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Agenda Item 8 – Local Government Ombudsman Annual Letter – 2008/09 Report

2008/09 – Commentary from Service Users.

At the meeting of the Corporate Governance and Audit Committee 30 September 2009 it was resolved to open this item to the public due to the information in the report already being available.

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Ombudsman Annual Letter – 2008/09 – Commentary From Service Areas

Ombudsman Comment	Service Areas Involved	Commentary from Service Areas
<p>Although the number of complaints dealt with by my office is small compared to the number of cases handled by the council, the anti-social behaviour complaints that we have determined indicate that the council needs to continue to focus on issues of consistency in collecting and responding to evidence.....</p>		<p>Environments & Neighbourhoods A review of the 16 ASB cases received during 2008/09 has taken place, the findings of which were shared with the Chief officers for, Community Safety, Housing Services and the Director for Environment and Neighbourhoods (E&N).</p> <p>It is intended that responding to ASB be an agenda item at joint meeting between Chief Officers from E&N and ALMO Chief Executives, where they will review the working relationship between the ALMO's and ASBU with regards to early intervention.</p>
<p>...at one end of the spectrum was a valid complaint that the council had issued a warning letter without any investigation...</p>	<p>Aire Valley Homes E&N</p>	<p>This case only went through Stage 1 of the AVHL complaint procedure before being escalated to an Ombudsman Complaint.</p> <p>Aire Valley Homes has since reviewed its procedures for dealing with ASB, the new procedures are that there should be an investigation before formal action is taken against an alleged perpetrator of ASB. This should help prevent other people experiencing similar problems in the future.</p>

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<p>...and at the other a valid complaint that it had failed to take action against repeated, well-evidenced anti-social behaviour over a significant period.</p>	<p>Aire Valley Homes E&N</p>	<p>Cases of nuisance and ASB are extremely challenging for all involved but officers need to take a more sympathetic view of the complainant's position, where we agree to compensate, we should be honest in providing a fair compensation amount.</p> <p>This case pre-dates AVH's new ASB policy and procedure which was revised in January 2008, when it was recognised that supporting the person alleging ASB, keeping in touch with them and delivering agreed outcomes were fundamental in dealing with complaints of ASB effectively. Since January 08 all cases have a specific case file, and an ASB enforcement action agreement. The agreement is between AVHL and the victim which clearly states the actions to be taken by both parties, the expected outcomes, levels of support and likely timescales. These are supported by the HUB (a caseworks integrated ASB software system) which not only allows real time monitoring but has built in prompts/ triggers across a range of actions.</p> <p>AVH accept that it would have been more productive and less frustrating for the customer if the officer had proactively managed the ASB issue.</p> <p>Front line staff have since undertaken a number of training days in respect of improving our customer care, customer experience and handling telephone calls more efficiently.</p> <p>Managers have since attended a course on effectively dealing with complaints.</p>

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<p>In another housing matter the council accepted that the complainant had not been allocated more appropriate accommodation for far too long. In this case the tenant required ground floor accommodation. The council agreed very quickly and very willingly to give the tenant appropriate priority status and to pay £2,950.00 in compensation.</p>	<p>Aire Valley Homes E&N Adult Social Care</p>	<p>AVHL now allow for more discretion in the application of its housing policy for people with exceptional circumstances. More efforts is being made to promote better communication during cases.</p> <p>Changes are currently being implemented into the Complaints procedure to ensure that issues with communication during complaints and investigations do not happen again.</p>

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<p>In a planning enforcement matter the council agreed to pay £500.00 in compensation following serious delays of over two years which left the complainant and his neighbours facing an overbearing and inappropriate wall close to their homes.</p>	<p>Planning</p>	<p>This case highlighted that better communication between area planning teams and the compliance service was required, especially where a planning area team were taking the lead to resolve the case.</p> <p>A more robust review process has now been put in place for outstanding cases between the Compliance Team and Area Planning Teams to ensure cases are progressed and responsibilities are clear.</p> <p>This has highlighted a further case where there has been serious delays in taking compliance action. The case is now progressing to prosecution in the Magistrates Court for breach of an enforcement notice. This case is currently being considered by the Ombudsman.</p> <p>It is recognised that the Compliance Team has been operating in very challenging circumstances given current case loads and resources.</p> <p>Recruitment to vacant posts has been and is being carried out and other staffing resources directed to the service.</p>

