

Report of the Chief Officer, Customer Access

Report to the Corporate Governance & Audit Committee

Date: 20 September 2013

Subject: Report on the Local Government Ombudsman's Annual Review Letter 2012/13

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

This report provides comment and feedback for the committee on the Local Government Ombudsman's (LGO) annual review letter for Leeds, dated 16 July 2013.

1 The letter confirms the number of cases that the LGO investigated during 2012/13 was 150 enquiries and complaints. The LGO did not report publicly on any cases where fault was found with the council, but did find evidence of fault in 30 cases. The average number of days taken by the council to respond to an investigation is 31 calendar days, which is the first time in recent years that the council has performed below the 28 calendar day standard set by the LGO.

2 The LGO has written a brief letter to the council which accompanies the summary. The letter lists some future changes to the scope of the LGO to no longer investigate housing, and also highlights that the LGO will publish decisions on its website.

3 Using an overview of the complaints to the council during 2012/13, this report sets out the council's arrangements for responding to complaints made by the public, the key objectives of which are to make it easy for people to complain, to try to resolve complaints at an early stage and to learn lessons from the issues raised through complaints. In particular, the report shows the comparatively small number of complaints which are not resolved during the early stages of our complaints process, and then proceed to the LGO. The report also shows the comparatively small number and proportion of LGO investigations which find fault on the part of the council, and the low number and value of financial settlements. This provides assurance that the council's processes for handling complaints are, on the whole, working well.

Recommendations

Members are asked to consider the issues raised in the LGO's Annual Review Letter and the supporting contextual information provided in the appendices.

Members are asked to confirm that the supporting information provides external assurance as to the effectiveness of the council's approach to complaints.

1 Purpose of this report

- 1.1 To discuss the LGO's Annual Review Letter to the council, a copy of which can be found in **Appendix 1**.
- 1.2 To summarise the council's complaints and LGO cases for the period 1 April 2012 to 31 March 2013, provided in **Appendix 2**.
- 1.3 To assess the overall effectiveness of the council's approach to complaints.

2 Background information

- 2.1 The LGO writes an individual Annual Review Letter to every authority each year and has done so since 2003/04. The current letter continues the trend of recent years in that it is very brief and does not enter into any detailed assessment of the council's performance or the effectiveness of our approach.
- 2.2 The council has a complaints policy and procedure which has been in place for a number of years, co-ordinated by directorate customer relations officers. The arrangements have three aims: i) to make it easy for people to complain to the council; ii) for the council to resolve complaints at the earliest stage possible; and iii) for the council to learn lessons from complaints to prevent them from recurring. In order to make it easy for people to complain to the council, the council uses posters, leaflets and web content.
- 2.3 The council operates a two stage complaints process. In order to try and resolve the complaint as early as possible, at the first stage, complaints are dealt with by an officer or manager from the service complained about, who investigates the issues raised, looks to resolve them and responds to the customer within the relevant timescale.
- 2.4 Should the customer remain dissatisfied after this stage, they can take their complaint to the second stage of the complaints process. At the second stage, a more senior officer will investigate and respond to the customer's concerns. The officer will look at how the original complaint was dealt with and also respond to any further issues that the customer may have raised. Adult Social Care and Children's Social Care have separate statutory procedures, and East North East and West North West Homes ALMOs have a third stage.
- 2.5 A customer who progresses to the final stage of our complaints policy is advised in our response of their right to take their complaint to the LGO's office should they

remain dissatisfied with the outcome. The LGO advises customers to go through all stages of an authority's complaints procedure before investigating a complaint.

3 Main issues

- 3.1 This report covers the following issues relating to the LGO Annual Review Letter and summary:
- Overview of complaints to the council;
 - Patterns and trends of LGO enquiries and complaints;
 - Assessment of the effectiveness of the council's overall approach to complaints;
 - Implications of changes in roles and jurisdiction.

Overview of complaints to the council

- 3.2 LGO complaints are a very small proportion of complaints which are made to the council each year, summarised in **Appendix 2**. In 2012/13 the council received 5,409 stage one complaints with 440 (8% of all complaints) progressed to the second stage of our complaints process. Of those, 146 people (our figures, which differ very slightly from those of the LGO 2.7% of all complaints) complained to the LGO, of which 30 (0.6%) found fault. All final stage complaints responses indicate to the complainant that they have the right to take their complaint to the LGO.
- 3.3 In July 2013 an annual report on 2012/13 compliments, complaints and LGO cases was presented to the council's Customer Strategy Board, details of which are summarised in **Appendix 2**. As part of the annual report process, all directors are required to provide feedback on any trends in complaints identified over the year and what actions were taken to address them, with particular attention given to cases where the council has been instructed to make a payment. This process is important in delivering one of our objectives in relation to learning from complaints.

