

Local Government
OMBUDSMAN

Annual Report 0809

Delivering Public Value

www.lgo.org.uk





“ We could not have wished for a better service from your investigating officer.

We appreciated the fact that she gave us support, by listening to us at a very stressful time. She made sure, and took the time, to get the facts of the case correct.

She explained everything in clear terms, and always kept us informed of progress at every stage. We couldn't have asked for more.”

Mr and Mrs S
LONDON

Local Government Ombudsmen

Annual Report 0809

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.

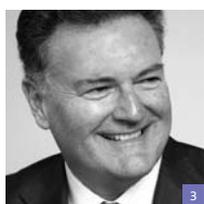
The Ombudsmen provide a free, independent and impartial service. When they receive a complaint, they are on the side of neither the complainant nor the respondent authority. In each case they investigate whether there has been administrative fault that has caused a personal injustice to the complainant.

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



Membership

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 2008/09 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 Ms Anne Seex

3 Mr Jerry White

Chairman's introduction

A year of significant change

The past year has seen significant change in the organisation and operation of the Local Government Ombudsman service (LGO). The focus of much of this activity relates to the fulfilment of our vision and public value strategy.

Making service improvements

In responding to the last major survey of customer satisfaction conducted by Ipsos MORI in 2007, we have undertaken a number of initiatives designed to improve the service both to the public and to local authorities.

We have paid particular attention to the need to increase access to our service as well as improving the timeliness of our decisions. The principal initiative was the introduction of our new first-contact centre in March 2008. The centre is staffed by highly-trained advisers who dealt with over 70,000 contacts from the public during the first year. There has been a very high satisfaction rating for this service through the 'signposting' facility (where the LGO is not the appropriate body to deal with the enquiry or complaint) and an appreciation of the improved timeliness of a high proportion of decisions taken.

Although the financial constraints which I referred to in last year's annual report have required us to examine new efficiency measures, these have been considered only where the core business of the LGO service is protected. We have developed a new initiative called 'Council First' which was introduced on 1 April 2009. This is designed to give the complainant and council every reasonable opportunity to resolve the complaint without recourse to the LGO. There are key exceptions to this, including urgency (school admissions and homelessness) and vulnerability (care services for children and adults), but the aim is to provide a better overall service to the complainant.

Our training courses for councils in good complaints handling exceeded our planned target of 120, and there are clear signs that this service is helping to improve further the quality of complaints handling at local council level. We have also responded to the demand for more courses dealing with particular needs of specialist service areas.

Legislation brings greater clarity

Last year, we referred to the new responsibilities of the LGO arising from the Local Government and Public Involvement in Health Act

2007 (LGPIHA) and the Regulatory Reform Order 2007. Both have led to greater clarity in the Ombudsmen's work and, we believe, an improved service to the public. Being able to accept complaints other than in writing has enabled the first-contact centre to be established, and we have trialled the use of mediation as an alternative form of dispute resolution. We now have a clear role in investigating complaints arising from partnership working, and the Regulatory Reform Order enables the Local Government Ombudsmen and Parliamentary and Health Service Ombudsman to carry out joint investigations where complaints span both jurisdictions in areas such as health and social care, the environment and benefits. We will, later this year, begin to publish decisions currently described as 'local settlements', a power given to us in the LGPIHA.

Housing and planning continue to represent the highest numbers of complaints that we receive. The overall number of Ombudsmen decisions has changed following the introduction of the contact centre. More is said about this in the following chapters.

The Commission's financial position remains sound. However, the grant settlement referred to in last year's annual report continues to present us with major challenges. The budget

“ May I take this opportunity to thank you for all your hard work in this matter and the professional way in which you have conducted your enquiries and have kept me informed throughout of your progress.”

A CAB client services officer

GREATER MANCHESTER

reduction planned for 2008/09 was achieved by a combination of staff reductions and efficiency measures. There was an underspend of £229,303 at the year end.

Major investment decisions must be addressed relating to the replacement of our complaints-tracking system and plant renewal at our office premises. Without the availability of capital finance, this must come from revenue resources and very limited reserves. The budget for 2009/10 has, therefore, been constructed with these and our grant limit in mind. Our workforce will reduce by approximately 10 per cent in the year. We are clearly challenged by the capacity to deliver the service next year, but the changes already alluded to we consider sufficient to meet existing standards.

New challenges

A number of new initiatives have been or are to be implemented over the next two years. Since 1 April 2009 we can consider adult care service complaints against local authorities only after a new formal one-stage complaints procedure has been completed. We anticipate that this change will increase the number of complaints to the LGO, and additional grant has been provided to cover this.

Much exploratory work has been done by the Commission to cater for two possible new areas of jurisdiction: the introduction of an independent complaints-handling function for the internal management of schools; and the establishment of a similar service for private sector adult social care self funders. Both Bills are now in Parliament and, subject to Royal Assent, will be implemented in 2010, the first on a phased basis and the second in its entirety in that year.

We very much welcome the prospect of these new responsibilities. The preparatory work undertaken so far has been very much designed to work closely with these service providers to create the best possible complaints-handling services for those who make complaints against school governing bodies and adult social care providers.

We consider the last 12 months to be a period of considerable achievement in accommodating the requirements of new legislation; in meeting exacting financial restrictions; in responding to customer concerns about our service; and in researching and preparing for potential new areas of jurisdiction. We will now build the capacity to respond to these new challenges.

Finally, I would like to pay special tribute to my colleague Jerry White who will be retiring later this year after 14½ years service. Jerry has performed the role of Local Government Ombudsman with great distinction and has contributed significantly to the development and improvements that have been put in place during his time with the Commission.



Tony Redmond
Chairman



CASE STUDY:
Local taxation

The council's community mental health team knew that Mrs G had mental health difficulties and was not capable of managing her own affairs. Mrs G had not paid her council tax.

The council's revenue team applied for a bankruptcy order, which was granted. They did not make any checks with the social care side of the council, which would have shown that bankruptcy was not an appropriate recovery method in this case.

The consequence was that the resolution of a separate legal case concerning Mrs G's financial affairs was delayed, and substantial unnecessary costs, payable by Mrs G, were incurred.

The Ombudsman said: **"The failure to make effective internal enquiries led to unwarranted action against a clearly vulnerable lady,"** and added **"I do not think it unreasonable for revenue officers to look beyond their own departmental information and consider a council's records as a whole."** This is in line with guidance from the Information Commissioner.

The council applied to the court to annul Mrs G's bankruptcy. When this was done, it contacted credit rating agencies to advise them, and also changed its procedures to make stringent checks for potential vulnerability before taking action leading to bankruptcy, a charging order or committal.

Failure to make effective internal enquiries

Case reference 07A12661

"I would like to pass on my thanks for the professionalism of your staff in what was a very stressful time for me and my family. I would strongly recommend other families in similar situations to contact the Ombudsman as they can be sure of a professional and fair investigation."

Mrs B

CAMBRIDGESHIRE

Our commitment to maximising public value from our work is reflected in the significant achievements of the LGO over the year.

The launch of our new centralised first-contact centre – the LGO Advice Team – marked a major change in the way we work. We are very pleased to report its considerable impact on increasing access to our service. Our new team of advisers handled more than 3,000 calls every month, well in excess of the anticipated level. This led to 21,000 complaints and enquiries over the year. Callers get a much better explanation of our service from the outset and advice tailored to their individual complaint. If required, advisers can draw on the experience and expertise of investigators who provide additional support.

The successful establishment and operation of the new Advice Team

is based on the hard work and commitment of both new and existing staff and the way they have worked together. We have commissioned a review of the service this year to ensure that it continues to deliver a quality service and is well placed to meet future challenges.

Case issues

Investigating complaints remains at the heart of everything we do. Throughout this we apply our core values of fairness, independence, high quality, efficiency and effectiveness.

Complaints about school admissions increased substantially in 2008/09. Our advisers forwarded 1,422 complaints to the investigative teams, compared to 942 complaints received the previous year. This 50 per cent increase follows the Government's introduction of new School Admissions and School Admission Appeals codes, both



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.



CASE STUDY:

School admissions

The governors and appeal panel of a faith school did not handle admission applications or appeals in accordance with binding statutory codes.

