

**The Local Government Ombudsman's  
Annual Review**

**Leeds City Council**

**for the year ended  
31 March 2009**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

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# Section 1: Complaints about Leeds City Council 2008/09

## Introduction

This annual review provides a summary of the complaints we have dealt with about Leeds City Council.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

## Changes to our way of working and statistics

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. The number of telephone calls to our service has increased significantly since then to more than 3,000 a month. Our advisers now provide comprehensive information and advice to people who telephone, write or e-mail. It enables citizens to make informed decisions about whether to put their complaint to us.

This means that direct comparisons with some previous year-statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

## Enquiries and complaints received

The Commission received, in total, 330 enquiries and complaints about the Council. In 41 cases our Advice Team simply gave advice to a caller and in 107 cases what was presented as a complaint was judged to be premature on the basis that it appeared that the Council had not been given the opportunity to address the concerns of the citizen. In total 182 complaints were forwarded to me for investigation. Of these, 54 were complaints re-submitted by people unhappy with the way in which the Council had considered their complaint while 128 complaints were new to me.

The complaints sent to me broke down into the following categories

Education	38
Housing	44
Planning and Building Control	23
Antisocial Behaviour	16
Environmental Health	8
Land	8
Waste Management	8
Highways and Transport	8
Public Finance	4
Leisure and Culture	4
Housing Benefit	3
Licensing	3

Adult Social Care	2
Children and Family Services	3
Other	10

## Complaint outcomes

I determined 203 complaints against the Council a figure which differs from the number of complaints received because of work in hand at the beginning and end of the year. This figure, taking premature complaints into account, is roughly in line with the volume of complaints received last year and in previous years.

Of these decisions, 28 were taken on the basis that the complaint was not within my jurisdiction while in 31 cases I exercised the general discretion available to me not to pursue the matter. In 80 complaints I found no evidence of maladministration sufficient to justify my continued involvement. The Council agreed to settle the remaining 64 complaints and I am grateful to the Council for the generally positive approach it took during the year when it became apparent that something had gone wrong and that a remedy for the complainant, of some description, was appropriate.

We will often discontinue enquiries into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. The 64 complaints settled by the Council during the year represents 36.6% of the complaints I decided against your authority and which were within my jurisdiction.

I do not intend listing each of the complaints settled by the Council in detail but some are worthy of mention.

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. At one end of the spectrum was a valid complaint that the Council had issued a warning letter without any investigation 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. In all the Council agreed to take action that I considered to be a satisfactory way of resolving 10 complaints about the Council's handling of anti-social behaviour cases.

In a planning enforcement matter the Council agreed to pay £500.00 in compensation following serious delay of over two years which left the complainant and his neighbours facing an overbearing and inappropriate wall close to their homes.

The Council agreed to pay £1500.00 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.

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 the appropriate priority status and to pay £2950.00 in compensation.

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, 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. 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's 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, this complaint could be for training purposes.

The Council agreed to pay £4250.00 compensation following delay over an 18 month period in arranging temporary education 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 this child.

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 term of 2007 until 2009. 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 complainants 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.

## **Reports**

I issued no reports against the Council during the year

## **Liaison with the Local Government Ombudsman**

I ask all authorities to respond to my enquiries within 28 calendar days. I made formal enquiries of the Council on 85 occasions during the year and on average the Council responded within 25.9 days. This is a marked improvement when compared with the two previous years and I thank the Council for the clear efforts it made to meet my timescales.

During the year two of your liaison staff met with one of my management team to discuss working relationships and building on what I regard as a very positive working relationship between my office and the Council. Council officers often telephone or e-mail my office for advice and my staff are happy to provide any advice that they can provided that it does not prejudice the rights of complainants to complain to me at a later date.

During the year, while dealing with a complaint in a different part of the country, one of my investigators sought advice, for comparative purposes, about the way in which the Council deals with the licensing of houses in multiple occupation. The Council was particularly helpful and the details and guidance provided were comprehensive. I appreciate the willingness of the Council to co-operate in this way.

## **Training in complaint handling**

I would like to take this opportunity to remind the Council that part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I am pleased that during 2008/09 we provided training in Good Complaint Handling to staff from your authority and pleased to note too that the feedback from those who attended the course was very positive.

We have recently extended the range of courses we provide and I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

## **Conclusions**

The Council is a large authority serving a large and diverse population over a relatively large geographical area and I recognise that it is inevitable that occasionally things will go wrong. I have referred above to a number of complaints about antisocial behaviour which concerned me because they raise the question of systemic problems in the way in which the Council deals with antisocial behaviour. I give the Council credit for responding positively in the face of these complaints and agreeing to review the way in which it responds to such complaints. There were no other areas of the work of the Council which gave rise to any concerns about systemic difficulties and certainly no trends or themes emerged which call for special comment.

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Mrs A Seex  
Local Government Ombudsman  
Beverley House  
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YORK  
YO30 5FZ**

**June 2009**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

### Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

### Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

### Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

### Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.

### **Adult Social Care Self-funding**

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

### **Internal schools management**

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

### **Further developments**

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

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**June 2009**

# Appendix 1: Notes to assist interpretation of the statistics 2008/09

## Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

### Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

**Formal/informal prematures:** The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

**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 the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It 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.

**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. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

**Forwarded to the investigative team (new):** These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.

## Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the Ombudsman's jurisdiction.

## Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

## Table 4. Average local authority response times 2008/09

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

## LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	2	10	47	3	3	11	6	24	107
Advice given	1	2	2	10	1	2	2	4	17	41
Forwarded to investigative team (resubmitted prematures)	0	0	3	17	1	2	8	6	17	54
Forwarded to investigative team (new)	2	3	35	27	2	2	15	2	40	128
<b>Total</b>	<b>4</b>	<b>7</b>	<b>50</b>	<b>101</b>	<b>7</b>	<b>9</b>	<b>36</b>	<b>18</b>	<b>98</b>	<b>330</b>

## Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	64	0	0	80	31	28	203

## Average local authority response times 01/04/2008 to 31/03/2009

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	85	25.9
2007 / 2008	120	31.1
2006 / 2007	153	28.9

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	60	20	20
Unitary authorities	56	35	9
Metropolitan authorities	67	19	14
County councils	62	32	6
London boroughs	58	27	15
National park authorities	100	0	0