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## Report of the Chief Customer Services Officer

### *Corporate Governance & Audit Committee*

Date: Thursday 29<sup>th</sup> July 2010

Subject: Local Government Ombudsman Annual Letter – 2009/10 Report

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#### Electoral Wards Affected:

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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## Executive Summary

1. This report brings together performance data with regards to all Ombudsman cases received and dealt with by the Council during 2009/10. **See 3.2**
2. The Ombudsman has reported in the Annual Letter for 2009/10 that Leeds achieved an average response time of 21 days against the target of 28 calendar days. This is a very positive achievement and continues our year on year improvement as detailed in the summary table. **See 3.18**
3. For the second year in a row the Council has had **no cases of Maladministration resulting in a Public Report. See 3.25**
4. The actual number of Local Settlement cases continues to reduce along with a significant drop in the financial amounts paid out by the Council during the last year. **See 3.30**
5. It is pleasing to report that of the 17 cases that were originally received as Premature and were then resubmitted as full cases, in only 1 case did the Ombudsman provide a finding of Local Settlement and the finding was actually agreeing with our initial recommended outcome at stage 1 of the complaints process. **See 3.34**
6. The Annual Letter provides an update in section 2 on developments over the last year and coming months. Detailed within this report is a summary of the impacts these have had or will have on Leeds over the coming year. **See 3.35**

## **1.0 Purpose Of This Report**

- 1.1 To discuss the findings of the Local Government Ombudsman (LGO) Annual Letter a copy of which can be found at the end of this report.
- 1.2 To consider what service or performance improvement may be required.

## **2.0 Background Information**

- 2.1 The LGO introduced an individual Annual Letter for every Council for the first time in 2003/04. The 2004/05 letter was the first Annual Letter presented to the Corporate Governance and Audit Committee.
- 2.3 For Members convenience the full Annual Letter for 2009/10 can be found at the end of this report.

## **3.0 Main Issues**

- 3.1 Although all services moved into the new directorates during 2008, complaints performance reporting continued under the old departments up to the end of May 2009. This was due to complaints management being coordinated, allocated and reported via the Corporate Customer Relationship Management (CRM) System – CRM Leeds. CRM Leeds was not updated to the new directorates until June 2009 and therefore complaints performance in this report is still under the old departments for the period April to May 2009 and under the new directorates for the period June 2009 to March 2010.
- 3.2 This report brings together performance data with regards to all Ombudsman cases received and dealt with by the Council during 2009/10.
- 3.3 The usual format of this report in the past has been to provide summaries of the issues raised by the Annual Letter regarding performance on resolving complaints in Leeds. The report has then also contained supporting evidence from services as to steps they have taken to resolve the issues highlighted and ensure that they do not occur again. This years Annual Letter does not highlight any particular areas of concern and therefore no directorate feedback is included.
- 3.4 As a council, we do however also complete our own Annual Report on all areas of performance on compliments and complaints, including stage 1, 2 of the complaints process and Ombudsman complaints. Within our Annual Report all directorates are required to provide feedback on any trends in complaints that they have identified over the year and what actions they have taken to address these. The directorates have also provided feedback on their Local Settlements on Ombudsman cases as part of our ongoing lessons learnt approach.
- 3.5 Data collated for the councils Annual Report for 2009/10 regarding our performance on Ombudsman cases has been included within this report. The full Annual Report was presented at Customer Strategy Board on 16<sup>th</sup> July 2010 and can be made available to Members, if required.
- 3.6 The data reported here mirrors that data provided by the Local Government Ombudsman except where otherwise stated and explained. The three main areas where the figures differ are:-

