Local Government OMBUDSMAN



Annual Report 0708

Delivering PUBLIC VALUE

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Local Government Ombudsmen

Annual Report 0708

Presented by the Commission for Local Administration in England to Parliament pursuant to section 23A(3A) Local Government Act 1974 (as amended)

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What we do

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







Chairman

Mr Tony Redmond

Vice-chairman **Mr Jerry White**

Members
Ms Anne Seex
Ms Ann Abraham

Mr Redmond, Ms Seex and Mr White are Commissioners for Local Administration (Local Government Ombudsmen). 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 2007/08 were:

Mr Neil Hobbs
Acting Deputy Ombudsman, York
Mr Neville Jones
Deputy Ombudsman, Coventry
Mr Nigel Karney
Deputy Chief Executive
and Secretary
Mr Michael King
Deputy Ombudsman
Mr Peter MacMahon
Deputy Ombudsman, London



3 Mr Jerry White



Chapter one

Chairman's introduction

I am particularly pleased to provide a commentary of the past year when so much happened to reshape the work of the Commission for the benefit of the public and our complainants.

Much of our activity, other than the handling and resolution of complaints, has been directed towards preparing for changes in our jurisdiction from 1 April 2008 and the establishment and implementation of a first contact service, also taking effect from 1 April 2008.

All of these new measures stem from a desire, through our public value agenda, to make it easier for all to reach our service and to be clear about what the Ombudsmen can and cannot do for the public.

Two new pieces of legislation enhance and clarify the role of the Local Government Ombudsman and enable the Local Government Ombudsmen and the Parliamentary and Health Ombudsman to carry out joint investigations and to issue joint reports for complaints that cross the jurisdiction of the Ombudsmen.

There was a small reduction in the number of complaints received compared to the previous year, and this may signal improvements in service delivery and better complaints handling by local authorities.

The Local Government Ombudsmen play a critical part in seeking to ensure that the level of public satisfaction for local authority services is continuously improving. The principal mechanisms for achieving this are Annual Letters to all councils, special subject reports and the training provided to local authority staff. And we continue to provide redress for some thousands of citizens each year as a result of maladministration by local authorities and other bodies within our jurisdiction.

The demands placed upon our service in delivering change, whilst continuing to provide a robust, relevant and wholly accessible complaints handling service, are significant. The Commission has endeavoured to redirect resources in meeting our public value agenda but I must flag its serious concerns about the three-year financial settlement for the period commencing 1 April 2008.

The Ombudsmen face a total cut in budgets, in real terms, of more than 15 per cent over the next three years. Whilst there is total acceptance of the need for increased efficiency in public services, we cannot contemplate such a level of reduction without affecting, significantly, the quality and standard of service to the public. This must, in turn, impact on the capacity to deliver our statutory role. We hope there will be an opportunity to review the grant settlement for the years 2009/2011, bearing in mind we have already cut £1m from the budget in 2008/2009 of £13.9m.

Tony Redmond Chairman

Tony Redman 1

Chapter two

Ombudsmen's report: delivering public value



PROFILE

Tony Redmond

Local Government Ombudsman

Tony Redmond joined the Commission as Chairman on 12 November 2001. He is 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.

This is the first occasion on which we are laying our Annual Report before Parliament, a development that we welcome. We see our new relationship with Parliament as a very important one. It delivers greater transparency to our work and provides accountability for the way we go about our business.

The past year has been a particularly eventful one for the Ombudsmen. Parliament, through the Local Government and Public Involvement in Health Act 2007, has extended our jurisdiction in areas that will be beneficial to complainants. Of special note are arrangements to publish statements of reasons for settlements reached without a report, clarity in dealing with partnership complaints and a facility to find maladministration without injustice. The Ombudsmen can also now receive complaints electronically and by telephone.

This last provision has a particular relevance to the Ombudsmen at this time, as we deliver a project to introduce a new first contact 'access and advice' service, implemented on 1 April 2008. Our new Advice Team receives all enquiries and complaints whether by letter, telephone, email or text. It represents a major initiative to increase access for the public. The service also deals quickly with all premature complaints (those not previously considered by the council), and the immediacy of those decisions will be of benefit to both councils and complainants.

During the year we issued a special report on *Local*Partnerships and Citizen Redress. This topical subject in local government, where partnership working has increased

The Ombudsman said "This was an abuse of nightmarish proportions" and "should never be allowed to happen again."



A council issued an antisocial behaviour order (ASBO) on a resident without checking the truth of the allegations.

'Mrs X' had lived in her street for over 30 years. 'Miss A', a new resident, complained to the council about Mrs X, alleging there had been verbal abuse, intimidation, loud music, threats of violence and offensive gestures. The council was convinced — but never put the allegations to Mrs X and did not make reasonable enquiries, which would have cast doubt on the veracity of the complaints.

The court granted an interim ASBO against Mrs X. At a subsequent court hearing, Mrs X produced 22 letters in her defence from other residents of the street. She applied for the ASBO to be discharged. Finally, some months later, the case was withdrawn.

The Ombudsman said "This was an abuse of power of nightmarish proportions" and added "This should never be allowed to happen again."

The council paid Mrs X £2,000 compensation, offered her a meeting with a senior officer to discuss her case, and reviewed its practices and procedures.

Failure to follow its own procedures.

Case reference 06/B/1231



PROFILE

Jerry White

Local Government Ombudsman

Before becoming Local Government Ombudsman on 1 March 1995, Jerry White was Chief Executive of the London Borough of Hackney. He has served in local government since 1967, including senior positions in the environmental health and housing departments of the London Boroughs of Islington, Haringey and Hackney. He is Visiting Professor in London History at Birkbeck College, University of London, and holds other positions at Middlesex University and the University of Warwick. For his work as Ombudsman, and as a prize-winning historian, the University of London awarded Mr White the honorary degree of Doctor of Literature in 2005. His London in the Nineteenth Century (Jonathan Cape) was published in January 2007.

markedly, addresses the way that governance in partnerships must provide mechanisms for service users to seek redress when things go wrong. Importantly, in July 2007 there was a timely change in the way we and the Parliamentary and Health Service Ombudsman may investigate partnership-related complaints. A Regulatory Reform Order enables us now to carry out joint investigations and issue joint reports in respect of complaints about health and social care, benefits, planning and environment and other matters. Offering a single point of reference for such complaints will be of assistance to those who seek redress against more than one public body.

