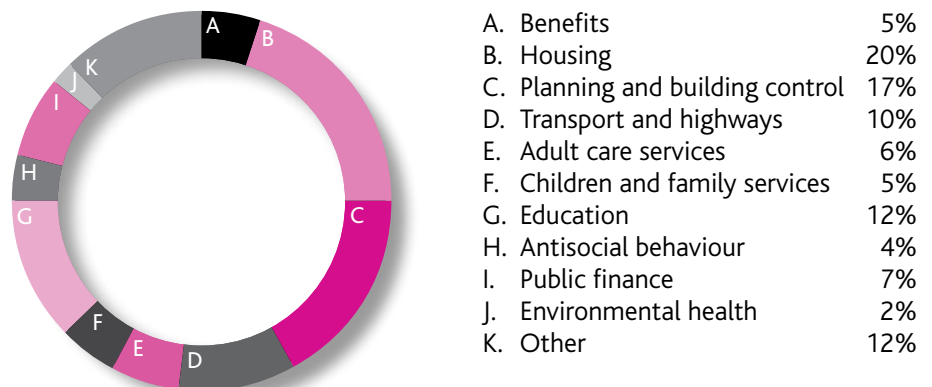
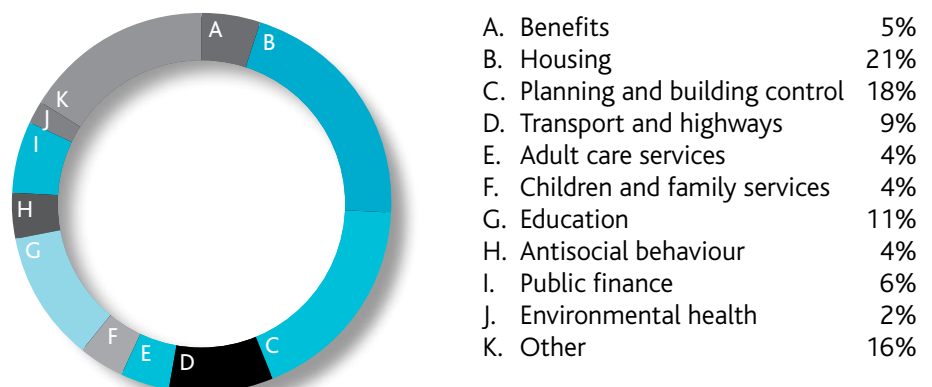


Chart 4: Complaints and enquiries received by category 2008/09



The proportion of 'other' complaints and enquiries is quite significant partly due to the inclusion of several hundred enquiries on matters that were not local government related that are handled by the LGO Advice Team.

A more detailed breakdown of the subjects of complaints received is available on our website.

Outcome of complaints

We decided 10,309 complaints forwarded to the investigative teams during the year, compared to 11,687 in 2008/09.

Table 2 summarises the decisions made on complaints forwarded to the investigative teams. The total number of complaints where redress was obtained or recommended for the complainant was 2,435 – 27.7 per cent of all complaints determined (excluding the complaints that were outside our jurisdiction). This is very similar to the previous year (when it was 28.7 per cent).

A breakdown of the figures shown in table 2 by Ombudsman's office is available on our website.

Table 2: Analysis of outcome of complaints 2009/10

Outcome	Number of complaints	Percentage of total (excluding those outside jurisdiction)
Local settlements	2,366	26.92
Maladministration causing injustice (issued report)	69	0.78
Maladministration, no injustice (issued report)	2	0.02
No maladministration (issued report)	3	0.03
No or insufficient evidence of maladministration (without report)	4,065	46.25
Ombudsman's discretion	2,284	26.00
Outside jurisdiction	1,520	
Total	10,309	
See the <i>Glossary of terminology</i> for an explanation of terms used.		

Graph 1 opposite shows the numbers of complaints determined (excluding premature complaints) in the last 10 years. The numbers have reduced since 2007/08 in part because the Advice Team is able to advise people when their complaint is unlikely to succeed, for example because it is likely to be outside the Ombudsman's jurisdiction, which has the effect of reducing the overall number of complaints that get submitted. The percentage of complaints determined that

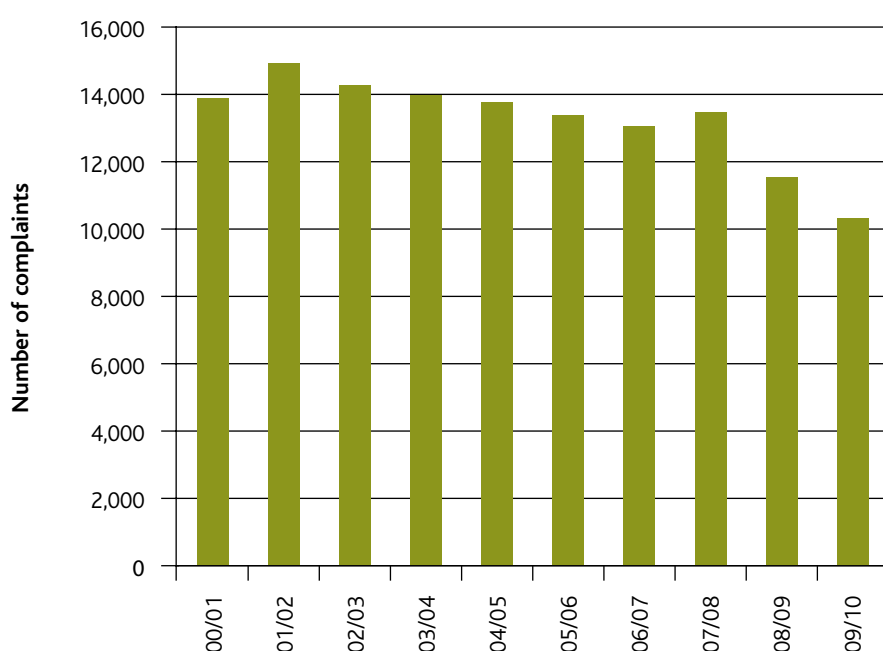
were outside the Ombudsman's jurisdiction has dropped from 18.5 per cent of all complaints determined in 2007/08, to 13-15 per cent in the two years since. This suggests that the service provided by the LGO Advice Team is an effective way of explaining the Ombudsman's jurisdiction.

" I brought my complaint to your attention without great expectations but I am pleased to advise that I am very content with your decisions and activity in this matter. ... Your work provides a valuable service and is appreciated."

Mr L

WEST MIDLANDS

**Graph 1: Complaints determined 2000/01 – 2009/10
(excluding premature complaints)**



Often, however, our staff, having considered the information collected from the council and the complainant, identify what appears to be fault and a consequent injustice and propose a settlement. Having considered the views of both sides, we either approve the settlement or continue with the investigation. Local settlements were agreed in 2,366 cases – 26.9 per cent of all decisions (excluding outside jurisdiction complaints). This is a similar proportion to the previous year (27.4 per cent of all decisions, excluding outside jurisdiction complaints).