Failure to follow mandatory Government guidance on admissions

Case reference 08 005 300 and four others

The Ombudsman said **"The school's disregard of its statutory duties has been significant"** and found nine breaches of the mandatory provisions of the Government's Schools Admissions Code, and two breaches of the mandatory provisions of the Admissions Appeal Code.

The Ombudsman said: **"Despite the introduction by Parliament of two statutory codes with mandatory provisions, and an earlier Ombudsman report critical of how the school had administered its admission arrangements and admission appeals, limited regard appears to have been given by the governors to their statutory duties."**

The Ombudsman identified very serious faults in the conduct of the admission procedures, and so could not conclude that the five complainants' children should not have obtained places.

At an early stage of the investigation, the Ombudsman proposed that the school offer places to each child. The governors refused to act on this at the time, but the Ombudsman repeated his recommendation for the three complainants who still wished their children to attend the school. He also said it should undertake a fundamental review of its admission arrangements.

“ I would like to take this opportunity, on behalf of the council, to thank the Ombudsman and all his staff for their continued support and advice in helping us to respond to complaints received about the council.”

A council chief executive

with new mandatory provisions. We issued reports on a substantial number of cases where we found significant fault with the handling of admission applications or appeals, some breaching the statutory codes.

The increasing use of bankruptcy by councils as a means of recovering council tax debt has raised concerns for us over the year. While recognising that bankruptcy is a legitimate tool for councils to use to recover council tax, our criticism, highlighted in several reports, lies in the way it has been used. We expect bankruptcy to be used only as a remedy of last resort. Councils should have written procedures in place that reflect when and where bankruptcy might be reasonably used as a recovery tool. The consequences of badly-made decisions can be severe for both sides.

Our experience of investigating these complaints will be drawn together in a special report to be published

later this year. The report will make recommendations on good practice for councils.

Our ability to carry out joint investigations with the Parliamentary and Health Service Ombudsman, following last year's Regulatory Reform Order, enabled us to work together effectively in investigating three of six cases concerning people with learning disabilities. We published joint reports on those three cases and a joint overview of all six cases.

This high profile report, entitled *Six Lives*, illustrated some significant and distressing failures in service across both health and social care, leading to situations in which people with learning disabilities experienced prolonged suffering and inappropriate care.

Based on our experience of dealing with these and other complaints that cross our jurisdictional boundaries,

both organisations have established arrangements to communicate with each other about such complaints. We anticipate that the new statutory scheme for adult health and social care complaints, known as *Making Experiences Count*, may lead to the need for more joint investigations, especially as arrangements between social service authorities and NHS bodies are being forged in the early stages.

Positive approach to feedback

Customer feedback is very important to us. We know from research that the key factor affecting a complainant's satisfaction with our work is the outcome of their complaint. Our role is to carry out an independent and impartial assessment of the evidence to find out if there has been administrative fault by the council in making the decision or delivering the service. We recognise, however, that dissatisfaction can arise from the



PROFILE

Jerry White
Local Government Ombudsman

Jerry White was Chief Executive of the London Borough of Hackney, before becoming Local Government Ombudsman on 1 March 1995. 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 retires after more than 14 years in post at the end of September 2009, when he will take up the position of Professor in Modern London History at Birkbeck, University of London.



Library photo posed by models

CASE STUDY:
Adult care services

Mr C, a 30-year-old man with severe learning disabilities, broke his leg during a stay at a council-owned care home. After surgery at a health trust, he was discharged, but he did not recover, and died about eight weeks later.

His parents complained that, had their son received appropriate and reasonable service from the council and the health trust, his death would have been avoided. Their complaint was investigated jointly by the Local Government Ombudsman and the Health Service Ombudsman, and reported on, with five similar cases from the families of people with learning disabilities who died while in NHS or local authority care.

Close supervision was Mr C's major need, but was almost entirely lacking on the night of the injury. The Ombudsman criticised the council, concluding that there were significant failings in the care provided to Mr C at the home.

He considered that if proper care arrangements had been in place **"this accident and injury might well have been avoided, and probably should have been."**

The *Six Lives* report, laid before Parliament, concluded overall that Mr C was treated less favourably for reasons related to his learning disability and that his death was avoidable. The Ombudsmen called for an urgent review of health and social care for people with learning disabilities.

Failure to provide acceptable standard of care for person with learning disabilities

Case reference 'Six Lives' 07B06309

" Thank you again for your help. I really appreciate the fact that, for the first time, someone actually cares enough to listen to us."

Mrs K

LONDON

conduct and processes attached to the investigation and that is where we aim to make service improvements.

Callers to our new Advice Team have benefited from a quicker and more effective response on decisions that a complaint needs to be considered by the council first (premature complaints), or advice given that a complaint is clearly out of our jurisdiction.

We have reviewed our system for dealing with complaints and concerns about our service – on the handling of the complaint, the decision itself or treatment by our staff. We are committed to responding properly to anyone who is dissatisfied with any of these aspects of our service. Being positive about putting matters right and learning lessons for the future are key elements of the new system.

Legislation **provisions**

We submit applications for reviews of our legislation based on an assessment of areas that might be amended or extensions to our jurisdiction. Several recommendations in previous reviews have been addressed by recent legislation such as the Regulatory Reform Order enabling collaborative working with the Parliamentary and Health Service Ombudsman, and the Local Government and Public Involvement in Health Act, which made extensive amendments to our remit and powers. The Apprenticeship, Skills, Children and Learning Bill proposes amendments to our jurisdiction to include internal matters in schools, previously recommended by us in reviews. A proposal in the Health Bill would enable us to provide a comprehensive complaint review service about adult social care for both the independent and statutory sectors.

Opportunities **ahead**

The potential extension to our jurisdiction into two new areas in the coming year adds to an exciting and challenging agenda for change.

The achievements of our staff during 2008/09 give great confidence about our ability to maximise public value from the opportunities ahead.

Tony Redmond

Jerry White

Anne Seex



PROFILE

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.



CASE STUDY:

Protection of vulnerable adults

Mr P and Mrs S were both in their sixties, and neighbours in a sheltered housing scheme owned by the council and managed by an arms length management organisation (ALMO). They complained that the council had failed to protect them from being bullied, harassed, intimidated, publicly humiliated and abused by the warden, and to deal with their complaints about her.

Failure to investigate allegations of harassment

Case reference 06C18619
& 07C01489

The complainants presented compelling evidence of the threats and abuse, including a tape-recording of threats made to Mr P by the warden's daughter. The Ombudsman's investigator described this as harrowing and deeply distressing, even when heard long after the event and in a safe setting.

The council failed to undertake any proper investigation of these allegations, to act on persuasive evidence of serious problems or to follow its policy on the protection of vulnerable adults.

The Ombudsman criticised **"the council's grave substantive failure to undertake any proper investigation of serious allegations about the behaviour of an employee in a position of responsibility for vulnerable people and its inaction in the face of very persuasive evidence of serious problems at the sheltered scheme. This was maladministration with potentially very serious consequences."** The complainants suffered **"harassment and fear whilst living in what should have been a supportive environment"** and were forced to move away from their home town.

The council paid £2,500 each to Mr P and Mrs S, paid their moving costs, and gave them priority for rehousing.

Jerry White

Looking back on my time as Ombudsman

This is my last annual report as Local Government Ombudsman. I retire on 30 September 2009 after fourteen-and-a-half years in post, in order to pursue a late change of career as Professor in Modern London History at Birkbeck, University of London.



I have found my time as Ombudsman immensely rewarding and enjoyable. Since 1995 my office has been responsible for something like 72,000 decisions on complaints, involving every service area of local government. In around 8,000 of those I made the decision myself. It is no exaggeration to say that there was something different and interesting about every case I saw, and that was as true in 2009 as it had been in 1995. Indeed, the complaints have probably become more intellectually challenging over that time, if only because local government has become more adept at resolving the straightforward cases at an earlier stage, and perhaps because members of the public are less able or willing to pursue even significant injustice through legal action in the courts.

I look back on several decisions with particular satisfaction.