We are also delighted to report considerable success in the training we provide for local authorities in complaint handling. We delivered more than 120 courses to local authority staff in 2007/2008 and feedback has been consistently good for these popular and highly relevant courses. The increasing evidence of good practice in complaints handling in local authorities is most encouraging. It benefits service users most of all.

No report of this nature would be complete without commentary on our core business of investigating complaints of injustice arising from fault in councils' decision making, administrative processes and service delivery. The number of complaints we received fell from 18,320 in 2006/07 to 17,628 in 2007/2008.

CASE STUDY: planning enforcement

The Ombudsman said the decision-making process was "fundamentally flawed" and led to a recommendation that was contrary to legal advice.



A council approved a lawful development certificate (LDC) for an industrial business in a rural area. The Ombudsman said "... the process by which the LDC was considered was fundamentally flawed. Had the matter been dealt with correctly, I believe the application should have been refused on the evidence."

The site owner submitted an application for a LDC in November 2003, but it was not determined until 2006. Despite strong legal advice to the contrary, the council appointed a members' subgroup to evaluate the evidence. But they met erratically, were not rigorous in evaluating the historic evidence, and were swayed by their views about the current planning merits of the site. They were not even-handed in dealing with information provided by the different parties, and eventually recommended approval of the application.

As a result of the maladministration, the residents suffered

unacceptable noise and disruption coming from the site and lorries accessing it, four years of uncertainty, and some permanent loss of amenity that cannot now be defined. The Ombudsman recommended the council to pay them a total of £24,000 compensation, and to commission an independent reassessment of the present position at the site and consider any recommendations arising for the further protection of the amenity of the area.

Delay and unsound decision-making process.

Case reference 06/B/11183



Anne Seex
Local Government Ombudsman

Anne Seex became Local Government Ombudsman in October 2005 with over 25 years' experience in local government, starting in a metropolitan borough, moving through a district council for a new town to work for 11 years in various roles in the Chief Executive's Department at Manchester City Council. After serving Lancaster City Council for four years as Director of Community Services, Anne was appointed as Chief Executive Officer of Norwich City Council for five years.

She says: "The new legislative changes allow the Local Government Ombudsmen to achieve the modernisation, greater transparency and greater accountability that we have been seeking for some time. I am confident that, together with the dedication and hard work of our staff, this will help to extend and enhance the public value of our work."

Despite this small decrease, there are signs, when looking at the complaints profile, of a higher proportion of more complex complaints being handled by our offices.

This is particularly true of children and adult services cases. Housing and planning complaints continue to represent the largest proportion of cases, while education admissions complaints have risen. The Department for Children, Schools and Families' new codes of practice are now in place and provide review standards against which we will examine admissions authorities' practice. We are well aware of the problems faced by many local authorities and governing bodies in managing oversubscription against available places, but there remains an issue about the need for objectivity, fairness and consistency in the application of admission criteria.

We referred some 4,984 complaints to councils where they had not had an opportunity to investigate the complaint. The number of decisions we made during the year (after excluding those outside jurisdiction) totalled 10,969 and within that number 2,939 complaints led to local settlements and 119 complaints led to Ombudsman reports. We recommended compensation of £1.81m.

As to the future, we face considerable challenges, not least of which is how to fulfil our role as Ombudsmen without the necessary resources.

Tony Redmond Jerry White Anne Seex The Ombudsman "cannot be satisfied that the appeals were properly and independently serviced, or that conflicts of interest were properly resolved."



Parents' appeals against the refusal of places for their sons at two grammar schools that shared a clerking service were not considered in a fair and impartial manner.

The Ombudsman found that:

> serious doubt was cast on
the independence of some
panel members because
of inappropriate links
between them and those
involved in the governance
of the schools;

- the governors made insufficient effort to secure consistent panels to hear the appeals; and
- the arrangements for administering appeals were insufficiently independent of the management of the governing bodies the Ombudsman found that there is too great a conflict of interest for a person to act both as the clerk to the governors and as the clerk to an appeal panel.

The governors of both schools agreed to separate the functions of the clerk to the appeal panel from those of the clerk to the governors; reviewed their arrangements for admissions appeals; ensured that all members and clerks were properly trained, and independent of the schools and of any other connected bodies; offered fresh appeals to the complainants; and paid them £350 each.

Lack of proper regard to the statutory codes of practice.

Case references 06/A/2033 & 3678, 06/A/4366 & 5627

Chapter three

Our performance

"I appreciate the extent to which you have delved in your investigation and the extremely helpful and constructive comments included in your letter, which I am sure will be acted on by the school.... Thank you for your courtesy and for your thoroughness throughout this difficult process for all involved."

Clerk to a school appeals panel, West Midlands In this section we present figures on our work during the year ended 31 March 2008, including progress towards achieving our business goals in the year.

Analysis of complaints

Complaints received and determined

We decided 18,442 complaints during the year, compared with 18,192 in the previous year. This is an increase of 1.4 per cent. We received a total of 17,628 new complaints during the year; this compares with 18,320 in the previous year: a decrease of 3.8 per cent.

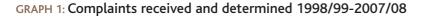
The numbers of complaints received and complaints determined since 1998/99 are set out in graph 1 below.

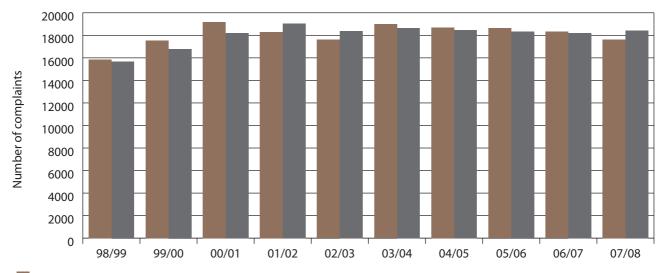
The total number of complaints in hand at the end of 2006/07 was 4,864. This had reduced to 3,579 by 31 March 2008.

Tables giving an overview of complaints received and determined for the last ten years are available on our website.

