



Report of the Corporate Customer Relations Manager

Corporate Governance and Audit Committee

Date: 30th September 2008

Subject: Local Government Ombudsman Performance Report

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report details the council's performance in relation to complaints received from the Local Government Ombudsman (LGO) for the period 1st May 2008 to 31st July 2008.
2. An update is provided for the Committee on a change in working practices. Commencing 1 August 2008, the LGO Advice Team no longer follow up with customers on premature complaints.
3. Members are asked to consider the performance information and any issues raised within this report.

1.0 Purpose Of This Report

- 1.1 To update members on complaints received from the Local Government Ombudsman (LGO) for the period May 2008 to July 2008
- 1.2 To update Members on changes brought in by the Ombudsman during the reporting period.

2.0 Background Information

- 2.1 Members requested a regular report on LGO cases. It was agreed that a quarterly report would be submitted to the Corporate Governance and Audit Committee.

3.0 Main Issues

3.1 LGO Advice Team update

Since its launch in April 2008, demand for the LGO Advice Team service has been greater than expected. The team of 12 advisers, who provide a first contact service for all enquirers and new complainants across the country, has dealt with thousands of calls.

The purpose of the new team is to increase access to the Ombudsman service and to provide a consistent standard of information and guidance for all first contacts whether by telephone, letter, email or text.

Early feedback from the Ombudsman service suggests that callers are pleased with the service that the Advice Team are providing. If demand continues at the current rate, the Advice Team would receive well in excess of 40,000 enquiries in 2008/09.

No follow up to premature complaints

The Advice Team also deals with all 'premature' complaints ie where the council has not yet had a proper chance to deal with the complaint. They make the referrals to councils by email.

Previously the Ombudsman service would follow up these complaints with the customer after 12 weeks by contacting them and offering to consider their complaint further if it had not been resolved satisfactorily by the council.

In order for the Advice Team to focus on the first contact, the Ombudsmen have agreed that from 1 August 2008 they will no longer follow up on premature complaints.

Should a customer remain unhappy with the outcome of their complaint at the end of the complaints process, the onus will now be on them to contact the Ombudsman.

4.0 Complaint Performance & Commentary

- 4.1 The table below shows the complaints received by services during this period.
- 4.2 All tables in this report still refer to the old Departments as the complaints logging and performance management system (Siebel) has not yet been updated to show the new Directorates.

Table 1 – Complaints Received

Department	May	June	July	Total
Chief Executives	0	0	0	0
City Services	1	4	1	6
Corporate Services	0	1	1	2
Development	1	0	5	6
Education	5	12	7	24
Learning & Leisure	0	0	1	1
Social Services	0	0	0	0
Neighbourhoods & Housing	3	1	0	4
Belle Isle TMO	0	0	0	0
Leeds East North East	0	1	3	4
Aire Valley Homes	0	1	1	2
Leeds West North West	1	4	0	5
Total	11	24	19	54

4.3 The high number of complaints received for Education is due to school appeals and is the norm for the time of year.

4.4 The trend of a reduction in overall complaints received continues. For the same period in 2007, the council received 63 complaints from the Ombudsman.

4.5 **Complaints Determined**

4.6 The table below shows complaints determined during the period. These are cases where we have received the Ombudsman's final decision during the reporting period.

Table 2 – Complaints Determined

Department	May	June	July	Total
Chief Executives	0	1	0	1
City Services	1	2	2	5
Corporate Services	1	1	1	3
Development	2	6	5	13
Education	4	8	7	19
Learning & Leisure	0	1	0	1
Social Services	1	0	1	2
Neighbourhoods & Housing	2	2	1	5
Belle Isle TMO	0	0	0	0
Leeds East North East	3	2	5	10
Aire Valley Homes	1	3	1	5
Leeds West North West	2	3	0	5
Total	17	29	23	69

4.7 Average Response Times

4.8 The LGO asks for responses to be made to their enquiries within 28 calendar days. The 28 days starts the day the Ombudsman posts / e-mails their request to us and ends the date they receive our response.

4.9 Detailed below is the average response times for the period May to July 2008. The month quoted is the month in which the initial request was received from the Ombudsman.

Month	Ave Response Time	Difference to Target
May	28.12	+0.12
June	17.13	-10.87
July	18.60	-9.40

4.10 Response times on the whole across the period are within the 28 calendar days. The average response times shown above have been reduced greatly by the response times on Education Leeds cases received during this period. Response times on these cases has been between 2 and 15 working days, the majority responded to in less than 10 working days.

4.11 Complaint Outcomes

4.12 The table below details the Ombudsman decisions on cases received during May and July 2008.

4.13 **Table 3 - Complaint Outcomes**

Department	Local Settlement	No Mal-Admin.	Mal-Admin.	Ombudsman's Discretion	Out of Jurisdiction	Service Failure	Mal-Admin. No Injustice	Total
Chief Executives	1							1
City Services	2			2	1			5
Corporate Services					2			2
Development	4	4		5				13
Education	4	8		2	5			19
Learning & Leisure		1						1
Social Services	1			1				2
Neighbourhoods & Housing	1	3		1				5
Belle Isle TMO								0
Leeds East North East	8	1		1				10
Aire Valley Homes	4	1						5
Leeds West North West	2	1		1	1			5
Total	27	19		13	9			68

4.14 Below is a key explaining the outcome categories: This report also includes for the first time the new categories brought in by the Ombudsman from April 2008.

- **Local Settlement:** These are decisions discontinuing an investigation because an acceptable local settlement has been obtained. They relate to cases where there has been administrative fault and a remedy is agreed by the Council during the course of an investigation.

- **No maladministration:** These are decisions by letter discontinuing an investigation because the LGO have found no, or insufficient, evidence of maladministration.
- **Maladministration:** These are cases where the LGO have concluded an investigation and issued a *formal report* finding maladministration causing injustice.
- **Ombudsman Discretion:** These are decisions by letter discontinuing an investigation where the Ombudsman has exercised her general discretion not to pursue the complaint. This can be for a variety of reasons, but usually that they have found no or insufficient injustice to warrant pursuing the matter.
- **Outside Jurisdiction:** These are complaints which were not pursued because they were outside the Ombudsman's jurisdiction.
- **Service Failure:** From April 2008 the LGOs may now make a finding of service failure even if there is no maladministration. This could relate to failure in a service which was the local authority's function to provide and, also, failure to provide such a service.
- **Maladministration without injustice:** The LGOs already advises Council's of any fault that has been identified during the course of an investigation. This new power from April 2008 enables the Ombudsman, in a *formal report* where there is no injustice, to recommend action. This would be to prevent injustice being caused in the future in consequence of similar maladministration.

4.15 There has been no cases of maladministration or maladministration without injustice during this period.

5.0 Implications For Council Policy And Governance

5.1 There are potential implications for Council Policy and Governance if lessons are not learnt on Ombudsman complaints and the handling of these complaints.

6.0 Legal And Resource Implications

6.1 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 Department's budget

7.0 Conclusions

7.1 The changes in legislation implemented by the Ombudsman from April 2008 could potentially have far reaching issues for services if complaints where fault against the council can be proven are not resolved whilst being dealt with at stage 1 or 2 of the corporate complaints process.

8.0 Recommendations

8.1 Members are asked to note the performance information and consider the issues raised within this report.