Putting things right

Our aim is to obtain redress for people who have suffered an injustice as a result of something the council has done wrong (maladministration).

Where we complete an investigation and find maladministration that has caused injustice, we issue a report that includes recommendations for a remedy for the complainant. We issued reports on 74 complaints, compared with reports on 143 complaints in 2008/09. Planning matters formed the largest proportion of reports issued

(23 per cent of all reports issued), with education matters forming the second largest (22 per cent) and housing and transport and highways joint third (15 per cent).¹

A far larger proportion of the complaints that we investigate do not need to be progressed to a report because a 'local settlement' is reached during the course of the investigation.

Local settlements can occur at various stages of the investigation. Councils sometimes volunteer settlements in response to our first enquiries about a complaint.



¹ A table giving a breakdown of the subjects of reports issued, and a full list of reports issued, is available on our website.

“ I would also like to thank you for your help and assistance in dealing with this matter and for keeping me up to date on a regular basis. My family and I are very grateful for the time that you took in dealing with this and the eventual outcome.”

Ms H

KENT

Table 3 sets out the number of remedies and settlements obtained in the year, showing the type of outcome reached. The lower figures reflect the lower overall number of complaints that have been investigated in the year. Where the remedies and settlements resulted in a payment being made, the amounts obtained or recommended came to a total of over £1.3m compared with £2.2m in 2008/09, (the previous year's figure included a very large single amount). This figure represents the minimum we have achieved as there are currently cases where an authority has agreed to undertake a 'before and after' valuation,² and to pay the difference in value to the complainant, but we do not yet know the amount. Many of the individual settlements are relatively small amounts but may be linked to other actions to provide fair redress.

² That is, the valuation of a property that has been adversely affected by neighbouring development before and after that development took place.

Table 3: Type of remedy or settlement obtained

Type of remedy/settlement	2007/08	2008/09	2009/10
Apology	815	640	585
Take action:			
New hearing/appeal	130	170	223
Offer of new accommodation	34	24	15
Revise publication/published information	29	24	38
Consider others in similar situation	13	15	5
Make inspection and take appropriate action	106	99	57
Other	1,485	1,507	1,224
Review policies and/or procedures	309	272	220
Make payment:			
'Before and after' valuation	15	17	18
Other payment	1,812	1,577	1,379
Total number of remedies/settlements recorded*	4,748	4,345	3,764
Total number of complaints where a remedy/settlement was recorded	3,057	2,857	2,435

* Some complaints have more than one remedy description recorded against them so the number of remedies recorded is greater than the number of complaints remedied.

Performance against business goals

In 2009/10 we pursued five business goals linked to our vision for the service. These provided the framework for our business planning and performance monitoring. They were:

- 1 To make decisions that are sound and justified.
- 2 To provide customers with a service that meets their needs and reasonable expectations.

- 3 To promote awareness, understanding and use of our services.
- 4 To influence the improvement of local government through guidance and advice.
- 5 To increase our efficient use of resources.

This section sets out our performance against these goals.

Public transport

The RNIB complained on behalf of nine blind, partially-sighted or deafblind people, about the loss of local concessionary travel schemes that enabled them to travel free at any time of day and allowed a companion to travel free with the disabled person.

Prior to 1 April 2008 the seven councils investigated operated local concessionary travel schemes. From 1 April 2008 the Government introduced a new national scheme entitling disabled people and those over 60 to free bus travel between 9.30am and 11pm on weekdays and at any time during weekends and public holidays. Local authorities were permitted to offer more generous schemes provided they met any additional cost. The seven councils decided to operate only the statutory minimum.

The Ombudsman concluded that, when the councils decided not to offer local additions to the national scheme, they failed to consider their duties under the Disability Discrimination Act. Councils have the right to establish a policy to determine how it will confer benefits of this kind, he said, but policies must be implemented in a way that allows for individual circumstances to be taken into account.

Six councils agreed to pay £100 to their respective complainants. Four reintroduced some concessions before the report was published and two councils agreed to reconsider the issue. The Ombudsman recommended the seventh council to do the same.

Failure to consider duties under the Disability Discrimination Act

Case reference 07B15825 and 6 others

“ Thank you very much for your prompt response. I am very relieved and happy that the council have agreed to your proposal and would like to thank you for the time you have given this complaint and for your patience and commitment throughout.”

Miss P

MERSEYSIDE

Table 4: Customer complaints in 2008/09 – 2009/10

	2008/09	2009/10
Review request: decision confirmed	1,108	977
Review request: decision correct, but wrongly justified	14	3
Review request: decision correct, but further explanation provided	47	30
Review request: investigation relaunched because of new information	50	27
Review request: investigation relaunched because of procedural error	23	20
Non-substantive response sent*	22	23
Service complaint: not upheld	24	37
Service complaint: upheld in part or in full	34	18
Total	1,322	1,135

* These are cases where the complaint did not go through the review process, mostly because the review was not requested quickly enough (within three months of the decision on the case).

We aim that this figure should be less than 1 per cent of all decisions taken, excluding decisions on premature complaints. This year the percentage is 0.2 per cent.

We analyse all those service complaints that are upheld to learn lessons for improvement in our performance.

We recognise that there could be errors that do not get picked up because the complainant does not request a review of our decision, so we also check a sample of files from each investigator as part of our quality control process. We pass on any learning points from the file examination back to our staff – both individually and where there are general lessons to use them in staff workshops and written guidance.

We aim to ensure all our offices have a common and proactive approach to the identification of maladministration arising from councils' failures relating to their equalities duties and their responsibilities under the Human Rights Act. We are continuing to consider these matters on a case by case basis; we await developments from the new Equalities and Human Rights Commission, and the new Government, before developing further our staff guidance and training in this area.

Sound and justified decisions

We apply a number of specific measures to ensure good quality decisions are taken about complaints. Our planning for the year 2009/10 anticipated that the LGO Advice Team would deal with 4,500 premature complaints. This was exceeded – the Advice Team dealt with 4,553 formal and informal premature complaints.

Our plan for the year was also based on the investigative teams taking decisions on 10,000 complaints. They dealt with 10,309, so this was exceeded as well.

We measure the level of complaints about us, dealt with in accordance with our complaints procedure. Customer complaints cover both cases where complainants question our decisions on local authority complaints we have dealt with (review requests) and complaints about our staff or service. Table 4 above shows a breakdown of these complaints.

Cases questioning our decisions on complaints are reviewed by a senior member of staff not previously involved in the case to see if the concerns are justified. In 2009/10, 20 review requests were upheld.

The ultimate challenge to the Ombudsmen's decisions is judicial review. Our aim is that no judicial reviews of our decisions are successful. There are two stages in the judicial review process. The applicant has to apply for permission for judicial review of a decision and, only if permission is granted, is there a second stage hearing in the Administrative Court. In 2009/10 there were 13 applications for permission to apply for judicial review. Eight applications were refused by the court; one application was granted permission to apply for judicial review but was subsequently withdrawn; and four are awaiting the court's decision. (In 2008/09 there were nine applications for permission to apply for judicial review of which seven were refused by the court and two were withdrawn.)