Subjects of complaints

The subjects of complaints received during the year are shown in chart 1 opposite. The number of complaints in each category, compared with the previous year, is shown in table 1.





Complaints received
Complaints determined

"This case reinforces the sheer dread felt by people with a learning disability and their carers of falling off-the-radar as they move from children's to adult services. The systematic failures and the severity of this case are highlighted by the unusual recommendation by the Ombudsman for an independent review of treatment of people with a learning disability. The Council must now ensure the review is effective and people with a learning disability genuinely get the support and the care they need and deserve."

A charity, London

Housing benefit complaints have continued to fall, after the high of 4,028 in 2000/01. The number of complaints in large authorities has reduced and this may be as a result of improvement in their administrative systems.

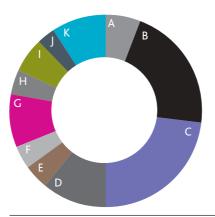
Complaints about antisocial behaviour have fallen by over 8 per cent after a significant rise (13.5 per cent) in 2006/07. We would hope that councils have introduced more effective use of control mechanisms. Our special report on *Neighbour nuisance and anti-social behaviour* highlights administrative failure in this area and provides guidance on good practice.

Within the education category, school admission complaints have increased by 14 per cent to 942. After a big drop in 2006/07, it takes this category of complaint almost back to its 2005/06 level. This may be the result of changes in the admissions codes and practices. A fall in the number of complaints about special educational needs brings the overall increase in education complaints to 4.2 per cent.

The increase in transport and highways complaints is mainly due to an increase in parking complaints.

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

CHART 1: Complaints received by category 2007/08



- A. 6% Benefits
- B. 21% Housing
- C. 23% Planning and building control
- D. 11% Transport and highways
- E. 4% Adult care services
- F. 4% Children and family services
- G. 9% Education
- H. 4% Antisocial behaviour
- I. 6% Public finance
- I. 3% Environmental health
- K. 9% Other

TABLE 1: Subjects of complaints received 2006/07 and 2007/08

| Subject of complaint | 2006/07 | 2007/08 | Percentage change |
|--|---------|---------|-------------------|
| Planning and building control | 4,333 | 3,930 | -9.3 |
| Housing | 3,912 | 3,741 | -4.4 |
| Transport and highways | 1,845 | 2,008 | 8.8 |
| Social care | 1,480 | 1,416 | -4.3 |
| Education | 1,448 | 1,509 | 4.2 |
| Benefits | 1,121 | 1,004 | -10.4 |
| Public finance (including council tax) | 1,059 | 1,118 | 5.6 |
| Antisocial behaviour | 766 | 704 | -8.1 |
| Environmental health | 731 | 616 | -15.7 |
| Land | 325 | 257 | -20.9 |
| Other | 1,300 | 1,325 | 1.9 |
| Total | 18,320 | 17,628 | -3.8 |

Outcome of complaints

Table 2 summarises the decisions made on complaints. The total number of complaints where redress was obtained for the complainant was 3,057 – 27.9 per cent of all complaints determined (excluding the complaints referred back to local authorities, which are termed 'premature', and those outside our jurisdiction); the figure last year was 3,088 – 28.9 per cent.

See the *Glossary of terminology* for an explanation of terms used.

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

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. Reports were issued on 119 complaints, compared with 138 complaints in 2006/07. Planning matters formed the

TABLE 2: Analysis of outcome of complaints 2007/08

| Outcome | Number of complaints | Percentage of total (excluding premature complaints and those outside jurisdiction) |
|---|----------------------|--|
| Local settlements | 2,939 | 26.79 |
| Maladministration causing injustice (issued report) | 118 | 1.08 |
| Maladministration, no injustice (issued report) | 1 | 0.01 |
| No maladministration (issued report) | 0 | 0.00 |
| No or insufficient evidence of maladministration (without report) | 5,024 | 45.80 |
| Ombudsman's discretion | 2,887 | 26.32 |
| Premature complaints | 4,984 | |
| Outside jurisdiction | 2,489 | |
| Total | 18,442 | |

largest proportion of reports issued (40 per cent of all reports issued), with education matters forming the second largest (27 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.



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 am grateful to you for your fresh eyes in this case and, as I have said before, was very impressed with the tone and sensitivity of the letter you wrote to (the complainant)."

A senior council officer, a Midlands council



Local settlements can occur at various stages of the investigation. Councils sometimes volunteer settlements in response to our first enquiries about a complaint. 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 2,939 cases – 26.8 per cent of all decisions (excluding premature complaints and those outside jurisdiction). This is a similar proportion to the previous year (2,956, 27.7 per cent of all decisions, excluding premature complaints and those outside jurisdiction).

Table 3 left sets out the number of remedies and settlements obtained in the year, showing the type of outcome reached. Where the remedies and settlements resulted in a payment being made, the amounts obtained or recommended came to a total of over £1.81m compared with £1.43m in 2006/07. 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.

TABLE 3: Type of remedy or settlement obtained

| Type of remedy/settlement | 2005/06 | 2006/07 | 2007/08 |
|---------------------------------------|---------|---------|---------|
| Apology | 744 | 813 | 815 |
| Take action: | | | |
| New hearing/appeal | 135 | 147 | 130 |
| Offer of new accommodation | 45 | 41 | 34 |
| Revise publication/published informat | ion 59 | 39 | 29 |
| Consider others in similar situation | 13 | 8 | 13 |
| Make inspection and take | | | |
| appropriate action | 124 | 106 | 106 |
| Other | 1,260 | 1,428 | 1,485 |
| Review policies and/or procedures | 282 | 283 | 309 |
| Make payment | 1,660 | 1,806 | 1,827 |
| Total number of remedies/ | | | |
| settlements recorded* | 4,322 | 4,671 | 4,748 |
| Total number of complaints where | | | |
| a remedy/settlement was recorded | 2,962 | 3,088 | 3,057 |

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.

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

Performance against business goals

In 2007/08 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 give guidance and advice, and so improve local authority services.
- 5 To make efficient use of our resources.

This section sets out our performance against these goals.

Sound and justified decisions

We apply various measures to ensure good quality decisions are taken about complaints. One measure is to monitor the outcome of 'comebacks'; these are cases where complainants question our decisions on complaints. Such cases are reviewed by a senior member of staff not previously involved in the case to see if the concerns are justified.