Patterns and trends of LGO enquiries and complaints

- 3.4 In previous years, the LGO has produced a detailed breakdown of the council's performance, including how many complaints were remedied during the LGO's investigation and the number of cases where the LGO identified only minor injustice. The LGO changed their way of handling complaints during 2012/13 and made the decision not to report this information for 2012/13 as it would not provide a comparable picture throughout the year. This change is reflected in the level of detail provided in this year's report compared to previous years' reports.
- 3.5 During 2012/13, the LGO issued decisions on 146 complaints (compared to 164 decisions in 2011/12). The number of decisions includes complaints where the LGO has used their discretion not to investigate or because the issue is outside of their jurisdiction. Of these 146 complaints, the LGO found fault in 30 of these cases, 10 cases were outside of the LGO's jurisdiction, and 1 complaint was withdrawn. The LGO found no fault in the remaining 105 cases (72% of all decisions received), which is a significant improvement compared to 56% of cases finding no fault last year. The

number of premature complaints received fell to 58 from 103 received during 2011/12. There is no apparent reason for the decrease in premature complaints this year.

- 3.6 The LGO made 27 formal enquiries, compared to 35 the previous year. The vast majority of investigations were conducted through requests for factual information (in the region of 80+ informal enquiries) without these cases progressing to a more formal investigation.
- 3.7 The average response time across the authority to the LGO's first formal enquiries has however increased this year and fell outside of the LGO's service standard of 28 calendar days. The average this year is 31 calendar days compared to last year's average of 26.5 calendar days.
- 3.8 The nature of complaints by service area is broadly similar to previous years, with around a third of all LGO decisions being about Housing. The next highest service area is Education and Children's Services, with 25% complaints (compared to 21% last year). In relation to complaint themes, it is worth noting that 14 complaints were received relating to blue badges, compared to 10 in 2011/12. This figure is low given the changes to the legislation from April 2012 affecting how individuals are assessed. It is also positive to note that the LGO did not find any evidence of fault in any of these 14 cases.
- 3.9 The total financial settlements agreed by the LGO for the previous 4 years are set out below:-

09/10 = 44 cases	£16,575
10/11 = 47 cases	£25,481
11/12 = 35 cases	£16,064
12/13 = 17 cases	£13,664

Both the total financial settlements made and the number of cases where the LGO considered that financial redress was appropriate have fallen this year, although this does point to a number of higher individual settlements.

Implications of changes in LGO role and jurisdiction

- 3.9 On 1 April 2013, the role and jurisdiction for investigating housing complaints passed from the LGO to the Housing Ombudsman, as set out in the Localism Act 2011.
- 3.10 The major change for the council is that complainants are required to take their case to a designated person, to see if the dispute can be resolved, before contacting the Housing Ombudsman. Any UK MP and any Leeds City Council Councillor can currently act as a designated person, and the council is investigating options for tenants to act as designated persons.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 As this report is providing the committee with information on past performance with regards to LGO cases, no consultation or engagement has been sought.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The LGO has not highlighted any issues regarding Equality, Diversity, Cohesion or integration in the Annual Letter for 2011/12.

4.3 Council policies and City Priorities

4.3.1 The LGO has not raised any issues that would impact on council priorities or city priorities.

4.4 Resources and value for money

4.4.1 Complaints are free feedback from our customers on what we could or should do better. Any officer in the council who has service specialist knowledge can and will be called upon to investigate and respond to customer complaints as part of their daily duties. In doing so, if they identify and implement service improvements, it will ensure that we provide a better service in the future. Each LGO investigation uses a case conference approach, the aims of which are to ensure that the investigation is i) thorough and timely, and ii) actions are put in place to prevent similar problems from occurring.

4.4.2 When we investigate a complaint, if there is fault, the earlier it is identified and addressed, the more cost effective the process is. LGO cases have resource implications as the council should have resolved the issue earlier, but also have financial implications as the LGO has the authority to impose financial settlements. All cases of local settlement are reported to the Customer Strategy Board to ensure that lessons are learnt across the council.

4.5 Legal Implications, Access to Information and Call In

4.5.1 As this report is providing an update on past performance relating to LGO cases dealt with during 2012/13, it does not have any legal implications. None of the information enclosed is deemed to be sensitive or requesting decision and therefore raises no issues for access to information or call in.

4.6 Risk Management

4.6.1 As this report is providing an update on past performance relating to LGO cases dealt with during 2012/13, there are no significant risks identified by this report.

5 Conclusions

5.1 In previous years the Annual Review Letter has provided the council with valuable feedback as to the LGO's view on our performance during the previous year. The letter this year does not comment on the effectiveness of our arrangements, so this

report has focused in more detailed about the broader pattern and trend of complaints to the council.

- 5.2 This report has described the general arrangements in place for responding to complaints made by the public. It has also described how in practice the council has a balancing act, to make it easy for people to complain to the council, to resolve customer complaints at an early stage and to learn lessons from the issues raised through complaints.
- 5.3 The report has drawn on the overview of 2012-13 to show that the council is continuing to inform people of their right to complain to us. The report has also shown that the majority of complaints continue to be resolved at the first stage. It has also shown that good practice is in place, particularly for LGO and equality complaints, to ensure that lessons are learnt from complaints. The information detailed in this report enables us to give assurance that the current system is fit for purpose in this respect, and this provides assurance that complaints are operating as intended.

6 Recommendations

- 6.1 Members are asked to consider the issues raised in the LGO Annual Review Letter and the further contextual information provided.
- 6.2 Members are asked to confirm that the information provides external assurance as to the effectiveness of the council's approach to complaints.

7 Background documents

none