Providing a service that meets customers' needs and expectations

We assess our performance in a number of ways including customer surveys and ongoing monitoring of response times and customer feedback.

We set up the LGO Advice Team in April 2008 as a major part of our response to the findings of the last customer satisfaction survey we conducted (run by Ipsos MORI

Table 5: Advice calls activity 2008/09 – 2009/10

	2008/09	2009/10
Total telephone calls received	40,392	40,204
Total telephone calls answered	38,558	39,575
Average time to answer call	33 seconds	23 seconds
Number of text messages received	88 [#]	137
All post, including written complaints	15,000 [*]	12,836
Complaints made via website form	774 ^{**}	3,607
Total emails received	19,471	30,443

[#] This is the figure for the second six months of the year.

^{*} This figure is an estimate based on collected data over six months.

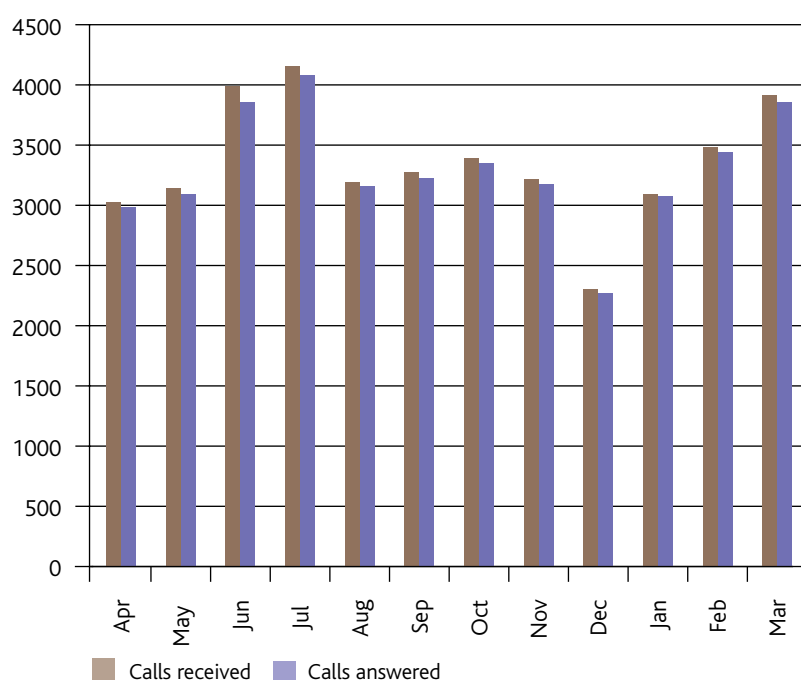
^{**} This is the figure from 12 January, when the website was launched.

in 2007). This found that customer handling is an important factor in the level of satisfaction with our service. Table 5 above summarises the LGO Advice Team's performance during the last two years.

We aimed to deal with 40,000 telephone enquiries in 2009/10. The number of calls answered fell slightly short of this figure, but has gone up by 2.6 per cent over the previous year. The average time taken to answer calls has reduced by 10 seconds. This improvement is due in part to a small increase in the number of Advisers, along with improved working methods, such as the introduction of a workflow process, that has made the service more efficient.



Graph 2: Telephone calls to LGO Advice Team 2009/10



The number of calls received and answered (some calls are always lost because the caller hangs up before the call is answered) on a monthly basis is shown in graph 2.

We have been seeking customer feedback on the service. A postal survey was conducted over three months in 2009/10, to compare with the three monthly surveys carried out in 2008/09. The questions have varied slightly between the different surveys. Results are set out in table 6 below. Responses are the percentages of either 'strongly agreed' or 'agreed', and 'n/a' indicates where a question was not asked in that particular survey.

Table 6: LGO Advice Team customer satisfaction results

Question	May 2008 (%)	June 2008 (%)	August 2008 (%)	Dec 09 – Feb 10 (%)
Whether it was easy to find contact details for the LGO Advice Team	n/a	n/a	n/a	93
Whether calls were answered promptly	100	98	100	n/a
Whether staff dealt with the caller in a polite, sensitive and helpful way	100	100	100	98
Whether the caller knew how to proceed with their complaint by the end of the call	96	98	100	94
Whether the subject specific fact sheets provided were helpful	n/a	n/a	100	97
Whether the caller's expectations of the Local Government Ombudsman service were met	96	96	96	94

" I am very impressed with the care you took over the specifics of my complaint... please accept my thanks and record my appreciation of the quality of your service."

Mr A

CORNWALL

We have continued to work in other areas in response to the findings of the Ipsos MORI survey. We have completed our work to improve the format of the communications we send to complainants setting out our initial thoughts on the likely decision we will make on their complaint – giving them the opportunity to give their comments before a final decision is made.

We monitor compliments as well as service complaints about our conduct. Examples of the compliments we have received are included throughout the main text of this report.

We aim to reach understandings with allied organisations so that the public are helped when their complaint spans the jurisdiction of more than one service. A protocol on joint working with the Housing Ombudsman was completed in 2009/10. Similar protocols are being developed for co-operation with OFSTED and the Care Quality Commission, both of which relate to working in our new areas of jurisdiction.

The time we spend handling cases is an important factor in customer satisfaction. We monitor our overall performance against three time bands as shown in table 7 above.

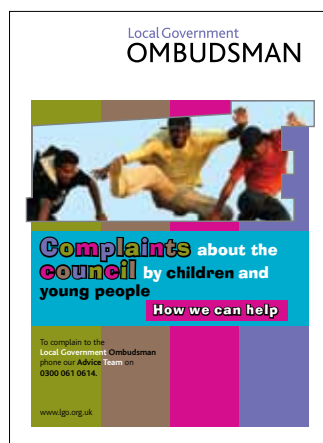
Table 7: Cases decided within time bands

Key indicator	March 2008	March 2009	March 2010	
	Actual	Actual	Target	Actual
Percentage of all complaints (excluding prematures) determined within 13 weeks	54.7	53.4	50.0	56.8
Percentage of all complaints (excluding prematures) determined within 26 weeks	79.7	82.3	80.0	85.2
Percentage of all complaints (excluding prematures) determined within 52 weeks	96.0	96.2	96.0	96.9
Number of cases more than 52 weeks old	171	122	-	122
Percentage of cases carried forward between years			<20	22.3

We are pleased to report the improvement in our performance against all three time targets this year. We also monitor the overall number of older cases. There will always be a small minority of complaints that will take us more than 12 months to decide, either because of their complexity or because of external factors (such as the illness of the complainant). The proportion of complaints carried forward to the following year was higher than normally expected. This was due to a number of experienced staff being made redundant at the beginning

of the year. But some new staff were appointed towards the end of the year, so this situation should be resolved in the year to come.