- 3.7 The Annual Letter states that we received 72 premature cases – we actually received and are reporting on 75 cases.  
*The Ombudsman no longer supplies us with details as to how many cases their Admin Team at Coventry have dealt with on an informal/formal premature basis, they just provide details on the numbers they have dealt with formally. The number of premature cases reported here is the actual number received by Leeds from the Admin Team at Coventry during 2009/10.*
- 3.8 The Annual Letter states that 21 premature cases were returned to us as full cases – we are reporting on 17 cases.  
*Upon receipt we check every full case to see if it had been previously dealt with as a premature case. We are not notified of informal advice given and if the complainant comes back to the Council through our complaints policy and then proceeds to full case we would be unaware of this ever being a premature case.*
- 3.9 The Annual Letter states that we paid £11,647 in Local settlements last year – we have reported £16,575.35.  
*The Ombudsman will not be able to actually record all Local Settlements paid without doing case follow up work e.g. they may close a planning case asking us to obtain a district valuer's settlement but will not know how much this will be to record and report on it. On all of our cases we track how much each settlement costs the Council in terms of compensation paid.*

### 3.10 Performance on Ombudsman Complaints

#### 3.11 Table 1 - Ombudsman - Complaints Received during 2009/10

Service Areas	07/08	08/09	09/10	
Adult Services			5	
Children's Services			3	
Corporate Governance			3	
City Development			28	
Early Years & Youth Services			0	
Education Leeds	24	42	43	
Environment & Neighbourhoods			18	
Policy, Planning & Improvement			0	
Resources			8	
Aire Valley Homes	15	17	18	
Belle Isle Tenancy Management	1	0	3	
East North East Homes	19	16	12	
West North West Homes	15	14	15	
Chief Executives	4	4	0	
City Services	24	15	4	
Corporate Services	11	5	0	
Development	47	22	3	
Learning & Leisure	3	9	2	
Neighbourhoods & Housing	13	21	3	
Social Care	8	5		
<b>TOTAL</b>	<b>183</b>	<b>170</b>	<b>168</b>	

- 3.12 Although the council received 168 cases from the Ombudsman's office during 2009/10, upon receipt of the provisional statistics from the Ombudsman in April 2010, a further 4 cases (already decided and closed) were identified that we had not previously been made aware of. Letters advising the Council of the decisions were requested and the relevant services have been informed. All four cases were found in the Councils' favour. The late notified cases were 2 for City Development, 1 for Resources and 1 for West North West Homes Leeds.
- 3.13 Of the 172 cases received for 2009/10, 96 of them arrived already determined and closed by the Ombudsman with findings of Out of Jurisdiction, Ombudsman's Discretion or No Maladministration, with no need for the Council to carry out a full investigation.
- 3.14 Of the 172 cases recorded against Leeds, only 76 full Ombudsman cases were allocated out to services across the Council for investigation and response.
- 3.15 The continued embedding of Case Conferencing has seen a high number of complex, cross service cases resolved speedily. We have also see a number of responses receiving compliments from the Ombudsman as to the detailed and comprehensive content and the willingness shown by services to learn from their mistakes.

**3.16 Table 2 - Ombudsman Cases - Average Response Times**

Service Areas	Average Response Time (Calendar Days)
Adult Services	30
Children's Services	26
Corporate Governance	13.5
City Development	24
Early Years & Youth Services	N/A
Education Leeds	16
Environment & Neighbourhoods	25
Policy, Planning & Improvement	N/A
Resources	20.5
Aire Valley Homes	21
Belle Isle Tenancy Management	18.5
East North East Homes	22.5
West North West Homes	26
Chief Executives	N/A
City Services	35
Corporate Services	N/A
Development	26.5
Learning & Leisure	26
Neighbourhoods & Housing	22
Social Care	N/A
<b>TOTAL</b>	

- 3.17 The average response times detailed in Table 2 are our internal response times showing from the day of receipt by the Council to the day returned to the Ombudsman. All cases are sent out to services electronically within 24 hours of receipt and are returned to the Ombudsman electronically.

3.18 The Ombudsman has reported in their Annual Letter for 2009/10 that Leeds achieved an average response time of 21 days against the target of 28 calendar days. This is a very positive achievement and continues our year on year improvement as detailed in the summary table detailed below.

3.19 Credit for response times averages reducing must be attributed in part to the excellent turn around times shown by both Education Leeds and Governance Services on Education Admission Appeals Cases which have helped reduce Education Leeds overall average to 16 working days on the 43 cases they received (not all of these were Appeals but the majority were). Education Admission Appeal Cases must be responded to within 14 calendar days. As only 76 cases were allocated out across the Council last year for investigation and response, the excellent performance by both Education Leeds and Governance Services on these cases has had a very beneficial affect on our overall average performance.