TABLE 4: Comebacks as a percentage of all decisions 2005/06 - 2007/08

| | 2005/06 | 2006/07 | 2007/08 |
|----------------------------------|---------|---------|---------|
| Number of comebacks | 1,177 | 1,327 | 1,247 |
| Comebacks as a percentage of all | | | |
| decisions | 6.4 | 7.3 | 6.8 |
| | | | |

TABLE 5: Outcomes of comeback review warranting action

| | 2005/06 | 2006/07 | 2007/08 |
|---|---------|---------|---------|
| (a) Investigation relaunched because of error | 7 | 24 | 17 |
| (b) Decision correct, but wrongly justified | d 5 | 9 | 5 |
| (c) Decision correct, but further explanation provided | 107 | 95 | 60 |
| (d) Investigation relaunched because of new information | 59 | 56 | 43 |
| (e) Total comebacks where original decision unsatisfactory (a, b and c) | 119 | 128 | 82 |
| Figure at (e) as a percentage of all decision | ons 0.6 | 0.7 | 0.4 |

There was a drop in the number of comebacks (in a year when the number of decisions made increased) and a fall in the proportion where the original decision was unsatisfactory. We recognise that 'comebacks' only occur where a complainant decides to query a decision, and there could be other errors that would not be noticed in this way. So we also check a sample of files from each investigator as part of our quality control process.

The ultimate challenge to the Ombudsmen's decisions is judicial review. There are two stages in this 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 2007/08 there were eight applications for permission to apply for judicial review of which three were refused by the court and five are awaiting the court's decision. (In 2006/07 there were 14 applications for permission. All were refused.)

CASE STUDY: housing allocations

The Ombudsman said "I conclude that she spent much of the final years of her life very distressed, frightened and upset."



'Mrs L', a woman in her 90s, was "very distressed" by events after a council stopped restricting tenancies of her block of flats to older people. It led to a 17-year-old woman moving into the flat above her.

Mrs L complained about this young woman and her visitors being noisy late at night.

The council designated all 52 council blocks as 'general needs', but the Ombudsman found no evidence that the council's officers had followed an instruction

from councillors and considered: the age of the tenants in the block; the level of demand from older people; and the availability of properties for younger people.

Sadly, Mrs L died before the report was issued. The Ombudsman said: "Based on the accounts of third parties and council officers, I conclude that she spent much of the final years of her life very distressed, frightened and upset."

The council accepted the Ombudsman's recommendations to pay £500 each to Mrs L's estate and to the other elderly couple in the block, and complete its exercise to reconsider the designation of all its blocks of flats.

Failure to take all relevant factors into account when making a decision.

Case reference 06/C/10044

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.

This year was the last year of operation of our telephone advice service based in York. This service gave basic advice on making a complaint to the Ombudsman and, where a matter is outside our jurisdiction, information about any other bodies that might be able to help. The data for this service is summarised in table 6.

Since 1 April 2008, this service has been replaced by the new and enlarged LGO Advice Team based in Coventry. Performance data will be published in next year's report to reflect the wider service provided by this Team.

A customer satisfaction survey with a large representative sample of over 800 people whose complaints had been dealt with during 2006/07 was run by Ipsos MORI in the summer of 2007. We published the results of this survey on our website in January 2008. This built on the results of our 2005 in-depth study based on small discussion groups of past complainants. The results were

broadly similar to our previous large survey held in 1999, but identified that customer expectations had changed in some areas. The survey indicated that satisfaction is not just about the outcome of the complaint, customer handling is also a key factor. Issues that impact most on satisfaction levels are fairness, our understanding of the complaint, providing well-explained reasons, showing interest in the complaint



TABLE 6: Advice calls activity 2005/06 – 2007/08

| 2005/06 | 2006/07 | 2007/08 |
|---------|----------------|----------------------------|
| 18,114 | 20,197 | 21,003 |
| 72.5 | 81.4 | 85.7 |
| 70.9 | 74.7 | 69.7 |
| | 18,114 72.5 | 18,114 20,197 72.5 81.4 |

TABLE 7: Customer compliments 2005/06 - 2007/08

| | 2005/06 | 2006/07 | 2007/08 |
|----------------------------|---------|---------|---------|
| Total compliments received | 665 | 815 | 759 |

TABLE 8: Customer complaints 2005/06 – 2007/08

| | 2005/06 | 2006/07 | 2007/08 |
|--------------------------|---------|---------|---------|
| Total | 133 | 112 | 107 |
| Not upheld | 89 | 80 | 77 |
| Upheld wholly or in part | 44 | 32 | 30 |

"It is apparent from your letter that you have carried out a very detailed and comprehensive investigation, for which I would like to express my gratitude. I am pleased that finally after such a long time there is a conclusion to this matter. I would also like to thank you for your time and courtesy throughout this investigation."

Mr F, Hertfordshire

and being helpful. We are incorporating the learning points from the survey into our current operational review.

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

The number of complaints has reduced by nearly a fifth over the last two years. We review these complaints at a senior level. We analyse complaints that are upheld to learn lessons for improvement in our performance. The majority of these complaints relate to undue delay in dealing with the complaint.

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 9.

We are pleased to report the improvement in our performance against targets this year, after the slight drop off in performance last 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).

TABLE 9: Cases decided within time bands

| Key indicator | March 2006 | March 2007 | March 2008 | |
|--|---------------|---------------|---------------|--------|
| | Actual | Actual | Target | Actual |
| Percentage of all complaints (excluding prematures) determined within 13 weeks | 51.5 | 47.6 | 50.0 | 54.7 |
| Percentage of all complaints (excluding prematures) determined within 26 weeks | 81.7 | 78.5 | 80.0 | 79.7 |
| Percentage of all complaints (excluding prematures) determined within 52 weeks | 96.9 | 95.4 | 96.0 | 96.0 |
| Number of cases more than 52 weeks old | 154 | 171 | - | 198 |

TABLE 10: Average local authority response times 2007/08 (Figures for 2006/07 in brackets)

| < 4 weeks (%) | 4-8 weeks (%) | > 8 weeks (%) |
|------------------|-------------------------------------|--|
| 57 (49) | 40 (48) | 3 (3) |
| 41 (31) | 59 (67) | 0 (2) |
| 64 (39) | 36 (58) | 0 (3) |
| 44 (47) | 56 (53) | 0 (0) |
| 45 (39) | 55 (61) | 0 (0) |
| | (%) 57 (49) 41 (31) 64 (39) 44 (47) | 57 (49) 40 (48) 41 (31) 59 (67) 64 (39) 36 (58) 44 (47) 56 (53) |

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 10 shows that the percentage of authorities with an average response time within this timescale has increased compared to last year.