Our performance is also affected by the response times from complainants and local authorities. We ask local authorities to respond to our enquiries within 28 days. Table 8 overleaf shows the percentage of authorities that have responded within this timescale.



Promoting awareness, understanding and use of our service

An important part of the public value agenda is to promote the Local Government Ombudsman service and the impact of our work.

We continued to develop our website, launched in January 2009, including a new email alert that users can sign up to. They then receive weekly emails letting them know about changes and additions to the website in their areas of interest. The site meets higher accessibility standards than our previous website, and includes 'Browsealoud' which enables the user to download software free of charge that will read the website to them. The website includes a new database of complaint outcomes, which now includes investigation reports issued in the last five years.



Table 8: Average local authority response times 2009/10
(Figures for 2008/09 in brackets)

Authorities (number)	< 28 days (%)	29-35 days (%)	36 days (%)
District councils (202)	60 (60)	22 (20)	18 (20)
Unitary authorities (55)	65 (57)	26 (35)	9 (9)
Metropolitan authorities (36)	53 (67)	39 (19)	8 (14)
County councils (27)	58 (62)	32 (32)	10 (6)
London boroughs (33)	52 (58)	36 (37)	12 (15)

Table 9: Website statistics 2009/10 (and last quarter of 2008/09)

Period	Visits	Page views	Home page views	Complaints made via web
Jan-Mar 2009*	49,185	203,728	39,216	774
2009/10	226,143	970,797	167,313	3,607

Notes:

* This is from 12 January when the new website was launched.

'Visits' represent the number of individual sessions initiated by all the visitors to the site (it is designed to come as close as possible to defining the number of actual, distinct people who visited the site).

'Page views' - A view of a page on the site

We further developed our range of leaflets and associated materials for the public and their advisers. Our leaflet *Complained to the council? Still not satisfied?* was produced in Braille and as a sound recording on CD, along with our fact sheet on how we will deal with complaints once they have been made. We also began work on an EasyRead version of the leaflet, for people with learning difficulties or literacy problems, which was made available on our

website in April 2010. Our leaflet on *Complaints from children and young people* was redesigned to reflect the look of the section on our website aimed at children and young people. The range of subject-specific fact sheets has been further expanded and kept under review. These are made available on the website, as well as being sent out by our Advice Team in response to specific enquiries. We redeveloped our wall chart for advisers, and reissued this

“ Please pass my thanks to [the Adviser].
A very helpful, polite and professional person.”

LGO Advice Team customer feedback

during the year. It was mailed out to an extensive range of voluntary bodies.

We also have access to a telephone interpreting service so that our Advice Team, in particular, can provide a speedy service to potential complainants whose first language is not English.

Ombudsmen and staff gave a wide range of talks and presentations to local and national advice organisations during the year. These give their staff and volunteers a better understanding of the role of the Ombudsman and the complaints we can investigate, and encourage appropriate use of our service.

We exhibited at the Citizens Advice national annual conference in September, and at the National Children and Adult Services conference in Harrogate in October. We ran a fringe event at the Standards for England's Annual Assembly of Standards Committees in October.

An agreement was made with Housemark (membership-based organisation for social housing sector) on extending their 'Ombudsman says' website to include LGO cases as well as the Housing Ombudsman's.

Gaining media coverage, mainly on investigation reports, helps to increase understanding of the Ombudsman's service by demonstrating the impact of our work. We issued 50 press releases on reports over the year and secured 293 items of press coverage in publications as diverse as the Guardian, the Daily Telegraph, the Tiverton Gazette, the East London Enquirer, Manchester Evening News, Adviser magazine, Education Law Journal and the Big Issue. The Ombudsmen were interviewed for several BBC and independent regional radio stations and some regional TV news programmes.

Giving advice and guidance

We published our 13th annual *Digest of cases* on our website only in October. This summarises important decisions we have made in cases during the year, from which councils and advisers can draw general lessons.

During the year we also gave individual local authorities and other bodies ad hoc advice on administrative practice at their request.

We sent out annual reviews to every council in the country. These summarise our experience of handling their complaints and may make suggestions for

improvements where relevant. The reviews are published on our website.

We published three issues of the electronic newsletter for local authorities – LGO Link – in 2009/10. These alert local authorities to changes in our processes, including the introduction of the 'Council First' changes; Government initiatives that have an impact on our work, such as *Making Experiences Count* (the new arrangements for dealing with complaints about health and adult social care); consultation with local authorities on changes that will affect them, such as the introduction of 'statements of reasons' on complaints; new publications, including our revised *Guidance on running a complaints system*; and information about our training courses for local authorities. In 2009/10 we also sent out the first issue of a similar electronic newsletter to the voluntary sector, called 'LGO news', which alerted voluntary bodies to our new website.

We ran *Making Experiences Count* seminars in each office for complaints managers to discuss initial experiences of health and adult social care complaints arrangements and to help identify training needs.



" Well structured training, knowledgeable trainer with a good range of examples and how to tackle these."

" Objective and intelligent approach (and practical) to investigating and responding to complaints."

What the delegates say

TABLE 10: Training activity 2007/08 – 2009/10

	2007/08	2008/09	2009/10
Number of courses delivered	129	128	118

Table 11: Courses delivered in 2009/10 (with 2008/09 in brackets)

	Good complaint handling (GCH)	Effective complaint handling (ECH)	GCH in social care (children)	ECH in social care (children)	ECH in social care (adult)	Other	Total
London	4 (22)	17 (24)	1 (0)	5 (2)	20 (0)	0 (0)	47 (48)
Coventry	2 (6)	9 (25)	0 (5)	7 (5)	9 (0)	0 (0)	27 (41)
York	7 (5)	21 (22)	2 (2)	2 (5)	9 (0)	0 (3)	41 (37)
Open/regional		3 (2)					3 (2)
Total	13 (33)	50 (71)	3 (7)	14 (12)	38 (0)	0 (3)	118 (128)

Note: 'Other' – customised, planning and social service review panel courses

A seminar for advisers, organised with the Public Law Project and held jointly with the Housing Ombudsman, took place in April 2009 and another in March 2010.

Our programme of training in complaints handling and investigation for all levels of local authority staff continued, and we delivered 118 courses in 2009/10 against a target of 120 for the year. These continue to get excellent feedback – over 90 per cent of delegates were satisfied with all aspects of the training.

The overall number included three open courses for groups of staff from smaller authorities held at our offices at Millbank Tower and at venues in Coventry and Leeds. All three courses were fully booked and 40 per cent of delegates were from district councils. We aim to run more regional courses in 2010/11 in different locations. Our new Effective Complaint Handling course in Adult Social Care proved very popular. We also offer customised courses to meet councils' specific requirements.