Impact of **special report**

A complaint about a county council wrongly charging for aftercare when a person was discharged after a compulsory stay in mental hospital led to some £80,000 being paid back to the person in question. The council had received counsel's advice to the effect that it was liable for the charge, and I saw no reason for the council to act contrary to the advice it had received. There

was, though, some doubt among social services authorities as to the state of the law on this point. Some time afterwards the House of Lords finally determined that councils must indeed pay for aftercare, but offered no guidance on how matters should be put right for those wrongly charged and for those who had been advised by councils to make their own arrangements. In essence, individuals were left to pursue claims against individual authorities, possibly through the courts. In some cases they brought the matter to the Ombudsmen.

The Ombudsmen thought this a profoundly unsatisfactory state of affairs. So in 2003 we issued a special report that advised councils to put in place mechanisms to identify those whose care had not been funded and to reimburse the cost of their care, with interest. We surveyed the relevant councils a year or so later and found that some £82m had been or would be reimbursed as a result of the advice we had given. It's a great credit to the willingness of local government to put things right that our advice was followed so readily.

Joint **recommendations**

I have been involved in a number of investigations jointly with the Parliamentary and Health Service Ombudsman. Together we provided justice for a complainant whose

“ We would like to express our gratitude to your team for bringing our complaint to a conclusion. We would also like to extend our thanks to [investigator] for her hard work and efforts. She remained calm and collected throughout and she is an asset to your office.”

Ms C

BEDFORDSHIRE

longstanding grievance had involved a number of actions in the High Court. It was against a county council, whose road scheme had effectively caused him financial ruin, and against the Secretary of State who had approved the scheme. Compensation of some £200,000 was paid at our recommendation equally by the council and by the relevant Government department.

More recently, the *Six Lives* report into the treatment of people with learning disabilities led to joint recommendations to every health service body and social services authority in England to review urgently their arrangements for delivering services to similar users.

Sharing costs

In an entirely different service area, a decision in the House of Lords some years ago gave local authorities relative immunity in respect of claims that economic loss had been caused by the negligence of building control officers. There is, however, no similar immunity in respect of complaints that maladministration or service failure by building control officers has caused a complainant injustice because of economic loss. Such complaints often raise difficult issues of professional judgement by the officers involved; in many cases householders could do more to protect their interests,

and responsibility for complying with the regulations rests with the builder. Even so, it seemed to the Ombudsmen that a failure to carry out proper inspections, or a failure to spot obvious errors during an inspection, were legitimate grievances that councils should play their part in putting right. Accordingly I upheld such a complaint against a district council that used in its defence the House of Lords judgement, but where I considered the council should pay a third of the cost of rebuilding the structure in question. The council accepted my recommendation, and this formula of requesting councils to share costs in this way has been frequently used since.

Defective procedures

A final case worth mentioning follows on from an issue highlighted in the Ombudsmen’s report. I issued the first report on the use of bankruptcy as a means of recovering council tax. It involved a council tax payer made bankrupt by a city council in order to recover arrears of tax of around £1,000. When he complained to me the debt had mounted to £40,000 because of the cost of administering the bankruptcy. I felt that the council’s procedures for collecting tax arrears were defective and that it needed to do much more to spell out to a debtor the dire consequences of bankruptcy

proceedings. I recommended that the council should discharge the complainant’s bankruptcy at its own expense, provided the complainant paid the tax arrears that he owed the council. Again, the decision in this case has had a wider impact on collection procedures in other local authorities.

Thanks to colleagues and staff

For these and many other reasons it’s been a privilege to have been an Ombudsman over such an interesting and lengthy period of time. I am very grateful for the support I’ve received from my colleagues Tony Redmond, Anne Seex and Ann Abraham, the Parliamentary and Health Service Ombudsman. And I would like especially to thank my splendid staff at the Coventry office, under the more than able leadership of Neville Jones, the Deputy Ombudsman. I am very proud of the public service they’ve given for the whole of my period in office.

Jerry White

In this section we present figures on our work during the year ended 31 March 2009, including progress towards achieving our business goals in the year.

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. Our advisers now provide comprehensive information and advice to callers at the outset with a full explanation of the process and possible outcomes. It enables callers to make a more informed decision about whether putting their complaint to us is an appropriate course of action. Some decide to pursue their complaint direct with the council first. It means that direct comparisons with some of the previous years' statistics are difficult and could be misleading. So this year, the annual report does not include all the trend information that previous annual reports have done.

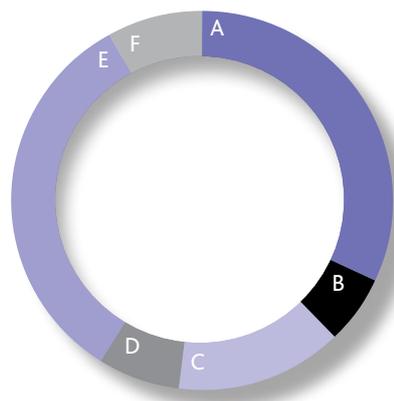
Analysis of complaints

Complaints and enquiries received

The LGO Advice Team received a total of 21,012 complaints and enquiries 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 is shown in chart 1 below.

Chart 1: Advice given in 2008/09



A. Complain to council	32%
B. Go to advice agency	6%
C. Go to another organisation	14%
D. Outside jurisdiction	7%
E. Insufficient data to be able to advise/make complaint	33%
F. Complainant decides not to proceed	8%

“ I have nothing but the highest praise for the adviser I spoke to. She was patient, understanding and friendly. She explained the procedure clearly and grasped the details of my problem quickly and accurately.”

LGO Advice Team customer feedback

Table 1: Subjects of complaints and enquiries received 2008/09

	Adult care services	Children and family services	Education	Housing	Benefits	Public finance (inc local taxation)	Planning and building control	Transport and highways	Other	Total
Premature complaints and enquiries	310	298	134	1,637	379	595	960	544	1,117	5,974
Advice given (exc premature advice)	155	164	304	738	177	244	540	416	1,610	4,348
Forwarded to inv team (resubmitted premature)*	82	90	64	583	112	150	641	254	551	2,527
Forwarded to inv team (new)	362	340	1,757	1,387	261	300	1,705	758	1,293	8,163
Total	909	892	2,259	4,345	929	1,289	3,846	1,972	4,571	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 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.



“ Thanks very much for your help here – I think you have handled a really sensitive case very diplomatically.”

A council customer services manager

TYNE AND WEAR

The number of complaints in each subject category is shown in chart 2 right.

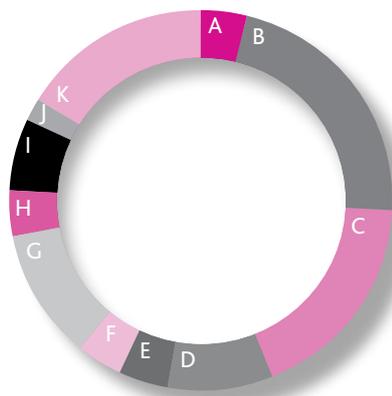
This compares with the subject breakdown of complaints received in 2007/08 shown in chart 3 below.

There has been a significant decrease in planning from 23 per cent in 2007/08 to only 18 per cent in 2008/09. Nearly all this decrease is due to a fall in complaints about planning applications. This could be explained by the impact of the current recession on the building industry, and the significant drop in planning applications being made.

Within the education category, school admission complaints continued to increase in number after a big increase in the previous year – up more than another two percentage points from 5.3 per cent of the total in 2007/08 to 7.5 per cent in 2008/09. This may be the result of the introduction of a new school admission appeals code.

Complaints about transport and highways have fallen by two percentage points in 2008/09 – about half of this fall is due to fewer parking complaints. Housing and council tax benefit

Chart 2: Complaints and enquiries received by category 2008/09



A. Benefits	4%
B. Housing	22%
C. Planning and building control	18%
D. Transport and highways	9%
E. Adult care services	4%
F. Children and family services	4%
G. Education	11%
H. Antisocial behaviour	4%
I. Public finance	6%
J. Environmental health	2%
K. Other	16%

Chart 3: Complaints received by category



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



CASE STUDY:
**Children and
family services**

A boy with special needs who was in council care remained without counselling or therapy for five years as a result of failures by the council that was his 'corporate parent'.