Promoting awareness and understanding 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. In 2007/08 we reviewed our complaint literature in response to feedback from the public and the advisory sector. A shorter, more customer friendly leaflet was developed to reflect the new approach to first contact with complainants provided by the LGO Advice Team. A range of subject-specific fact sheets was also developed so that helpful information is available for complainants. This is currently sent out through our Advice Team. We will launch a new and more accessible website, where the new information will be available, in 2008.

Ombudsmen and staff gave a wide range of talks and presentations to local and national advice organisations during the year. Feedback shows that our presentations to advice bodies are much appreciated and 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 ran two joint seminars for advisers with the Public Law Project

and the Parliamentary and Health Service Ombudsman, and we exhibited at the Citizens Advice national annual conference.

Since 2006/07 we have run a training session for lawyers aimed particularly at those in the private and third sectors dealing with potential complainants. This session is accredited by the Solicitors Regulation Authority so participants will receive credits needed as part of their professional development. It aims to help lawyers understand when it can benefit clients to complain to the Local Government Ombudsman instead of going to court. Following a successful pilot, we ran two courses during 2007/08.

We recognise that some groups of people are particularly vulnerable. One such group is children and young people and our initative to adapt our processes to meet their needs continues. Their complaints are given priority, aiming for speedy resolution where possible. Although complaint numbers are small, the proportion of positive outcomes remains higher than for complaints generally. We raise awareness of the initiative through meetings and talks with children's advice and advocacy groups. Over the year these have included the NSPCC Advocacy and Representation Service, Children's Rights Officers and Advocates

(CROA) and the Office of the Children's Commissioner. Articles on the service we provide for children and young people have been published in a number of specialist publications.

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 83 press releases on reports over the year and secured 377 items of press coverage in publications as diverse as the Daily Mail, The Guardian, the Ealing Gazette, the Shropshire Star, the Liverpool Daily Post, Inside Housing, Parking Review and the Jewish Chronicle. The Ombudsmen have been interviewed for Radio 4's You and Yours as well as various BBC and independent regional radio stations.

This activity helps to raise our profile and position the Local Government Ombudsman as a modern, accessible and effective service to the public as well as other stakeholders such as local authorities, regulators, the advisory sector and Government.

- "I didn't expect a course about complaint handling to be so interesting and enjoyable."
- "A very enjoyable and informative course with a clear and knowledgeable trainer."

What the delegates say

Giving advice and guidance

We added to our range of special reports. These reports highlight lessons learned from similar complaints across our three offices, and give general good practice advice from the Ombudsmen. We published two new special reports in 2007/08:

Telecommunications masts: problems with 'prior approval' applications.
Advice and guidance from the Local Government Ombudsmen in June 2007; and

Local partnerships and citizen redress. Advice and guidance from the Local Government Ombudsmen in July 2007.

A launch event was held at our office in Millbank Tower for the Partnerships report, attended by a number of our key stakeholders and the local government press. The report was also the focus of sessions at the Standards Board's Annual Assembly of Standards Committees and the LGC Conference on Effective Governance in Partnerships.

In September 2007 we published our eleventh annual *Digest of cases*. This is a key reference document that 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 letters to every council in the country. These summarise our experience of handling their complaints and may make suggestions for improvements where relevant. The letters are published on our website and we also share them with the Audit Commission.

We maintained our programme of training for all levels of local authority staff in complaints handling and investigation. We delivered 129 courses in 2007/08 against a target of 120 for the year. An in-depth evaluation on the impact of our training was carried out during the year and showed very positive results. Participants, organisers and complaints managers reported increased confidence in dealing with complaints, better quality responses in the early stages and fewer complaints escalating to higher stages of complaints procedures. After the successful pilot last year, a new course on reviewing

complaints for social services review panel members is now part of the range of courses on offer. This year we ran a second open course for groups of staff from smaller authorities at our offices at Millbank Tower which was very successful; we will continue to run open courses as part of our programme in future. We also offer customised courses to meet councils' specific requirements.

We took steps to influence the improvement of local government administrative practice and possible changes to our jurisdiction by contributing to the consultation and development phases of new legislation and regulations. During the year we responded to a number of consultation exercises, sometimes jointly with other ombudsmen schemes. These included the Department of Health's consultation on the future regulation of health and adult social care in England, the Department for Transport's consultation on draft operational guidance to support new regulations in the Traffic Management Act 2004, and the Department for Children, Schools and Families review of

TABLE 11: Training activity 2005/06 – 2007/08

| | 2005/06 | 2006/07 | 2007/08 |
|-----------------------------|---------|---------|---------|
| Number of courses delivered | 103 | 121 | 129 |
| | | | |

guidance to reflect changes in exclusions policy brought about by the Education and Inspections Act 2007. We also took part in an advisory panel on the new social housing regulatory body, the Office for Tenants and Social Landlords, and a Department of Health Policy Forum and Policy Board on Making Experiences Count: the proposed new arrangements for handling health and social care complaints.

Making efficient use of our resources

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 below.

Of equal importance to the output volumes is an assessment of how the work has been undertaken. Our quality and customer service standards are embodied in the competency framework we use to assess the performance of our investigators and managers. Over the next year we will implement a similar framework for non-investigative staff.

Learning and development is of key importance to ensure all of our staff have the skills and knowledge they need to perform effectively and maximise productivity.

A new e-based and assessment centre approach was piloted for the recruitment of the LGO Advice Team, and our investigator recruitment process was reviewed with a view to increasing the diversity of our workforce.