We played an active part in the work of a number of groups and forums set up to review the mechanisms for dealing with complaints about councils and bodies covered by the LGO's extended jurisdiction. These included:

- > the Department of Health's External Advisory Group, set up to bring together key partners in widening the remit of the LGO to include complaints about adult social care made by or on behalf of people who pay for and arrange their own services;

Contracts and business matters

A council awarded a contract worth £750,000 for playground equipment. The successful company went into administration so the council retendered a contract worth £500,000. Mr L submitted a tender but was unsuccessful. He complained that the contract was awarded to a company that could not possibly have met the requirements set out in the tender documents.

The Ombudsman found that the second contract was awarded to a company owned by directors of the company that had gone into administration. Officers who awarded the second contract were not experienced or properly trained, and did not properly check the information in the tenders. The council's own internal audit section told Mr L that the tender process had been transparent, fair and open.

The Ombudsman said the assessment of tenders for the contract "was not 'fair, open and transparent'." Mr L's tender was not fairly assessed against objective criteria. Other companies that tendered were caused similar injustice. The council was exposed to significant risks, compounded by its failure to enter into a formal contract and get a performance bond.

The Ombudsman found maladministration causing injustice and the council agreed to:

- > pay Mr L £700
- > pay £500 to the other companies that tendered unsuccessfully
- > review a sample of other recent tender evaluations and contract awards, and
- > clarify and codify other key areas of the process.

Failure to assess contract tenders fairly against objective criteria

Case reference 08 012 171



- > the Department for Communities and Local Government's (CLG) Cross Domain Regulatory Panel, given the task of producing recommendations on extending the scope of the Tenant Services Authority to include local authority social housing. The work of this panel was completed in the summer. There was also a meeting in January 2010 with the Tenant Services Authority to discuss a memorandum of understanding;
- > the CLG Redress Review Team and Redress Practitioners Group, set up following the announcement in the Government White Paper *Communities in control; Real People, Real Power* to consider how to extend redress for citizens where their council services fail to meet agreed standards, and wider issues of how to put the customer at the heart of local service delivery; and
- > meeting with the Confederation of British Service and Ex-service Organisations (a membership organisation for armed forces organisations) to talk about perceptions of the LGO within the armed forces community and how to increase access to our service.

We responded to a number of consultation exercises, sometimes jointly with other ombudsmen schemes. These included:

- > consultation on the Health Bill and the Apprenticeships, Skills, Children and Learning Bill, extending our jurisdiction into two new areas. Both bills received Royal Assent in November 2009;
- > the Department for Children, Schools and Families' White Paper on the provision of parents with concerns about pupil and parent guarantees to have recourse to the Local Government Ombudsman;
- > consultation by the Department of Health on proposals for a new registration system for health and adult social care providers regulated by the Care Quality Commission;
- > a Ministry of Defence Green Paper including the issue of providing a new route of recourse for the armed services community, including the public sector ombudsmen; and
- > three consultations from CLG on planning issues: changes to the publicity requirements for planning applications, streamlining information

“ I am naturally disappointed at the outcome of your investigation, but appreciate that you kept me very well informed throughout the process and gave me the opportunity to present new evidence.”

Mrs J

CHESHIRE

Table 12: Average output per investigator 2007/08 – 2009/10

	2007/08	2008/09	2009/10
Average output per investigator	131.5	122.2	130.6

requirements for planning applications and improving 'permitted development'.

Making efficient use of our resources

In 2008/09, we reorganised to adjust to a reduced funding level, and we endeavoured to do so without detriment to our reputation and while maintaining our services as far as possible. To accommodate the reduced funding it was necessary for us to make a number of voluntary redundancies, and this programme was completed in November 2009. However, there has been a programme of new recruitment in 2009/10, particularly for staff to work in the new areas of jurisdiction.

Office 2007 was implemented throughout the organisation, and training given to all staff in order to maximise the effective use of this software.

We monitor output levels of individual staff carefully and this is linked to our overall approach to performance management.

The number of complaints decided per head of staff allocated to the investigative process (excluding premature complaint decisions) is set out in table 12 above. This is against a target of 120 per year.

Equally important is an assessment of the quality of the work. Our quality and customer service standards are embodied in the competency framework we use to assess the performance of our investigators and managers. During the year we introduced a similar framework for advice staff. Our review of our investigator framework, plus the job description, appraisal process, and performance-related pay arrangements, was completed during the year. This review aims to produce systems that help staff fulfil their potential.

In order to increase efficiency, we have improved our knowledge management resources by appointing a knowledge management co-ordinator, and developing our knowledge management strategy. Much work in this area has concentrated on producing guidance material for

the new areas of jurisdiction, and a new staff intranet is almost complete. This includes an interactive section that will further enhance knowledge sharing among staff.

Improvements have been made to our use of energy – see 'Sustainable development' section in Chapter 5.



Financial accounts

for the year ended 31 March 2010

The revised grant memorandum, which came into effect on 1 September 1999, sets out the arrangements for the use of the grant made annually by the Office of the Deputy Prime Minister (ODPM), and its successor the Department for Communities and Local Government (CLG), from the Revenue Support Grant to meet the cost of the Local Government Ombudsman service in England.

For the year ended 31 March 2010, operational expenditure totalled £13.124 million after capitalisation – a net underspend of £1.6 million. The Commission invested £1.638 million in non-current assets which were capitalised.

The Commission has elected to prepare the Annual Accounts for 2009/10 under 'International Financial Reporting Standards' (IFRS) and has restated prior year

comparators under IFRS convention. The National Audit Office has audited the latter and has approved the restatements. The main accounts were subject to audit in June 2010.

The tables which follow show the summarised financial statements for the year ended 31 March 2010. The figures have been extracted from the unaudited accounts. The audited accounts, prepared in the form agreed with CLG, and the statement of accounting policies and the notes to the accounts will be published separately. They will be available from the Secretary of the Commission at 10th Floor, Millbank Tower, Millbank, London SW1P 4QP, telephone 020 7217 4683 and on our website at www.lgo.org.uk in August 2010.

“ May I put on record my thanks for your very thorough efforts to get to the bottom of the problem and for producing such a satisfactory result.”

Ms J

LONDON

Table 13: Statement of financial position at 31 March 2010

Liabilities	Balances at 31.3.10 £'000	Balances at 31.03.09 £'000	Assets	Balances at 31.3.10 £'000	Balances at 31.3.09 £'000
Creditors	685	1,746	Non-current assets	1,633	615
Pension Fund liability	32,753	12,875	Cash and bank deposits	1,699	1,117
Working balance	3,761	611	Pension Fund reserve	32,753	12,875
			Debtors and prepayments	1,114	625
	37,199	15,232		37,199	15,232

Table 14: Income statement for year ended 31 March 2010

Expenditure	2009/10 £'000	2008/09 £'000	Income	2009/10 £'000	2008/09 £'000
Staffing	8,716	10,572	Grant in Aid/Revenue	16,145	12,600
Professional costs	644	545	Support Grant		
Accommodation	2,391	1,826	Interest on deposits	17	68
Office expenses	1,164	950	Rents and service charges	627	320
Travel and subsistence	208	171	Training income	139	148
Pension fund cost	984	420	Other receipts	17	7
Total expenditure	14,107	14,484	Total income	16,945	13,143
Surplus credited to working balance	0	0	Deficit (surplus) charged to working balance	-2,838	1,341
	14,107	14,484		14,107	14,484

“ I was pleased with the quick response. I’m not very good at putting into words what I want, but you understood what I meant.”