X was placed in council care after suffering severe neglect in his early childhood and witnessing violence and sexual acts. He was placed with foster parents in another area. The council was his 'corporate parent', meaning that it must offer everything that a good parent would provide. X had displayed sexualised behaviour that led to an assessment and therapy. His therapist recommended further assessment and therapy should this behaviour continue. In subsequent years further incidents were reported.

Following the therapist's advice, it took the council five years to refer X to the NSPCC, leading to therapy and further intensive work. The Ombudsman concluded that the council had unreasonably delayed the assessment and provision of X's therapy following the reports of further sexualised behaviour.

The council apologised and paid X's foster parents £3,000 compensation on his behalf.

Failure to act as corporate parent
for child in care

Case reference 07B04286



complaints have continued to fall, after the high of 21 per cent in 2000/01, to 4 per cent of the total in 2008/09.

The significant increase in the proportion of 'other' complaints and enquiries is partly due to the inclusion of several hundred enquiries on matters that were not local government related. These would previously not have been recorded, other than in the overall statistics on the number of enquiries handled by our previous advice line staff before the introduction of the LGO Advice Team.

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

Outcome of complaints

We decided 17,661 complaints, including all decisions on premature complaints and enquiries, compared to 18,442 decisions made in 2007/08. The number is reduced 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 forwarded to the investigative teams. It is worth noting that the percentage of complaints determined that

Table 2: Outcome of complaints forwarded to investigative teams 2008/09

Outcome	Number of complaints	Percentage total (excluding premature complaints and those outside jurisdiction)
Local settlements	2,748	27.38
Maladministration causing injustice (issued report)	137	1.37
Maladministration, no injustice (issued report)	1	0.01
No maladministration (issued report)	5	0.05
No or insufficient evidence of maladministration (without report)	4,660	46.43
Ombudsman's discretion	2,485	24.76
Outside jurisdiction	1,510	
Premature*	141	
Total	11,687	

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

* Some premature decisions were made after complaints had been forwarded to the investigative teams because either they were complaints received before 1 April 2008 (when the LGO Advice Team started operating) but decided on or after that date, or it did not become apparent that the complaint had not already been considered by the council concerned until an investigator examined the complaint.

were outside the Ombudsman's jurisdiction has dropped to 13 per cent of the total in table 2 (excluding premature complaints), compared with 18.5 per cent in 2007/08. This suggests that the service provided by LGO Advice Team is a better way of explaining the Ombudsman's jurisdiction.

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

“ Thank you for [your] assistance in this matter. You have been most helpful, and both my husband and myself have been impressed at your thoroughness.”

Ms A

BERKSHIRE

Table 2 left summarises the decisions made on complaints forwarded to the investigative teams. The total number of complaints where redress was obtained for the complainant was 2,885 – 28.7 per cent of all complaints determined (excluding the complaints that were outside our jurisdiction). This is almost exactly the same as the percentage where redress was obtained in the previous year (when it was 28.9 per cent).

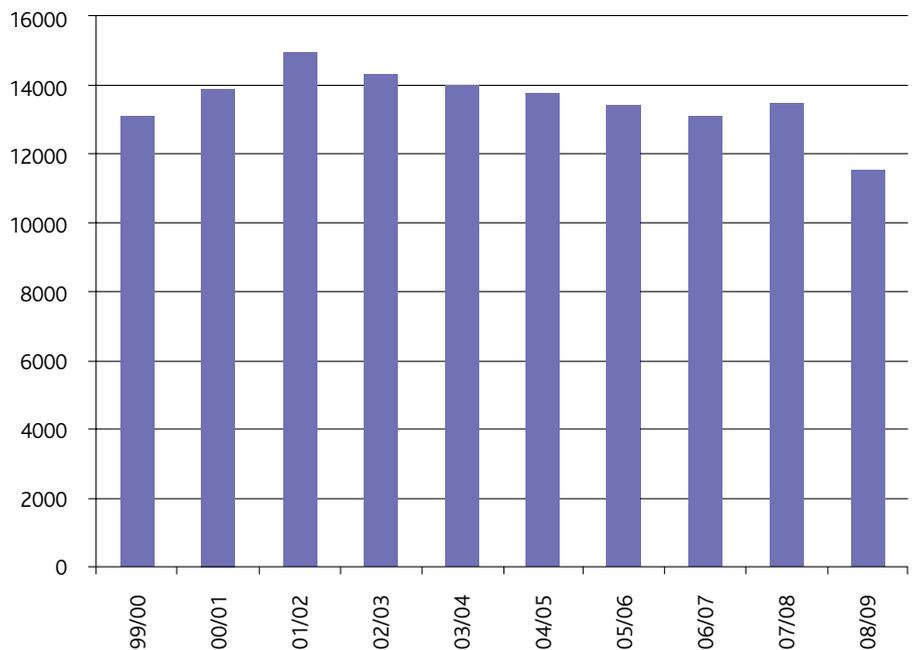
Graph 1 right shows the numbers of complaints determined (excluding premature complaints) in the last 10 years.

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 143 complaints, compared with 119 complaints in 2007/08. Planning matters formed the largest proportion of reports issued (37 per cent of all reports issued), with education matters forming the second largest (15.5 per cent) and housing the third (13 per cent).¹

Graph 1: Complaints determined 1999/2000 – 2008/09 (excluding premature complaints)



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. 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 2,748 cases – 27.4 per cent of all decisions (excluding outside jurisdiction complaints). This is a similar proportion to the previous year (26.8 per cent of all decisions, excluding outside jurisdiction complaints).

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



Table 3 right 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 £2.22m compared with £1.81m in 2007/08, (although the latest figure includes 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.

Performance against business goals

In 2008/09 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.

Table 3: Type of remedy or settlement obtained

Type of remedy/settlement	2006/07	2007/08	2008/09
Apology	813	815	640
Take action:			
New hearing/appeal	147	130	170
Offer of new accommodation	41	34	24
Revise publication/published information	39	29	24
Consider others in similar situation	8	13	15
Make inspection and take appropriate action	106	106	99
Other	1,428	1,485	1,507
Review policies and/or procedures	283	309	272
Make payment:			
'Before and after' valuation	19	15	17
Other payment	1,787	1,812	1,577
Total number of remedies/settlements recorded*	4,671	4,748	4,345
Total number of complaints where a remedy/settlement was recorded	3,088	3,057	2,857

* 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 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.

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

“ I am very happy so far with the LGO Advice Team. When I phoned the member of staff was very polite, listened to me and gave me valuable advice. He also explained in detail what is going to happen next. Well done.”

LGO Advice Team customer feedback

Sound and justified decisions

We apply a number of specific measures to ensure good quality decisions are taken about complaints. We have a target for the Advice Team to deal with 4,450 premature complaints a year. This was exceeded in 2008/09 – the Advice Team dealt with 5,974 formal and informal premature complaints.

Our target for the investigative teams in 2008/09 was to take decisions on 13,350 complaints. They dealt with 11,687 – but this measure is affected by the number of complaints received and the number of enquiries dealt with by the Advice Team. If, by handling enquiries, the Advice Team suggest that the enquirer needs to take a different course of action – for example, complaining to the council – then the number of complaints passed through to the investigative teams is reduced.

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.

Table 4: Customer complaints in 2008/09

Review request: decision confirmed	1,108
Review request: decision correct, but wrongly justified	14
Review request: decision correct, but further explanation provided	47
Review request: investigation relaunched because of new information	50
Review request: investigation relaunched because of procedural error	23
Non-substantive response sent*	22
Service complaint: not upheld	24
Service complaint: upheld in part or in full	34
Total	1,322

* 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).

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 2008/09, 23 review requests were upheld, which is 1.8 per cent of the total of these requests and slightly above our target of 1 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. In 2008/09 we concentrated on passing any learning points from the file examination back to staff

both individually and, where there are general lessons, to use them in staff workshops and written guidance.

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 2008/09 there were nine applications for permission to apply for judicial review of which five were refused by the court, one was withdrawn and three are awaiting the court’s decision. (In 2007/08 there were eight applications for permission. Seven were refused and one was withdrawn.)

“ This acknowledgement means far more to me as I can now begin to close the door on a very protracted and upsetting time... the Ombudsman’s office has been my only hope, my only reassurance of my own sanity.”