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<p>The council agreed to pay £1,500.00 to a complainant accepting that it had not dealt with his homelessness application properly and accepting that as a consequence the complainant lost out on the opportunity of a permanent tenancy. I give the council credit in this case for recognising itself the shortcomings in the way in which this matter had been dealt with and suggesting an appropriate remedy which, in addition to the financial compensation, included a review of the training of staff, a review of record keeping, IT systems and policies.</p>	<p>West North West E&N</p>	<p>As previously reported, the Council has already been implementing a Council-wide improvement programme at the Leeds Housing Options Service (formally Housing Advice and Prevention) which aims to improve the Council's homeless service.</p> <p>To date, all training advisers have received training on homeless legislation, case management and improving communication between services and the public. Case management training is on-going and twice a week a Quality Assurance Panel meets to review case files and action/decisions taken. Development work has also taken place to address the way Orchard automatically disregards certain bids.</p> <p>WNWH are now reviewing their policies and procedures, with a view to changing them as a result of this complaint. Work is also ongoing with the Contact Centre to ensure that consistent advice is given.</p> <p>The Lettings Policy & Empty Property Policy are to be merged into one policy and the Internal Lettings Procedure Manual is also being reviewed. A central registration team is also to be implemented.</p>

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<p>I considered a complaint during the year from a citizen who claimed that a manager at one of the council's leisure facilities had been rude to him. This was in fact, on the face of it, a relatively trivial matter but it was made more serious for the citizen by the counter claim that he had in fact been rude to council staff.</p> <p>This could not be substantiated and the council agreed to apologise for the counter allegation made against the complainant. I mention this to highlight the credit due to the council liaison staff who recognised immediately what had gone wrong, what needed to be done to rectify the problem and how useful, in terms of improving customer service and staff awareness, the complaint could be for training purposes.</p>	<p>Learning & Leisure</p>	<p>This complaint highlighted the importance of accurate and appropriate recording of customer interaction and staff interviews in order to ensure that a true and accurate picture of events is captured.</p> <p>This gap in process has been identified through work with colleagues in the Ombudsman Liaison Office (Customer Services) and as a result the service is embarking on formal complaint / comment handling training for all staff involved in dealing with customer complaints whether this be in the form of investigation or formal response.</p>

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<p>The council agreed to pay £4,250.00 compensation following delays over an 18 month period in arranging temporary educational provision for a child with special needs and following a failure to explore more permanent options. The complaint was compounded by the poor quality of the records maintained by the council in this case which meant that there was no physical evidence to support any case the council mounted that it had made significant efforts to support the child.</p>	<p>Education Leeds</p>	<p>This young person had complex behavioural, emotional and social needs and was on roll at the central Behaviour, Emotional and Social Difficulties (BESD) Specialist Inclusive Learning Centre (SILC).</p> <p>Following a breakdown of this placement, Education Leeds worked hard to secure alternative provision in a local mainstream school which he attended for a short period. Re-assessment concluded at this point that his holistic needs would be best met out of the authority.</p> <p>A number of out of authority placements were sought. Despite considerable efforts, the authority was unable to secure suitable education that either the parents were happy with, or the young person would engage with for any period of time, until September 2008 when a placement was secured in Cumbria.</p> <p>Since this case, the Council has reviewed its monitoring and intervention procedures and would now intervene earlier to ensure the school have in place a suitable personalised learning plan and ensure that procedures are actioned for non-attendance.</p> <p>Education Leeds has revised procedures in working with other agencies. Action has been taken to improve the record keeping for all new cases being dealt with by the statutory assessment team so that evidence of decision-making is robust.</p>

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<p>In another complaint about a child with special educational needs the council having apologised to the complainant before I got involved, recognised that it had failed to provide adequate support and assessment for the child in question for a very long time such that he lost out on the additional provision he required from the spring of 2006 until 2008. The council additionally failed to ensure that hydrotherapy was provided for over a year. The council also acknowledged that it had not itself dealt with the formal complaint from the complainant effectively. The council was, to its credit, very willing to settle this complaint and to acknowledge the errors which led to it. The council, in this case, agreed to pay compensation of £30,000.000.</p>	<p>Education</p>	<p>A re-assessment was initiated for this 12 year old boy who was on the roll of the Specialist Inclusive Learning Centre (SILC). Due to the long term illness of the Responsible Officer, recruitment issues, and therefore a lack of close supervision, the reassessment was not completed within the required timescales.</p> <p>Since that time, the team are now fully staffed and capacity has been significantly enhanced. A new system is in place for covering priority cases during any staff absence and new systems and staff providing close supervision for complex cases.</p> <p>Additionally, the statement of Special Educational Needs (SEN) described the need for provision of hydrotherapy. This SILC does not have a pool on site. However, arrangement put in place for him to go to another SILC pool were not successful. The school did not provide hydrotherapy because it was closed for a period of time.</p> <p>Education Leeds identified a provision gap and is building an additional hydrotherapy pool at Farnley Park School.</p> <p>The management and leadership of the SILC is now led by an experienced SILC Principal. Education Leeds now regularly and closely monitor all arrangements for the provision of hydrotherapy in the city to ensure all children have access to hydrotherapy in keeping with their statement.</p>