LGO Advice Team customer feedback

Staffing in 2009/10

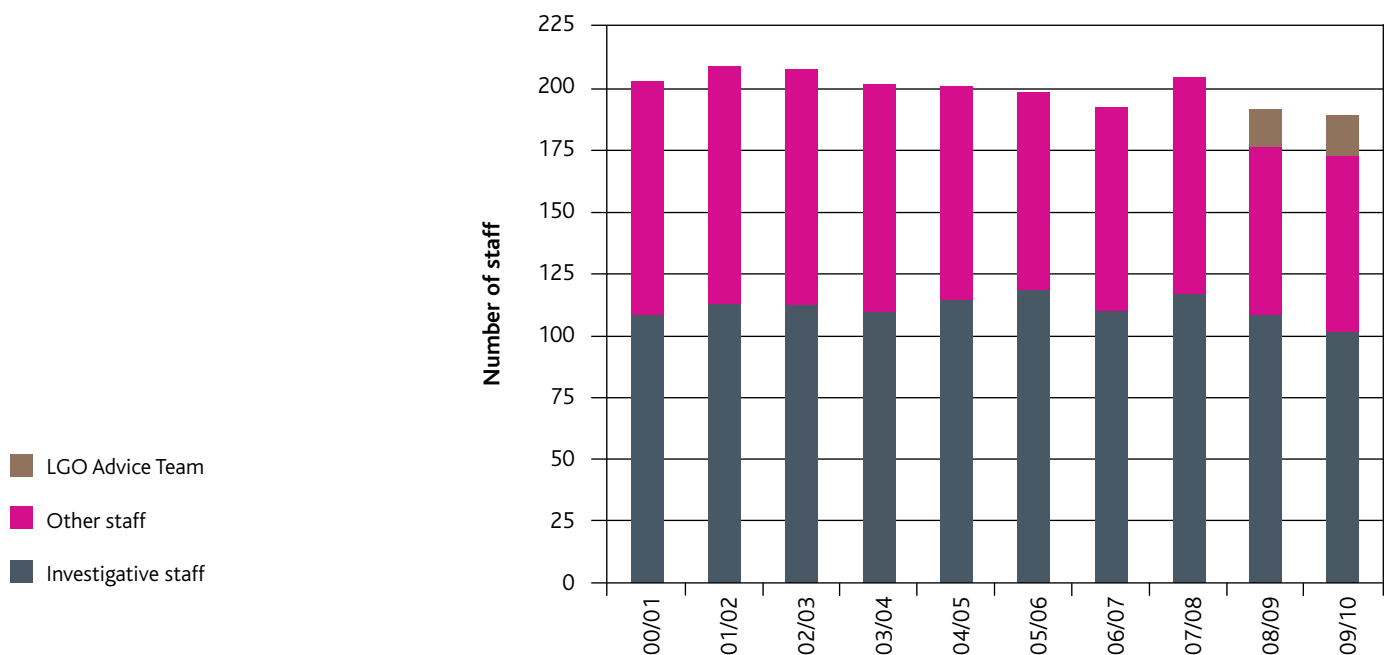
The total employee payroll bill for the year was £8.7million. The number of Ombudsmen and their staff whose salary at 31 March exceeded £30,000 were:

(The salary of the Chairman and Chief Executive of the Commission was linked to that of a High Court Judge, and those of the other Local Government Ombudsmen were linked to the salaries of circuit judges; the salaries of staff are based on local and national government scales.)

Table 15: Salaries exceeding £30,000

	2009	2010
£30,001 - £40,000	69	46
£40,001 - £50,000	32	36
£50,001 - £60,000	10	12
£60,001 - £70,000	1	2
£70,001 - £80,000	1	1
£80,001 - £90,000	3	2
£90,001 - £100,000	0	1
£100,001 - £110,000	0	0
£110,001 - £120,000	0	0
£120,001 - £130,000	2	1
£130,001 - £140,000	0	0
£140,001 - £150,000	0	0
£150,001 - £160,000	0	0
over £160,001	1	1
Total	119	102

Graph 3: Commission staff 2000/01 to 2009/10



Council tax

A council knew that Ms S suffered from a mental illness that affected her ability to manage her finances. Over a number of years council tax debts accumulated and the council finally made her bankrupt.

The Ombudsman found that the council did not, at the time, carry out any checks with its adult social care team before considering bankruptcy. Had it done so it would have quickly found that Ms S was not a suitable case for such action, and indeed would appear to be a suitable case for a reduction on the grounds of her mental state.

The Ombudsman said: "I think the council should have known that bankruptcy was not the appropriate recovery method to use for Ms S's debt." The council's current policy requires such checks to be made.

The council acknowledged it was at fault and agreed to apply to the court to annul the bankruptcy. The Ombudsman commended the council for its rapid and appropriate action.

Failure to make adequate checks before making a woman with mental health difficulties bankrupt for council tax debt

Case reference 08 019 113

Monitoring equality and diversity

As a public body dealing with individual complaints and redress it is important that our service is open and accessible. For this reason, equality monitoring is an important function. It tells us about who complains to us and in relation to which types of bodies and public services. This data taken as a whole can convey important trends about whether certain services are nationally failing certain types of people more than others, or are perceived more negatively. In interpreting this data however, we are aware that proportions that vary from 2001 census equality data may simply reflect demographic shifts over the last decade and/or may reflect more accurately those who use certain public services. For example, we know that a greater proportion of women, disabled people and certain ethnic groups live in social housing.

The LGO Advice Team currently collects equality monitoring data on a sample basis. For 2009/10 we managed to collect data returns on 10.5 per cent of people who registered a complaint with us. This constituted 1,861 records out of 17,626 for the year. Collection rates have fallen over time as we no longer send monitoring forms out with complaint forms and,

for the first eight months of this year, forms were sent out to a random sample of a third of all people with registered complaints. However, since December 2009, forms have been sent to everyone who has a complaint forwarded for investigation and those who are referred back to the council because their complaint is premature. Due to a reduction in overall volumes of equality monitoring records, this makes certain figures less statistically valid, particularly in relation to certain ethnic groups who constitute a small percentage of overall complainants.

Our monitoring forms collect data on ethnicity, sex, age and disability. At present, no information is collected on religion or sexual orientation but this will change over the forthcoming year in line with developments in equality legislation and the establishment of the Equality Act 2010.