### 3.20 Table 3 - Summary Table

Financial Year	Ave Response Time
2009/10	21
2008/09	25.9
2007/08	31.1
2006/07	28.9
2005/06	32.2

3.21 The average timescales reported in Table 2 will differ slightly to those measured by the Ombudsman and reported in Table 3 as the Ombudsman counts from the day they send the case to the Council to the day they receive it back – the majority of cases are received electronically but a small number are still sent to us by 2<sup>nd</sup> class post.

### 3.22 Table 4 - Ombudsman – Case Outcomes (Decisions)

Period	Local Settlement	No Mal-Admin.	Mal-Admin.	Ombudsman's Discretion	Out of Jurisdiction	Service Failure	Mal-Admin. No Injustice	Total
2005/06	84	136	5	38	18	0	0	281
	30%	48%	2%	14%	6%	0%	0%	
2006/07	86	91	1	40	27	0	0	245
	35%	37%	1%	16%	11%	0%	0%	
2007/08	68	74	1	37	23	0	0	203
	33%	36%	1%	18%	11%	0%	0%	
2008/09	64	80	0	31	28	0	0	203
	32%	39%	0%	15%	14%	0%	0%	
2009/10	44	84	0	31	17	0	0	176
	25%	48%	0%	18%	10%	0%	0%	

3.23 The number of case outcomes received (176) in 2009/10 is different to the number of cases received (172) as some outcomes received during 2009/10 were for cases that were actually received by the Council in 2008/9. In the same way we will not receive some outcomes for cases received in 2009/10 until 2010/11.

- 3.24 It is pleasing to report that the % of cases being resolved by Local Settlement has reduced from 32% in 2008/09 to 25% and the % cases with a finding of No Maladministration have increased from 39% to 48%, with Ombudsman Discretion also seeing a small increase from 15% in 2008/09 to 18% in 2009/10. Findings of No Maladministration and Ombudsman Discretion are findings of no fault against the Council.
- 3.25 Along with the 6% of cases with the finding of Outside Jurisdiction, this equates to 75% of all cases taken to the Ombudsman where no fault was found against the Council.
- 3.26 It is also pleasing to report that for the second year in a row the Council has had **no cases of Maladministration proceeding to a Public Report.**
- 3.27 The Ombudsman is however currently considering a case for Public Report. The case in question is a Education Special Needs/Social Care case and was received by the Council in November 2008 and responded to. After dealing with and responding to a number of follow up enquiries from the Ombudsman, the Council was advised in September 2009 that the case was being considered for a Public Report. Regular contact is made with the Ombudsman's office regarding this case but no decision has been reached to date.

### 3.28 Table 5 - Ombudsman – Financial Settlements

Service Areas	Financial Settlement
Adult Services	£1,500.00
Children's Services	£500.00
Corporate Governance	£0.00
City Development	£250.00
Early Years & Youth Services	£0.00
Education Leeds	£3,724.35
Environment & Neighbourhoods	£1,150.00
Policy, Planning & Improvement	£0.00
Resources	£1,546.00
Aire Valley Homes	£1,305.00
Belle Isle Tenancy Management	£0.00
East North East Homes	£150.00
West North West Homes	£1,300.00
Chief Executives	£0.00
City Services	£575.00
Corporate Services	£0.00
Development	£4,575.00
Learning & Leisure	£0.00
Neighbourhoods & Housing	£0.00
Social Care	£0.00
<b>TOTAL</b>	<b>£16,575.35</b>

- 3.29 In total 44 of the 176 Ombudsman decisions (outcomes) received in 2009/10 had a finding of Local Settlement. Local Settlements are decisions discontinuing an

investigation because an acceptable Local Settlement has been obtained between the Council and the customer. These decisions relate to cases where there has been administrative fault and a remedy is agreed by the Council during the course of an investigation. Should an acceptable settlement not be agreed, or the fault is found to be severe, a finding of Maladministration would be made.