A further measure in this area is the average cost per complaint decided. In 2007/08 it was £701.¹ This was nearly 9 per cent less than the cost per complaint in 2006/07 when inflation is taken into account. This was mainly due to a payment in 2006/07 to the pension fund for arrears owing from the previous year.

"... I am hugely grateful for your role in this outcome and not only appreciative of what you did, but the manner in which you dealt with me throughout. Your patience, understanding and calm approach made a very difficult time more bearable."

Ms D, West London

TABLE 12: Average output per investigator 2005/06 – 2007/08

| | 2005/06 | 2006/07 | 2007/08 |
|---------------------------------|---------|---------|---------|
| Average output per investigator | 131.2 | 132.7 | 131.5 |
| | | | |

TABLE 13: Average cost per complaint 2005/06 – 2007/08

| | 2005/06 | 2006/07 | 2007/08 |
|----------------------------|---------|---------|---------|
| Average cost per complaint | £672 | £768 | £701 |

The Ombudsman said the service for this highly vulnerable young woman was "woefully inadequate."



The council should reflect on its corporate failure to ensure adequate resourcing and performance of its services to highly vulnerable people, said the Ombudsman.

Miss D settled in her new placement where she can communicate by signing and has regular contact with her foster sister.

A council failed utterly in its duty towards 'Miss D', a deaf young woman with learning disabilities who was in its care. The Ombudsman said that the management and supervision of Miss D's care was "woefully inadequate".

Among the many examples

of failure were a long delay

in allocating a social worker,

who was instructed to do

reviews by telephone even

and had learning disabilities.

The social worker only saw

though Miss D was deaf

Miss D once, and then

> failed for eight years, after Miss D became an adult. to assess and review her needs:

The council also:

> placed Miss D with people who were only approved as foster carers for children:

- > failed to respond to her foster sister's concerns that Miss D's placement was inappropriate and damaging;
- > delayed in providing funding for an advocate and alternative placement for Miss D; and
- > delayed in responding to the Review Panel findings, and disregarded them.

The Ombudsman recommended the council to pay £5,000 compensation to Miss D, £1,250 to her foster sister, contribute £1,250 to MENCAP, and take action to improve its service.

Failure to comply with statutory duties and achieve acceptable standards of practice.

Case reference 05/C/18474

without a signer to enable her to communicate.

Chapter four

Financial accounts

for the year ended 31 March 2008

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, from the Revenue Support Grant to meet the cost of the Local Government Ombudsman service in England.

For the year ended 31 March 2008, operational expenditure totalled £13,191,135 – a net underspend of £134,256. However, the Commission invested £461,174 in fixed assets which were capitalised.

The tables that follow show the summarised financial statements for the year ended 31 March 2008. The figures have been extracted from the unaudited accounts. The audited accounts, prepared in the form agreed with the Department for Communities and Local Government, 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, tel 020 7217 4683 and on our website at www.lgo.org.uk in July 2008.

The Government is committed to the prompt payment of commercial debt and has encouraged public bodies to sign up to the Confederation of British Industry's Prompt Payment Code. The Commission complies with the principles included in the Code, and has prepared its own code, in order to set standards and measure performance.

"It is refreshing to know that there is a robust process in place, namely the Ombudsman, to address individuals' concerns about local government activities, and that it works. I would also like to take this opportunity to thank you personally for the efficient and polite manner in which you have conducted this investigation, which is very much appreciated – whatever the outcome may have been."

Miss D, Dorset

TABLE 14: Balance sheet at 31 March 2008

| Liabilities | Balances at 31.3.08 £'000 | Balances at 31.03.07 £'000 | Assets | Balances at 31.3.08 £'000 | Balances at 31.3.07 £'000 |
|------------------------|---------------------------------|----------------------------------|-------------------------|---------------------------------|---------------------------------|
| | | | Fixed assets | 684 | 427 |
| Creditors | 1,195 | 1,020 | Cash and bank deposits | 1,396 | 1,341 |
| Pension Fund liability | 6,478 | 10,448 | Pension Fund reserve | 6,478 | 10,448 |
| Working balance | 1,603 | 1,469 | Debtors and prepayments | 718 | 721 |
| | 9,276 | 12,937 | | 9,276 | 12,937 |

TABLE 15: Income and expenditure account for year ended 31 March 2008

| Expenditure | 2007/08 £'000 | 2006/07 £'000 | Income | 2007/08 £'000 | 2006/07 £'000 |
|-------------------------------------|------------------|------------------|--|------------------|------------------|
| Staffing | 9,845 | 10,274 | Grant from ODPM | 12,851 | 13,221 |
| Professional costs | 493 | 653 | Interest on deposits | 94 | 75 |
| Accommodation | 1,828 | 1,809 | Rents and service charges | 254 | 186 |
| Office expenses | 808 | 800 | Training income | 117 | 91 |
| Travel and subsistence | 217 | 276 | Other receipts | 9 | 32 |
| Total expenditure | 13,191 | 13,812 | Total income | 13,325 | 13,605 |
| Surplus credited to working balance | 0 | 0 | Deficit (surplus) charged to working balance | -134 | 207 |
| | 13,191 | 13,812 | | 13,191 | 13,812 |

"I would like to thank you for your time and advice regarding the investigation of my complaint. The complaint was made to bring to your attention issues regarding poor practice which affected my daily living. The compensation was not the issue but, more importantly, my concerns regarding other service users receiving the same kind of treatment. I hope that lessons may be learnt and service users may receive a more professional service in the future."