Ms W

SURREY

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 published the results of a customer satisfaction survey run by Ipsos MORI in the summer of 2007 on our website in January 2008. The results indicated that satisfaction is not just about the outcome of the complaint, customer handling is also a key factor. A major part of our response to these findings was to set up the LGO Advice Team. Table 5 above summarises its performance during the past 12 months.

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 right.

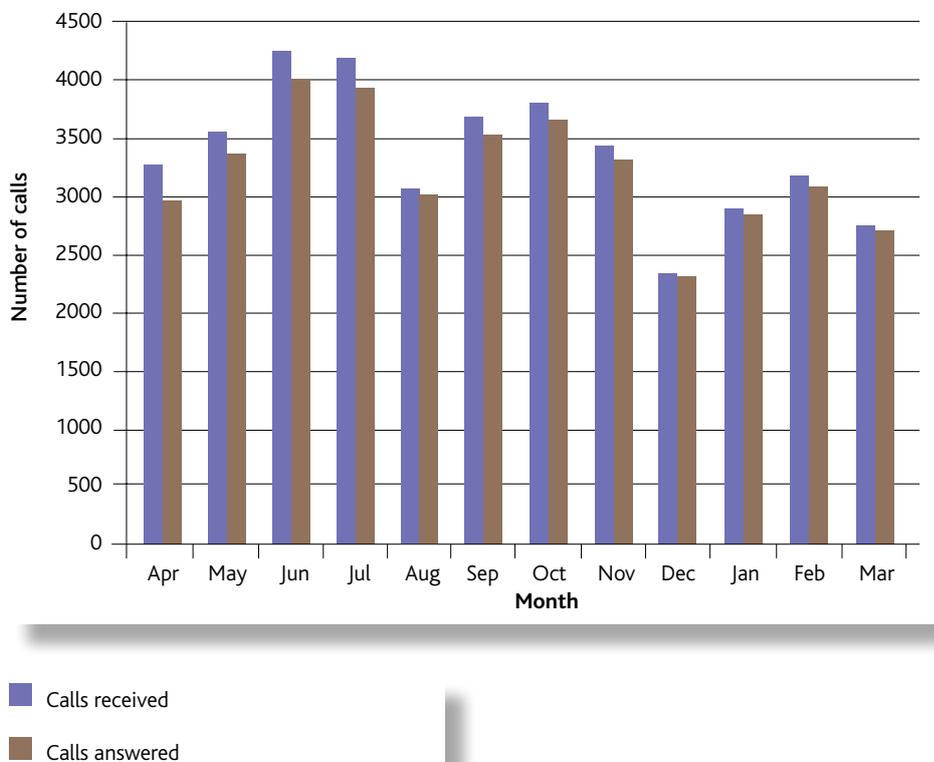
We have been seeking customer feedback on the new service. Three postal surveys have been conducted so far: in May, June and August 2008. There were four questions asked, set out in table 6 right. Responses are the percentages of ‘strongly agreed’ and ‘agreed’.

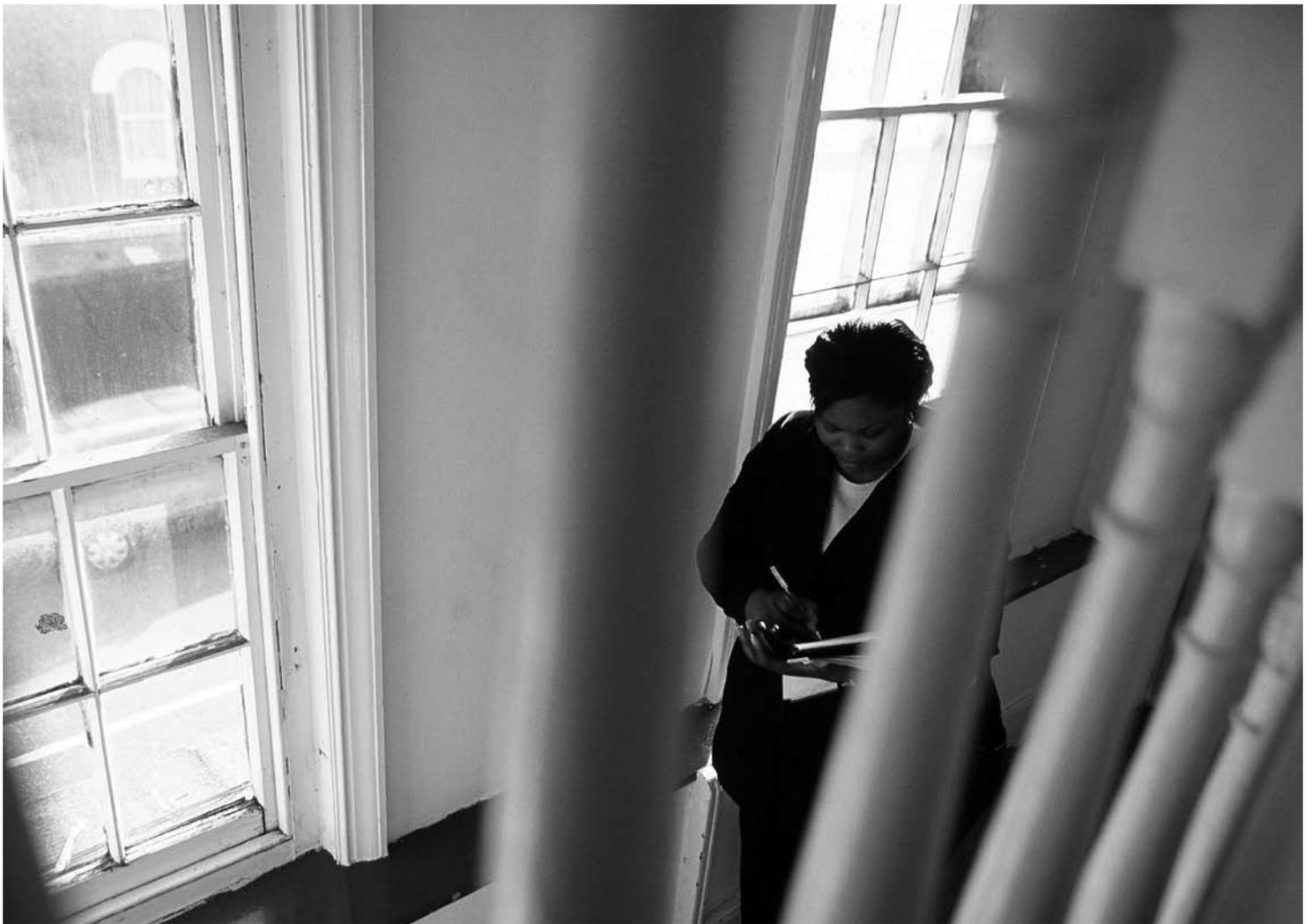
Table 5: LGO Advice Team activity 2008/09

Total telephone calls received	40,392
Total telephone calls answered	38,558
Average time to answer call	33 seconds
All post, including written complaints	15,000*
Complaints made via website form	774**
Total emails received	19,471

* This figure is an estimate based on collected data over six months
 ** This is the figure from 12 January, when the website was launched.

Graph 2: Telephone calls to LGO Advice Team 2008/09





CASE STUDY:
Private housing grants

Mr H was in his early twenties and became quadriplegic whilst being treated in hospital for leukaemia. He lived at home with his parents, older sister and foster brother who had special needs.

He was dependent on his parents for 24-hour care and all his physical needs, and was emotionally vulnerable. Mr H's family applied to the council to have adaptations to their home to meet his needs and those of the foster child.

The Ombudsman said: "**The council's response and practice was appalling**", and criticised its failure to respect the views of the family, to consider the needs of the foster child, and the 18 months it took to agree a scheme and funding for adaptations.

Mr H was largely confined to two unsuitable rooms in his home without suitable facilities. His family not only had to come to terms with Mr H becoming paralysed, but also had to battle against apparently impenetrable, insensitive and disrespectful decisions and processes.

The Ombudsman recommended the council to apologise to the family, pay Mr H £7,000, pay Mr H's parents £70 per week for each week from 20 weeks after he left hospital until when the adaptations were completed, pay £1,000 to Mr H's father for his time and trouble, and review its practices and procedures.