Ethnicity

Table 16 opposite, shows that the ethnic composition of people who registered a complaint with the LGO has remained largely static over the last three years. People from a black ethnic group constitute a larger proportion of complainants than their number in the population, according to 2001 census data. However, black households are

“ On a personal note I felt it important to thank you for the manner in which you investigated our complaint. It is reassuring to parents going through the admissions process... that such a robust safety net exists.”

Mr B

KENT

Table 16: Equality monitoring data of complainants 2007/08 – 2009/10

Area monitored	2007/08 %	2008/09 %	2009/10 %	2001 census % of population
Ethnic group				
White	86	85	86	91
Black	6	6	6	2
Asian	5	5	5	5
Mixed race	2	2	1	1
Other ethnic group	1	2	2	1
Total number	10,705	4,562	1,757	49,138,831
Sex				
Male	56	56	55	49
Female	44	44	45	51
Total number	16,690	4,837	1,841	49,138,831
Age				
24 or under	3	3	3	31
25-59	68	65	57	48
60 and over	29	32	40	21
Total number	17,281	4,448	1,734	49,138,831
Disability				
With disability	26	25	26	34*
Total number	10,021	4,384	1,698	20,451,427*
Note: This data excludes 'unspecified' responses. * This percentage and number relates to the number of households that include a person with a disability.				



more likely to live in social housing at 43 per cent, (J Hills: 2007¹) and housing constitutes approximately a quarter of the LGO's complaints overall. This is borne out in the type of complaint by ethnic group where 48.7 per cent of complaints registered by people of a black ethnic origin relate to housing, an increase from 41.6 per cent in the previous year. Housing complaints have dropped proportionately for Asian complainants and mixed race complainants.

As reported in last year's Annual Report, planning and building control remains the most common type of complaint category for people of a white ethnic origin. This is compared to relatively low numbers for other ethnic groups. Education complaints continue to constitute a high

percentage of all complaints from Asian and mixed race complainants, although it has fallen slightly for the former, compared to the previous years. The increase in social care complaints for Asian, mixed race and white complainants is also noticeable. These are our two areas of expansion and, therefore, it will be interesting to monitor how the profile of complainants in these areas changes over time as our service may reach more and more people.

Although there is no evidence that we are failing to reach minority ethnic communities in general, we are mindful that there will be some communities where there is less widespread understanding of local government, individual rights to services and rights of redress, all of which can create obstacles to accessing our service.

Sex

In terms of sex, this picture has also stayed the same with men seemingly still more likely to register a complaint than women, despite women forming the majority in the population and also more likely to use certain services, such as local authority housing.

Age

People under 24 continue to constitute a very small percentage of overall complainants at 3 per cent; this has stayed static over the last three years. In fact, table 16 shows that the age profile of complainants has increased this year compared to last with 40 per cent of complainants now aged 60 or over. This may increase further with the expansion of our jurisdiction in social care, covering self-funders from 1 October 2010.

In addition, from next year, we will hope to better monitor the younger age profile as we start to look into complaints relating to the internal management of schools.

Disability

The disability profile of people who register a complaint with the LGO has stayed constant. This may rise as we move further into the social care domain.

¹ J Hills, (2007) *Ends and Means: The Future Roles of Social Housing in England*, p3 <http://sticerd.lse.ac.uk/dps/case/cr/CASereport34.pdf>. (It should be noted that these figures relate to occupants of local authority social housing and registered provider social housing.)

“ I am really grateful that you have been able to tackle this issue for us so successfully. I am happy with your proposed outcome.”

Ms H

WEST MIDLANDS

Table 17: Analysis of requests in 2005 – 2009

Year	Number of requests	Number of requests met in full	Number of full refusals	Number of partial refusals	Complaints upheld (full or partial)	Complaints not upheld	Number referred to Information Commissioner	Number not meeting 20-day deadline
2005	241	52	146	43	11	31	8	9
2006	168	57	74	37	6	19	6	8
2007	185	77	62	45	4	11	6	12
2008	253	109	75	69	4	20	9	15
2009	294	124	100	65	8	25	5	32

Freedom of Information

Analysis of how we have dealt with freedom of information requests, under the provisions of the Freedom of Information Act 2000, are shown in table 17 above.

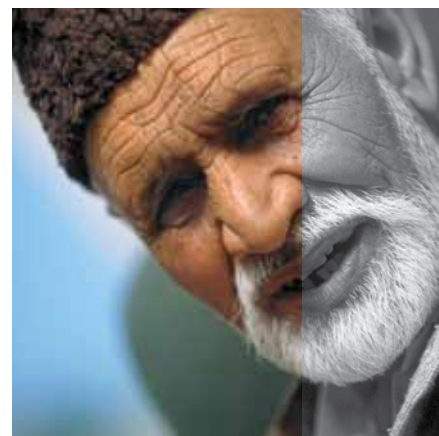
In 2009, there was an increase in requests from 2008 of more than 16 per cent, with both an increase in general requests and a smaller increase in requests from complainants about their individual complaint. A large number of general requests came from a small number of individuals.

The majority of the refusals on individual complaints were because the information related to investigation files. Under section 44 of the Act, information is exempt if its disclosure is prohibited by another Act. The Local Government

Act 1974, section 32(2) requires the Ombudsman to keep confidential any information obtained in the course of, or for the purposes of, an investigation, except in order to conduct the investigation.

The refusals that did not relate to complaint files were mostly because we did not hold the information requested.

Of the cases that the Information Commissioner’s office considered during the year (some of which were requests we dealt with in the previous year) six files were closed without a decision notice being issued and two decision notices were issued, with the complaints not being upheld. In one of these cases the requester applied to the Information Tribunal for the case to go before them, but later withdrew the application.



" The service I have received so far has been sensitive, clear and precise. Thank you for listening."

LGO Advice Team customer feedback

Our Publication Scheme² is available on the website, in the publications section. There is also a section on Access to Information from where the Guide to Information can be accessed.

Sustainable **development**

This year saw the implementation of a new two-part environmental policy. The main policy sets out our environmental aspirations and establishes set reduction targets. The annex explains our systems for legal compliance. This new comprehensive policy is a progression towards attaining BS8555 accreditation.

We recycle our office waste, in particular waste paper and some IT consumables. We use recycled paper for our printed stationery and all our printed publications. Electronic working has reduced paper use and therefore reduced postal costs and associated transportation of paper documents. Greater use of video-conferencing technology has further reduced the need for corporate travel. Using such web facilities as Google earth has also reduced the need for travel associated with some types of investigation. A capital works programme has introduced intelligent lighting controls to the London and Coventry offices. New boilers were installed in York and Coventry improving efficiency by some 30 per cent.

Good **governance**

The Commission's *Code of Conduct for Commission Members* came into effect on 3 October 1995. There is a *Register of the Interests of Commission Members* which is open to public inspection at the Commission's office in London. A copy of the information in the register can be supplied on request.³ The Code of Conduct was revised in December 1999 in the light of guidance issued by the Cabinet Office. Both the Code and the Register are available on our website.