3.30 Detailed below are the total Local Settlement payouts made by the Council since 2005.

05/06 = 84 cases	£69,000.00
06/07 = 85 cases	£35,471.00
07/08 = 68 cases	£42,000.00
08/09 = 65 cases	£67,866.75
09/10 = 44 cases	£16,575.35

3.31 It is pleasing to see the actual number of Local Settlement cases continuing to reduce along with a significant drop in the financial amounts paid out by the Council during the last year.

3.32 The work carried out in services to improve the quality of complaint investigations at an earlier stage in the process is paying off as a higher number of Ombudsman cases are being decided in the Councils favour as detailed in Table 4 earlier in this report.

### 3.33 Table 6 – Premature Cases Re-submitted

Service Areas	Premature Complaints Resubmitted	Local Settlement Decision
Adult Services	0	
Children's Services	0	
Corporate Governance	1	
City Development	6	1
Early Years & Youth Services	0	
Education Leeds	0	
Environment & Neighbourhoods	1	
Policy, Planning & Improvement	0	
Resources	0	
Aire Valley Homes	6	
Belle Isle Tenancy Management	0	
East North East Homes	1	
West North West Homes	2	
	17	1

3.34 As a Council we received 75 cases from the Ombudsman last year that had been sent to them prematurely. These are cases where the customer has approached the Ombudsman before they have been through the Council's own complaints process. Such cases are returned to the Council so that we have a chance to resolve the issue via our complaints route. A small number of these customers (17) were not happy with the outcome of our investigations and again approached the Ombudsman and asked them to look at their case.

3.35 It is pleasing to report that of the 17 cases detailed above in only 1 case did the Ombudsman provide a finding of Local Settlement and the finding was actually agreeing with our initial recommended outcome at stage 1 of the complaints process.

3.36 The Annual Letter provides an update in section 2 on developments over the last year and coming months. Detailed below is a summary of the impacts these have had or will have on Leeds over the coming year.

- **New school complaints service.**

Leeds is not involved in the pilot and will not be affected by this until September 2011.

- **Adult Social Care: New powers from October 2010.**

The Adults Social Care Complaints Team are aware of the changes and potential of an increased number of cases from the Ombudsman.

- **Council first.**

This has been in place since April 2009 and Leeds has seen no real changes in procedure as this was already common practice for most of our cases.

- **Training in complaint handling**

We have in the past taken advantage of the LGO Training program and will again, if required. We do however now have our own internal training course that we encourage all complaint investigators to go on to improve performance in complaint management at an earlier stage.

- **Statements of reason**

Feedback on our thoughts and concerns were given to the LGO last year. No dates for go live have been given but we have seen that closure letters from the Ombudsman's office have become more formalized, in the format of a report.

#### **4.0 Implications For Council Policy And Governance**

4.1 The content of this report hold no issues for Council Policy or Governance however there are potential implications for the council if we do not continue to learn lessons and implement changes to processes / procedures where relevant, following the receipt and investigation of Ombudsman cases.

#### **5.0 Legal And Resource Implications**

5.1 This report is not considered to have any specific legal or resource implications, although individual LGO complaints may have both legal and financial implications, e.g. local settlements. Any Local Settlements made are met from the relevant Directorate / ALMO budget.

#### **6.0 Conclusions**

6.1 Although the report shows good performance we must be mindful of the current economic climate and continue to strive to resolve customer complaints at an early stage in the process – not just for the customer but to reduce the financial impact on council services.

#### **7.0 Recommendations**

7.1 The Board is asked to note the content of this report and acknowledge the ongoing improvements in performance and good feedback on the same from the Local Government Ombudsman.



### Background Documents Used

The Annual Compliments & Complaints Report for 2009/10 - presented to the Customer Strategy Board on 16<sup>th</sup> July 2010 – Author - Wendy Allinson.

The Local Government Ombudsman's Annual Review for the year ending March 31<sup>st</sup> 2010 – Author – Mrs. A Seex – Local Government Ombudsman.