Multiple failures in arranging adaptations for disabled person.

Case reference 07C05809

The third survey also asked if callers found the subject-specific fact sheets they were sent helpful and all respondents said they were.

We have taken a number of other actions in response to the findings of the Ipsos MORI survey. We have redesigned our website – see below for more details on this. We have also been doing 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 (see table 7 right). 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. In 2008/09, our focus was on the Standards Board for England and the Housing Ombudsman Service. A new memorandum of understanding with the Standards Board was published in February 2009. Work began on a protocol on joint working with the Housing Ombudsman which is ongoing.

Table 6: LGO Advice Team customer satisfaction results

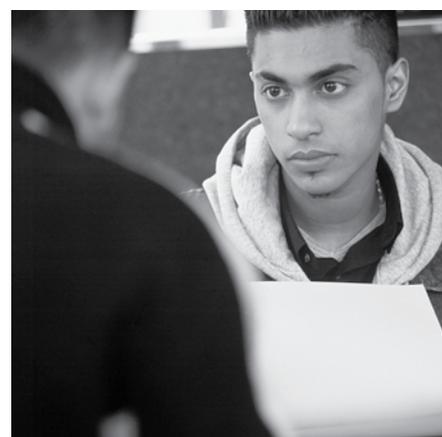
Question	May 2008 (%)	June 2008 (%)	August 2008 (%)
Whether calls were answered promptly	100	98	100
Whether staff dealt with the caller in a polite, sensitive and helpful way	100	100	100
Whether the caller knew how to proceed with their complaint by the end of the call	96	98	100
Whether the caller's expectations of the LGO service were met	96	96	96

Table 7: Customer compliments 2006/07 – 2008/09

	2006/07	2007/08	2008/09
Total compliments received	815	759	638

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 8 above right.

We are pleased to report the improvement in our performance against two of the three 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



“ May I take this opportunity to thank you for the courteous and professional way you have dealt with my complaints and, whilst I am disappointed at the outcome of some of the points raised, I believe that your office has done all within its power to assist me in both understanding the process and obtaining some measure of satisfaction in the end.”

Mr B

EAST YORKSHIRE

Table 8: Cases decided within time bands

Key indicator	March 2007 Actual	March 2008 Actual	Target	March 2009 Actual
Percentage of all complaints (excluding prematures) determined within 13 weeks	47.6	54.7	50.0	53.4
Percentage of all complaints (excluding prematures) determined within 26 weeks	78.5	79.7	80.0	82.3
Percentage of all complaints (excluding prematures) determined within 52 weeks	95.4	96.0	96.0	96.2
Number of cases more than 52 weeks old	171	198	-	122
Cases carried forward between years			<20%	18.8

complexity or because of external factors (such as the illness of the complainant).

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

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.

Table 9: Average local authority response times 2008/09 (Figures for 2007/08 in brackets)

Authorities (number)	< 28 days (%)	29-35 days (%)	> 36 days (%)
District councils (230)	60 (57)	20 (25)	20 (19)
Unitary authorities (46)	57 (41)	35 (50)	9 (9)
Metropolitan authorities (36)	67 (58)	19 (31)	14 (11)
County councils (34)	62 (47)	32 (38)	6 (15)
London boroughs (33)	58 (45)	37 (27)	15 (27)

A specific target this year was to launch a new website and to increase website usage. The website was launched in January 2009, and visits showed an increase each month as the year came to an end – see table 10 overleaf. The site meets higher accessibility standards than our previous website, and includes 'Browsealoud' which enables users to download software free of charge

that will read the website to them, and contains a fuller range of materials than the previous website. The website includes a new database of complaint outcomes.

We further developed our range of leaflets and associated materials for the public and their advisers. Our complaint leaflet was amended to take account of the 'Council

First' changes. The range of subject-specific fact sheets has been expanded to around 60 in total and made available on the website, as well as being sent out by our Advice Team in response to specific enquiries. We also started work on redeveloping our wall chart for advisers, and this will be reissued during 2009/10.

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.

Staff in all three offices took part in the Tenant Services Authority's programme of consultation and stakeholder events to help develop its new standards framework under the banner of the *National Conversation*. All offices also took part in regional events related to *Making Experiences Count*.

We exhibited at the Citizens Advice national annual conference in

Table 10: Website statistics January – March 2009

Period	Visits	Page views	Home page views	Complaints made via web
January (from 12th)	10,102	47,330	9,702	166
February	15,842	65,115	12,932	326
March	23,241	91,283	16,582	282
Total	49,185	203,728	774	39,216

Notes: 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.

September. Tony Redmond spoke at the Standards Board for England's annual assembly in October, at the Institute of Revenues, Rating and Valuation's annual conference in September, the Association of Council Secretaries and Solicitors' conference in November and the Local Government Law Group in September.

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 77 press releases on reports over the year and secured 420 items of press coverage in publications as diverse as the Daily Mirror, The Times, the Basildon Evening Echo, the Western Morning News, the Northern Echo, Planning magazine, Legal Aid Review and the

Banbury Cake. The Ombudsmen were interviewed for BBC Radio 5 Live as well as numerous BBC and independent regional radio stations.

Giving advice and guidance

We fully revised and reissued our *Guidance on running a complaint system* at the end of the year. This reflects the improvements we have seen in councils' customer care services and complaints handling as well as changes in the law and the use of technology. Work started on two special reports that will be published in 2009/10.

In January 2009 we published our 12th annual *Digest of cases* on our website only this year. This summarises important decisions we have made in cases during the year, from which councils and advisers

“ Good course that will facilitate my role in social services and enable me to respond positively to complaints in the future.”

“ Excellent – informative, comprehensive and will make a difference to how I handle complaints in future.”

What the delegates say

Table 11: Training activity 2006/07 – 2008/09

	2006/07	2007/08	2008/09
Number of courses delivered	121	129	128

Table 12: Courses delivered in 2008/09

	Good complaint handling (GCH)	Effective complaint handling (ECH)	GCH in social care	ECH in social care	Other	Total
London	22	24	0	2	0	48
Coventry	6	25	5	5	0	41
York	5	22	2	5	3	37
Open/regional	0	2	0	0	0	2
Total	33	73	7	12	3	128

Note: ‘Other’ – customised, planning and social services review panel courses.

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 be called annual reviews from 2008/09) to every council in the country, in a revised report-type format more suitable for councils to put on their own websites. These summarise our experience of handling complaints about them and may make suggestions for improvements where relevant. The reviews are published on our website and we also share them with the Audit Commission.

We continued to produce the electronic newsletter for local authorities – LGO Link – that was first published in February 2008. These alert local authorities to changes in our processes, such as the start of operations of the LGO Advice Team and the introduction of the ‘Council First’ changes.

We developed our programme of training for all levels of local authority staff in complaints handling and investigation. We delivered 128 courses in 2008/09 against a target of 120 for the year. These continue to get excellent feedback – over 95 per cent of delegates rated courses as ‘good’

or ‘very good’. The overall number included two open courses for groups of staff from smaller authorities held at our offices at Millbank Tower and at a venue in Coventry. Both courses were full and over half the delegates were from district councils. We aim to run more regional courses in 2009/10. We introduced a new Effective Complaint Handling course in Adult Social Care, to meet the needs of the new arrangements for handling complaints in that sector. Two courses were delivered before the end of the year and were well received. We also offer customised courses to meet councils’ specific requirements.

We sought to influence the improvement of local government administrative practice and possible changes to our jurisdiction by contributing to the consultation and development phase of new legislation and regulations.

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. These included:

- > the Department of Health's (DoH) Policy Board and Early Adopter Implementation Team established to implement *Making Experiences Count*, the new arrangements for handling health and social care complaints which came into effect on 1 April 2009;
- > the DoH's External Advisory Group, set up to bring together key partners in widening the remit of the Local Government Ombudsmen to include complaints about adult social care made by or on behalf of people who pay for and arrange their own services;
- > 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 (launched in December 2008) to include local authority social housing; and

- > 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.