We have an Audit Committee that considers reports from our internal and external auditors, and oversees our risk management arrangements. It comprises an independent Chair, the Parliamentary Commissioner, another independent member, and the Commission Chairman. The current Chair is Eugene Sullivan who is Acting Chief Executive of the Audit Commission. Previously he was employed as Partner and Head of Public Sector Services at RSM Robson Rhodes LLP.

The other non-Commissioner on the Committee is Lucinda Bolton. She was recruited as an independent member during 2008 and took up her post in November. Lucinda is a Governor of Thames Valley University and chairs its Audit Committee, a board member of the NHS

Information Centre, a member of the NHS Pay Review Body and an Independent Assessor for public appointments for the Department for Culture, Media and Sport. She previously worked in investment banking.

² Copies of the Publication Scheme are available from the Secretary of the Commission, 10th Floor, Millbank Tower, Millbank, London SW1P 4QP. Tel 020 7217 4683.

³ Copies of the *Code of Conduct for Commission Members* are available from the Secretary of the Commission, Millbank Tower, Millbank, London SW1P 4QP. Tel 020 7217 4683. Requests for information from the *Register of Interests* should also be addressed to the Secretary.

Glossary of terminology

Complaints and enquiries handled by the LGO Advice Team

Premature complaints and enquiries

Formal premature complaints are written complaints that are not accepted for consideration by the Local Government Ombudsmen because the councils concerned have not had a reasonable opportunity to deal with them first. They are sent to the councils concerned with a request that they should investigate them. If a complainant is not satisfied with the outcome of a council's investigation, he or she can complain to the Ombudsman again.

Where someone telephones the LGO Advice Team and it is clear that they have not given the council concerned a reasonable opportunity to deal with the complaint first, an adviser will explain that they need to complain to the council first. They will be advised that they can come back to the Ombudsman if they remain dissatisfied after their complaint has been through the council's complaints procedure.

Advice given

These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than

that the complaint is premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction; in some cases it could be looked into by a different body and the complainant will be given advice on this. It also includes cases where the complainant has not given enough information for clear advice to be given or for the complaint to be pursued, but they have, in any case, decided not to take the matter further.

Forwarded to the investigative team (resubmitted prematures)

These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council and they remain unsatisfied.

Forwarded to the investigative team (new)

These are complaints that have been forwarded from the LGO Advice Team to the Investigative Team, for further consideration. They are from complainants who have not been in touch with us before (on the matter in hand) but who have already had their complaint considered by the council concerned.

Complaints handled by the Investigative Teams

Outside jurisdiction

The Ombudsmen can investigate most types of complaints against local authorities. But there are some things the law does not allow them to investigate, such as personnel matters, and matters which affect all or most of the people living in a council's area. Such complaints, when they are decided, are described as being outside jurisdiction.

Local settlements

The term local settlement is used to describe the outcome of a complaint where, during the course of our consideration of the complaint, the council takes, or agrees to take, some action that the Ombudsman considers is a satisfactory response to the complaint and the investigation is discontinued. This may occur, for example, in any of the following circumstances:

- > the council on its own initiative says that there was fault that caused injustice, and proposes a remedy which the Ombudsman accepts is satisfactory;
- > the council accepts the suggestion by the Ombudsman, as an independent person, that there was fault which caused

“ I am most grateful to you for all your work on my complaint, for your patience and attention to detail, and for your final judgement.”

Mr H

LONDON

injustice, and agrees a remedy which the Ombudsman accepts is satisfactory;

- > the council does not consider that there was fault but is able to take some action which the Ombudsman accepts is a satisfactory outcome;
- > the council and the complainant themselves agree upon a course of action and the Ombudsman sees no reason to suggest any different outcome; or
- > the Ombudsman considers that, even if the investigation were to continue, no better outcome would be likely to be achieved for the complainant than the action the council has already taken or agreed.

Ombudsman's discretion

Complaints described as closed by Ombudsman's discretion are those that have been discontinued because, for example:

- > the complainant wishes to withdraw his or her complaint;
- > the complainant has moved away and the Ombudsman is no longer able to contact him or her;
- > the complainant decides to take court action; or
- > we find there is no or insufficient injustice to justify continuing the investigation.

Remedy

When a report is issued finding injustice caused by maladministration, the Ombudsman will recommend what the council should do to put matters right (the remedy).

First report

When an Ombudsman issues a report after completing an investigation, this is referred to as the first report on the complaint.

Further report

If the council does not respond satisfactorily to the Ombudsman's recommendations in a first report within a given time limit, the Ombudsman must issue a further report, which must be considered by the full council. This further report is sometimes referred to as a second report.

Statement

If the council does not respond satisfactorily to the Ombudsman's second report within the given time limit, the Ombudsman may require the council to publish a statement in a local newspaper. Such statements consist of the details of any action recommended by the Ombudsman, any supporting material the Ombudsman may require and, if the council wishes, a statement of its reasons for not complying with the Ombudsman's recommendations.

Who we cover

Authorities within jurisdiction

- > District, borough, city and county councils (but not town or parish councils).
- > Education appeal panels.
- > School governing bodies (about admissions only).
- > Joint boards of local authorities.
- > Internal drainage boards.
- > National park authorities.
- > Fire authorities.
- > Police authorities (but not about the investigation or prevention of crime).
- > The Greater London Authority.
- > Transport for London.
- > London TravelWatch.
- > The London Development Agency.
- > London Thames Gateway Development Corporation.
- > Homes and Communities Agency (some town and country planning matters only).
- > The Norfolk and Suffolk Broads Authority.
- > The Environment Agency (flood defence and land drainage matters only).

Equality and diversity

The Commission is committed to respecting equality and diversity in employment and in the services it provides. The Commission seeks to ensure that no complainant, job applicant or Commission employee is given less favourable treatment than another because of their: sex, colour, race, nationality, ethnic group, regional or national origin, age, marital status, disability, political or religious belief, trade union activity, sexual orientation or class.

Where to contact the Local Government Ombudsmen

website: www.lgo.org.uk

LGO Advice Team: 0300 061 0614
text 'call back' on 0762 480 4299

All new complaints should be sent to:
PO Box 4771, Coventry CV4 0EH

E: advice@lgo.org.uk

Jane Martin's office is at:

The Oaks, No 2
Westwood Way
Westwood Business Park
Coventry CV4 8JB

T: 024 7682 0000
F: 024 7682 0001

Anne Seex' office is at:

Beverley House
17 Shipton Road
York YO30 5FZ

T: 01904 380200
F: 01904 380269

Tony Redmond's office
and the office of the
Secretary of the
Commission are at:

10th Floor
Millbank Tower
Millbank
London SW1P 4QP

T: 020 7217 4620
F: 020 7217 4621

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Ombudsmen, do not depict real Ombudsman
cases and are posed by models.
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