Mr C, West Midlands

Staffing in 2007/08

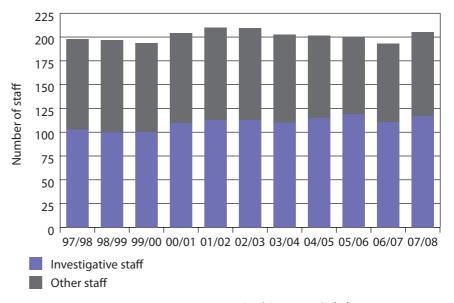
The total salary bill for the year was £7,433,302. The number of Ombudsmen and their staff whose salary at 31 March exceeded £30,000 were:

(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 16: Salaries exceeding £30,000

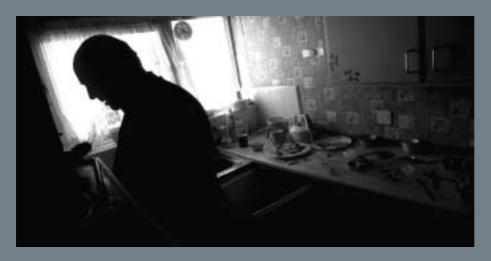
| | 2007 | 2008 |
|---------------------|------|------|
| £30,001 – £40,000 | 87 | 81 |
| £40,001 – £50,000 | 15 | 24 |
| £50,001 – £60,000 | 12 | 11 |
| £60,001 – £70,000 | 0 | 1 |
| £70,001 – £80,000 | 2 | 1 |
| £80,001 – £90,000 | 2 | 3 |
| £90,001 – £100,000 | 0 | 0 |
| £100,001 – £110,000 | 0 | 0 |
| £110,001 – £120,000 | 2 | 0 |
| £120,001 – £130,000 | 0 | 2 |
| £130,001 – £140,000 | 0 | 0 |
| £140,001 – £150,000 | 0 | 0 |
| £150,001 – £160,000 | 1 | 0 |
| £160,001 – £170,000 | 0 | 1 |
| Total | 121 | 124 |

GRAPH 2: Commission staff 1998/99 to 2007/08



CASE STUDY: environmental health and antisocial behaviour

The Ombudsman said "The council should have done more to resolve the problem."



A council failed to take action over a number of years on the deteriorating condition of a property let by the council, despite complaints from a next-door neighbour. The tenant refused access to the council. When the council eventually gained access the property was described as verging on dirty, filthy and verminous.

The Ombudsman acknowledged that there were difficulties in balancing the needs of the tenant with those of the neighbour who made the complaints but concluded that, where this was adversely affecting

the condition of the neighbouring property and the lives of the neighbours, the council should have done more to resolve the problem.

At the outset, the council did not ask for systematic recording of the problems in order to provide the evidence for taking more positive action. It did not use its powers as a landlord to inspect the property and carry out necessary repairs. There was also no evidence that the council considered using its powers to deal with a possible statutory nuisance resulting from the condition of the property.

The tenant eventually moved and the council agreed to undertake any repairs to the neighbour's property that had arisen as a result of the condition of the property next door. The council also agreed to pay the neighbour £1,600 in recognition of the problems caused by the delay in taking action.

Failure to take action

Unreported case

Chapter five

Other information

Monitoring equality and diversity

In order to evaluate our accessibility we have tried to understand who our customers are. We collect information about the incidence of disability and about the age, gender, and ethnic origin of the people who complain to us. We analyse it so we can tell which groups tend to complain about which local authority functions. We look at the outcomes of their complaints and correlate them with our monitoring information.¹

We know, for example, that while some 19 per cent of complainants who describe themselves as white complain about housing matters, the proportion rises to 23 per cent for Asian complainants, around 36 per cent in mixed race groups, and to 45 per cent among black complainants. Whereas 26 per cent of the white group complain about planning matters, the proportion drops to 13 per cent for Asian and 'other' ethnic groups, and further to only 3 per cent for black complainants. And we establish that something has gone wrong in 22 per cent of complaints from black complainants, as against 17 per cent of complaints from white complainants.

We can also tell, for each of the groups in our monitoring data, how complainants find out about our service. For instance, the greatest number find out from the council or from a councillor; but the proportion is far higher for white complainants (23 per cent) than for black complainants (16 per cent). A higher proportion of black complainants and 'other' ethnic groups (21 per cent) than white (12 per cent) find out about us from advice agencies. See table 18 on page 30.

Our monitoring information compares the percentage of our complainants who have a disability against the general incidence of disability in the population as a whole. According to census figures 34 per cent of households in 2001 contained one or more person with a disability. In last year's monitoring figures, 25 per cent of our complainants said that they had a disability. People with disabilities are likely to receive more council services than most sections of the community and they are perhaps likely to suffer more if things go wrong. We want to ensure, therefore, that our service is not under-used by this group.

Our monitoring suggests that we already receive a slightly higher proportion of complaints from people from these communities than would reflect national averages, as shown in table 17 below. But although there is no evidence that we are failing to reach minority ethnic communities in general, we are aware that there are some communities where there is less widespread understanding of local government, individual rights to services, and rights of redress.

¹ The Commission uses the same categories as the Office of National Statistics to record the ethnicity of its service users. Although this approach has its limitations in an increasingly diverse society, it does enable direct comparisons with national statistics to be made.

"Just to say, I have received your letter regarding my complaint. I understand your reasons for closing the complaint and would just like to say thank you for being so understanding and prompt with your decision."

Mrs W, Greater Manchester

TABLE 17: Equality monitoring data of complainants 2005/06 – 2007/08

| Area monitored | 2005/06 % | 2006/07 | 2007/08 | 2001 Census % of population |
|--------------------|--------------|---------|---------|-----------------------------|
| Ethnic group | | | | |
| White | 87 | 86 | 86 | 91 |
| Black | 6 | 6 | 6 | 2 |
| Asian | 4 | 5 | 5 | 5 |
| Mixed race | 2 | 2 | 2 | 1 |
| Other ethnic group | 2 | 1 | 1 | 1 |
| Response rate | 65 | 63 | 61 | |
| Total number | 12,177 | 11,450 | 10,415 | 49,138,831 |
| Sex | | | | |
| Male | 57 | 56 | 56 | 49 |
| Female | 43 | 44 | 44 | 51 |
| Response rate | 95 | 95 | 95 | |
| Total number | 17,661 | 17,399 | 16,621 | 49,138,831 |
| Age | | | | |
| 24 or under | 3 | 3 | 3 | 31 |
| 25-59 | 69 | 69 | 68 | 48 |
| 60 and over | 28 | 28 | 29 | 21 |
| Response rate | 65 | 62 | 59 | |
| Total number | 12,224 | 11,415 | 10,369 | 49,138,831 |
| Disability | | | | |
| With disability | 27 | 26 | 25 | 34* |
| Response rate | 64 | 60 | 57 | |
| Total number | 12,015 | 11,054 | 10,006 | 20,451,427* |

Note: This data excludes 'unspecified' responses. The 'response rate' gives the percentage of all complainants who responded to the question, while 'total number' is, for our figures, the total number of responses given to each question; and, in the case of the Census data, the total responses to the Census questions. Percentages may not add up to 100 due to rounding.