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

- > the Department for Children, Schools and Families' consultations on revised School Admissions and Appeals Codes, and improved arrangements for handling parents' complaints at school level and for those complaints that cannot be handled at school level;
- > the Law Commission's consultation paper *Administrative Redress; Public Bodies and the Citizen*, which examined whether the current system for administrative redress in both

public and private law should be reformed (which has led to further research we are assisting on);

- > consultation by the Care Quality Commission on its principles, its broad approach to periodic reviews and special studies, and its criteria for assessing quality; and
- > consultation by the National Tenant Voice Project Group on the Government's proposal to establish and fund a new, professional organisation for tenants, the National Tenant Voice, to give them a voice at local level and expertise at national level.

Making efficient use of our resources

In the last year, we have reorganised to adjust to a reduced funding level, and we have endeavoured to do so without detriment to our reputation and whilst maintaining our services as far as possible. To accommodate the reduced funding it was necessary for us to make a number of voluntary redundancies (some of which will take place in 2009/10). We have introduced the 'Council First' changes which we anticipate will reduce the number of incoming complaints to a level

“ Thank you for your assistance in this matter and your advice as we have gone through the process. In this case I am the ‘winner’ – if there is ever a winner in such instances. However, I would have also thanked you for your advice and assistance even if it hadn’t gone my way. I found it refreshing to have balanced discussions which served to ensure I kept a check on my own views and thoughts. You do a very difficult job and I don’t envy you one bit.”

Mr H

BERKSHIRE

that the reduced number of staff can handle. This change also reflects the improvements that have been made in complaints handling by councils partly due to our training activities.

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. Improvements have been made during the year in the way that training activities are monitored and reported, including a move to plan expenditure on a quarterly basis. Work is underway to consider ways of measuring effectiveness of training and development activities, and the learning and development policy is under review.

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 13 above. The lower average output is linked to the change in our business processes with the establishment of our advice service; complaints that would previously have been discontinued at an early stage now tend not to be lodged after an explanation of the likely outcome by the advisers.

Table 13: Average output per investigator 2006/07 – 2008/09

	2006/07	2007/08	2008/09
Average output per investigator	132.7	131.5	122.2

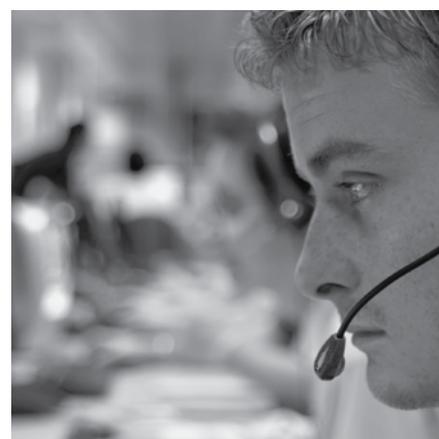
Of equal importance to the output volumes is an assessment of how the work has been undertaken. Our quality and customer service standards are embodied in the competency framework we use to assess the performance of our investigators and managers. During the year we introduced a similar framework for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

In order to increase efficiency, we are working to improve our knowledge management resources. Work on a new staff intranet is well underway, and it will be launched during the course of 2009/10.

A comprehensive review of our accommodation was carried out in July 2008, and a new accommodation strategy is being developed.

We have reviewed the way that we monitor the cost of complaints as it is affected by the change in the way we operate since the introduction of the LGO Advice Team. The average cost per enquiry in 2008/09 was

£23³; the average cost per complaint forwarded to the investigative teams was £719³. On this basis, it is not possible to make year on year comparisons.



3 Pre-audit figure

Financial accounts

for the year ended 31 March 2009

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 2009, operational expenditure totalled £14,064,169 – a net underspend of £229,303. This includes a provision of £1.1 million for redundancy costs. The Commission invested £111,524 in fixed assets which were capitalised.

The Commission will be reporting the FRS 17 Pension Disclosure Service Costs in the Income and Expenditure Account which amounts

to a deficit of £681,000. But this includes a one-off adjustment of £585,000 relating to a change in the pension fund liabilities as a result of enhancements to the scheme brought in on 1 April 2008.

The tables that follow show the summarised financial statements for the year ended 31 March 2009. 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, 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 July 2009.

“ May I thank you for your courtesy and care in handling my complaint... I think that you are to be congratulated on what I imagine must be the rare achievement, even in cases where a settlement is agreed, of both parties expressing themselves to be satisfied with the result.”

Mr A

LONDON

Table 14: Balance sheet at 31 March 2009

Liabilities	Balances at 31.3.09 £'000	Balances at 31.3.08 £'000	Assets	Balances at 31.3.09 £'000	Balances at 31.3.08 £'000
Creditors	1,674	1,195	Fixed assets	615	684
Pension Fund liability	12,875	6,478	Cash and bank deposits	1,117	1,396
Working balance	1,833	1,603	Pension Fund reserve	12,875	6,478
			Debtors and prepayments	1,775	718
	16,382	9,276		16,382	9,276

Table 15: Income and expenditure account for year ended 31 March 2009

Expenditure	2008/09 £'000	2007/08 £'000	Income	2008/09 £'000	2007/08 £'000
Staffing	10,572	9,845	Grant from DCLG	13,750	12,851
Professional costs	545	493	Interest on deposits	68	94
Accommodation	1,826	1,828	Rents and service charges	320	254
Office expenses	950	808	Training income	148	117
Travel and subsistence	171	217	Other receipts	7	9
Total expenditure	14,064	13,191	Total income	14,293	13,325
Surplus credited to working balance	0	0	Deficit (surplus) charged to working balance	-229	-134
	14,064	13,191		14,064	13,191

“ I just wanted to say thank you again for all your hard work in investigating our case. I said that you were my hero and I meant it.”

Ms S

DORSET

Staffing in 2008/09

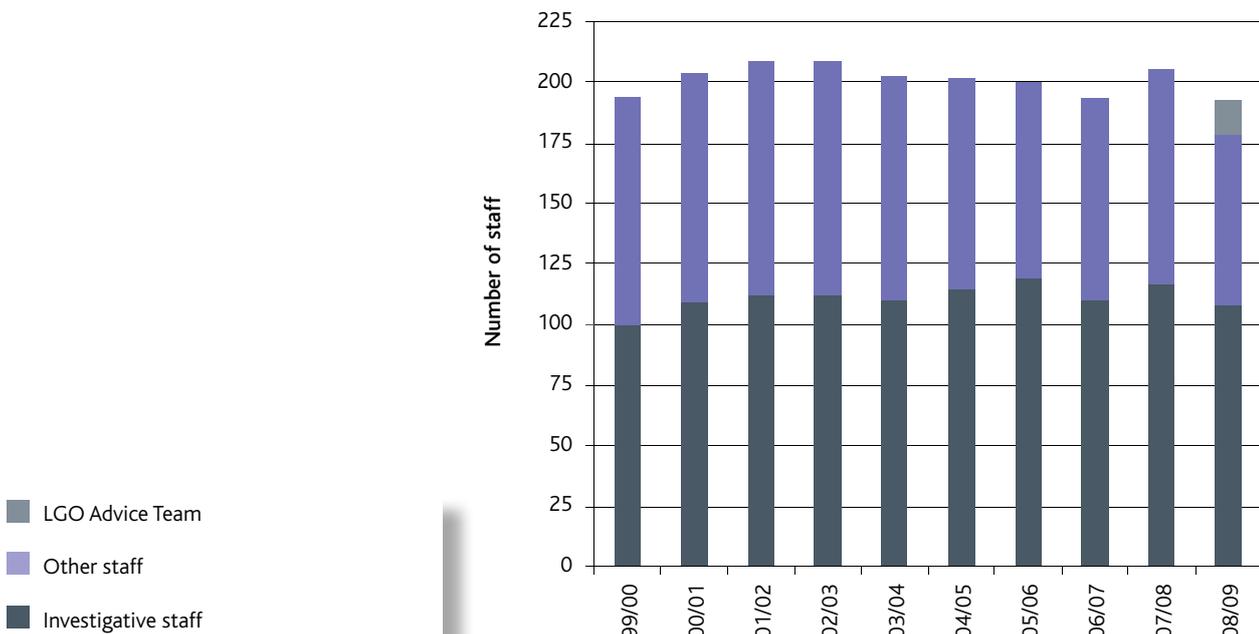
The total salary bill for the year was £10,022,296 (£8,872,487 net of redundancy provision). The number of Ombudsmen and their staff whose salary at 31 March exceeded £30,000 are shown in table 16.

(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

	2008	2009
£30,001 - £40,000	81	69
£40,001 - £50,000	24	32
£50,001 - £60,000	11	10
£60,001 - £70,000	1	1
£70,001 - £80,000	1	1
£80,001 - £90,000	3	3
£90,001 - £100,000	0	0
£100,001 - £110,000	0	0
£110,001 - £120,000	0	0
£120,001 - £130,000	2	2
£130,001 - £140,000	0	0
£140,001 - £150,000	0	0
£150,001 - £160,000	0	0
£160,001 - £170,000	1	0
£170,001 - £175,000	0	1
Total	124	119

Graph 3: Commission staff 1999/2000 to 2008/2009





CASE STUDY: **Homelessness**

A council failed to take sufficient account of Mr B's hearing disability when dealing with his homelessness application.

Failure to comply with legal requirements on disabled access

Case reference 07A03275

The Ombudsman said **"...the faults I have identified in this matter demonstrate a failure by the council to comply with the requirements of the Disability Discrimination Act 1995 – to make 'reasonable adjustments' to enable disabled people to access services."** The man had to live in temporary accommodation for two years longer than necessary as a result of the council's failures. The council's faults included:

- > twice interviewing Mr B without a British Sign Language (BSL) interpreter even though he is profoundly deaf and cannot communicate effectively without a BSL interpreter;
- > repeatedly failing to provide a textphone facility so that he could contact the housing advice centre;
- > failing to comply with the requirements of the Disability Discrimination Act 1995 that require the council, as a service provider, to make 'reasonable adjustments' to enable disabled people to access services; and
- > delaying unreasonably in processing Mr B's housing application.

The council paid Mr B £750 for failing to provide an interpreter and a textphone facility. Its staff attended deaf awareness training and a textphone facility was provided. It implemented changes to ensure it complies with Disability Discrimination Act requirements. The Ombudsman recommended the council to pay Mr B a further £500 for the delay.

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

Under the new first contact arrangements, complainants can now raise their complaints with us in a number of ways. This change has meant we have only carried out sample monitoring, rather than monitoring all complainants (that is, given all complainants an opportunity to complete a monitoring form) as we have done in the past. The percentage breakdown on the ethnicity of complainants, the age breakdown, and incidence of disability is very similar to previous years, despite the smaller sample population.

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 persons with a disability. In last year's monitoring figures, 26 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 underused by this group.

Our monitoring suggests that we receive a slightly higher proportion of complaints from people from ethnic minority communities than national averages, as shown in table 17 right. 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.

From the responses we received, there are some significant differences in the proportions of the subjects of complaints from different ethnic groups. For example, while some 19 per cent of complainants who describe themselves as white complain about housing matters, the proportion rises to 22 per cent for Asian complainants, around 32 per cent in mixed race groups, and to 42 per cent among black complainants. Whereas 24 per cent of the white complainant group complain about planning matters, the proportion drops to 12 per cent for Asian, 7 per cent for mixed race complainants, and further to only 3 per cent for black complainants.

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 a brief note to say thank you very much for all of your hard work on our behalf. As a first experience of dealing with the office of the Ombudsman it couldn't have been better.”

Mr C

MERSEYSIDE

Table 17: Equality monitoring data of complainants 2006/07 – 2008/09

Area monitored	2006/07 %	2007/08 %	2008/09 %	2001 Census of population %
Ethnic group				
White	86	86	85	91
Black	6	6	6	2
Asian	5	5	5	5
Mixed race	2	2	2	1
Other ethnic group	1	1	2	1
<i>Response rate</i>	63	61	<i>n/a</i>	
Total number	11,450	10,415	4,886	49,138,831
Sex				
Male	56	56	56	49
Female	44	44	44	51
<i>Response rate</i>	95	95	<i>n/a</i>	
Total number	17,399	16,621	4,837	49,138,831
Age				
24 or under	3	3	3	31
25-59	69	68	65	48
60 and over	28	29	32	21
<i>Response rate</i>	62	59	<i>n/a</i>	
Total number	11,415	10,369	4,448	49,138,831
Disability				
With disability	26	25	26	34*
<i>Response rate</i>	60	57	<i>n/a</i>	
Total number	11,054	10,006	4,384	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.

* This percentage and number relates to the number of households which include a person with a disability.

“ What a comprehensive and informative response to all my concerns, this is the first time someone has bothered to explain in great detail how all the issues are looked at from the different authorities, much appreciated.”

Mr S

BERKSHIRE

Table 18: How the complainant heard of the Ombudsman, by ethnic group 2008/09

Source	White %	Black %	Asian %	Mixed race %	Other %	Total %
Council/Councillor	35	29	37	22	21	34
Website	14	15	13	17	12	14
Neighbour/friend/relative	7	11	8	14	9	8
CAB	5	9	8	3	12	6
Other advice agency	4	3	11	8	9	5
Solicitor	5	6	7	8	3	5
Government dept (inc Citizen's charter unit)	4	8	2	3	9	4
MP	6	3	2	6	3	5
Media (TV, radio, newspapers)	2	0	1	3	0	2
Library	1	3	2	0	3	1
Law centre	1	3	0	6	3	1
Telephone/Thomson Directory	1	0	0	0	0	1
Other	14	10	10	11	15	14
Total number	1,654	119	105	36	33	2,002

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

Our monitoring data also reveals how complainants find out about our service. For instance, the greatest number find out from the council or from a councillor – and this proportion has increased significantly over last year rising from 22 per cent in 2007/08 to 34 per cent in 2008/09.

The proportions between the various ethnic groupings vary enormously. However, because of the smaller sample this year, some of the totals for the various ethnic groupings are very small, and so the differences may not be very reliable. See table 18 above.

Table 19: Analysis of requests in 2005-2008

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 ICO*	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

* ICO = Information Commissioner's Office

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 19 above.

In 2008, there was an increase in requests from 2007 of nearly 37 per cent, all in general requests rather than requests from complainants about their individual complaint. A large number of 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.

Our Publication Scheme² was updated during the year, and is available on the website, in the publications section. There is also a section on Access to Information from where the new Guide to information can be accessed.



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

“ All I wanted was just a reasonably clean and liveable place for me and my children and thanks to you it was made possible. If I was to say the money is not important I would be lying. The money soothes the shame, the humiliation and the stress endured. But the best part is somebody fought to get the injustice done to me vindicated and that is the best gift in the world.”

Ms K

LONDON

Sustainable development

This year we started to develop and implement a new environment strategy relating to our office activity and business travel in order to minimise damage to the environment with our office operations. A Statement of Intent was agreed in January 2009, and work is progressing on setting targets to reduce our impact on the environment.

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. 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. Both the Code and the Register will be made available on our website during 2009/10. 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 was, until recently, employed as Partner and Head of Public Sector Services at RSM Robson Rhodes LLP. He is currently Managing Director (Finance and Corporate Services) at the Audit Commission.

Lucinda Bolton was recruited as an independent member during 2008 and took up her post in November. Lucinda is currently 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 of Culture Media and Sport. Lucinda has previously been chair of a primary health care trust and an NHS trust, and has been on the boards of various housing associations. She previously worked in investment banking.

³ Copies of the *Code of Conduct for Commission Members* are available from the Secretary of the Commission, Millbank Tower, Millbank, London SW1P 4QP. T: 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, 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 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;

“ I just want to thank you again for all your help. You have provided a wonderful service and made a real difference to our lives.”

Mr S

WEST MIDLANDS

- > 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 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).
- > 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, *until 1 December 2008*).
- > English Partnerships (some housing and 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

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, except front cover image and the image on page 11, courtesy of PA.



“ All that remains for me to do now is to pass on our appreciation for all your efforts on our behalf and for your patience and diligence in assimilating the vast amount of paperwork. Thank you for applying fairness, reason and sound ‘common sense’ to the case – our prospects of any improvement to the situation were bleak, to say the least, prior to your involvement.”

Mrs C
DERBYSHIRE

**Commission for Local
Administration in England**

10th Floor
Millbank Tower
Millbank
London
SW1P 4QP

T: 020 7217 4620

F: 020 7217 4621

E: advice@lgo.org.uk

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