^{*} This percentage and number relates to the number of households that include a person with a disability.

TABLE 18: How the complainant heard of the Ombudsman, by ethnic group 2007/08

| Source | White % | Black % | Asian % | Mixed race % | Other % | Total % |
|---|------------|------------|------------|--------------|------------|------------|
| Council/councillor | 23 | 16 | 21 | 19 | 22 | 22 |
| Website | 17 | 13 | 17 | 16 | 14 | 17 |
| Neighbour/friend/relative | 10 | 15 | 9 | 15 | 14 | 11 |
| CAB | 8 | 13 | 10 | 9 | 11 | 8 |
| Other advice agency | 4 | 8 | 6 | 4 | 10 | 4 |
| Solicitor | 5 | 8 | 7 | 10 | 3 | 6 |
| Govt dept (inc. Citizen's charter unit) | 5 | 5 | 5 6 | 4 | 5 | 5 |
| MP | 5 | 3 | 3 | 3 | 2 | 5 |
| Media (TV, radio, papers) | 4 | 2 | 2 | 4 | 2 | 4 |
| Library | 2 | 1 | 3 | 1 | 3 | 2 |
| Law centre | 2 | 6 | 3 | 4 | 5 | 2 |
| Tel/Thomson directory | 1 | 1 | 1 | * | 1 | 1 |
| Other | 14 | 9 | 12 | 11 | 8 | 13 |
| Total number | 9,591 | 674 | 526 | 239 | 156 | 11,186 |

Note: This data excludes 'unspecified' responses. 'Total number' is, for our figures, the total number of responses given to each question. Percentages may not add up to 100 due to rounding.





"I want to thank you for your efforts because you made (X) Council take my complaint about this issue seriously, which made them deal with the problem. I think the Local Government Ombudsman is a practical way of dealing with problems/issues with local government and it is fantastic to know from experience that it works successfully."

Mr M, North London



Freedom of Information

The Commission's Code of practice on access to information was replaced in January 2005 with the statutory rights to information under the Freedom of Information Act 2000.

Table 19 below provides an analysis of requests for information.

The majority of the refusals 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 the Commission did not hold the information requested.

The Commission's Publication Scheme² is available on the Commission's website.

TABLE 19: Analysis of requests in 2005-2007

| Year | Number of requests | | Number of full refusals | Number of partial refusals | Complaints upheld (full or partial) | Complaints not upheld | Number referred to Information Commissoner | Number not meeting 20-day deadline |
|------|--------------------|----|-------------------------|----------------------------|--|--------------------------|---|---|
| 2005 | 241 | 52 | 146 | 43 | 11 | 31 | 3 | 9 |
| 2006 | 168 | 57 | 74 | 37 | 6 | 19 | 7 | 8 |
| 2007 | 185 | 77 | 62 | 45 | 4 | 11 | 6 | 12 |

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.

Sustainable development

We have an environmental policy which is the special responsibility of one of our Deputy Ombudsmen. We encourage staff to cycle, car share or use public transport when travelling to and from, or in the course of, work. We monitor our paper usage and encourage use of email. We use recycled paper for our printed stationery and all our printed publications. At the end of the year, we printed our main complaint leaflet and other publicity material on 100 per cent recycled paper. We recycle our office waste, in particular, waste paper and some IT consumables. We have an intranet and make extensive use of e-documents, which reduces the need for staff to hold material in hard copy. We purchase environmentally friendly goods where practicable, and seek information on the environmental policies of suppliers of goods and services.

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.

We have an Audit Committee that considers reports from our internal and external auditors, and oversees our risk management arrangements. It has an independent Chairman. The Chairman until September 2007 was Chris Swinson: he is a Past President of the Institute of Chartered Accountants in England and Wales (ICAEW), a Commissioner of the Audit Commission and was senior partner and Chairman of the Policy Board of international accountants BDO Stoy Hayward. Our new Chairman is Eugene Sullivan who has recently retired from RSM Robson Rhodes LLP where he was employed as Partner and Head of Public Sector Services; he previously worked for the Audit Commission.

During 2007/08 we also changed the composition of the Audit Committee. Previously, in addition to the independent Chairman, it had included all the Commission members. It now comprises four members: the independent Chair, the Parliamentary Commissioner, a second independent member, and the Commission Chairman. We will recruit the second independent member early in 2008/09.

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

"Thank you for sending me the report of your investigation. The findings appear well founded and I would like to express my gratitude to (investigator) and your investigative team for the thoroughness and professionalism with which they conducted this enquiry."

Mr D, Cornwall

Premature complaints

Premature complaints are those 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.
Premature complaints 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.

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, the internal management of schools and colleges, and matters which affect all or most of the people living in a council's area. Such complaints, when they are terminated, 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 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 terminated by Ombudsman's discretion are those that have been terminated 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.

Comeback

The term comeback is used when a complaint has been determined without a formal report and the complainant tells us or implies that they disagree with the decision taken on their complaint.

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).
- > School organisation committees.
- > 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.
- > The Commission for New Towns (housing matters only).
- > English Partnerships (some housing and planning matters only).
- > The Norfolk and Suffolk Broads Authority.
- > The Environment Agency (flood defence and land drainage matters only).

Equal opportunities

The Commission is committed to providing equal opportunities in employment and in the services it provides. The Commission seeks to ensure that no complainant, job applicant or Commission employee is treated any differently because of their: sex, colour, race, nationality, ethnic group, regional or national origin, age, marital status, disability, political or religious belief, trade union activity, sexuality or class.

Where to contact the Local Government Ombudsmen

website: www.lgo.org.uk

LGO Advice Team: 0845 602 1983 or 024 7682 1960 text 'call back' on 0762 480 4323

All new complaints should be sent to:

PO Box 4771, Coventry CV4 0EH

E: advice@lgo.org.uk

Jerry White'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

All photos, other than those of the Ombudsmen, do not depict real Ombudsman cases and are posed by models.

Courtesy of www.third-avenue.co.uk

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