



Report of the Chief Customer Services Officer

Corporate Governance and Audit Committee

Date: 30th September 2009

Subject: Local Government Ombudsman Annual Letter – 2008/09 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. Ombudsman cases continue to reduce year on year showing that the council on the whole is progressing in the right direction. **See 3.2**
2. Although all services have now moved into the new Directorates, complaints reporting still continued under the old departments for all of 2008/09. This was due to complaints management System CRM Leeds, not being updated to the new Directorates until June 2009. **See 3.3**
3. It is pleasing to confirm that there were **no cases of Maladministration** proceeding to a Public Report during 2008/09. The council did however receive 6 warnings from the Ombudsman that cases were being considered for Public Reports due to Maladministration. Intensive liaison with services and the Ombudsman resulted in all cases being resolved as Local Settlement. **See 3.21 & 3.22**
4. Leeds achieved an average response time of 25.9 calendar days against the target of 28 calendar days. This is a very positive achievement as for 2008/09 our performance was 31.1 days. **See 3.26**
5. Apart from the Ombudsman Training provided annually, no other formal training was available for officers asked to investigate and respond to complaints at stage 1 & 2 of our complaints policy. To address this, the Corporate Customer Relations Manager gained the support of the Customer Strategy Board to design and implement a corporate training course for all Investigators. This is available to all services from September 2009. **See 3.32**

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.
- 1.3 Appendix 2 has been marked exempt under the terms of Access to Information Procedure Rule 10.4(1, 2 and 3) on the grounds that the information contained in the appendix includes details of cases dealt with by the Ombudsman. This includes data which may reveal the identity of an individual, the value of compensation payments made and medical information relating to the individual. Consequently it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing this information.

2.0 Background Information

- 2.1 The LGO introduced an individual annual letter for every council for the first time in 2003/04.
- 2.2 The 2004/05 letter was the first annual letter to be presented to the Corporate Governance and Audit Committee.
- 2.3 For Members convenience the main points of the annual letter for 2008/09 has been summarised within this report. The full letter can be found at the end of this report.

3.0 Main Issues

- 3.1 The Ombudsman's office has changed the way it works, which means that the statistics the council have received regarding complaints dealt with for the period April 2008 to March 2009 are not directly comparable to those for previous years.
- 3.2 Ombudsman cases continue to reduce year on year showing that the council on the whole is progressing in the right direction – encouraging customers to use our well publicised complaints policy should they have an issue but also resolving their complaints earlier in the process.
- 3.3 Although all services have now moved into the new Directorates, complaints reporting still continued under the old departments for all of 2008/09. This is 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.

3.4 Enquiries and Complaints Received.

3.5 Table 1 - Ombudsman Complaints Received

Department	2006/07	2007/08	2008/09
Chief Executives	6	4	4
City Services	28	24	15
Corporate Services	8	11	5
Development	41	47	22
Education	29	24	42
Learning & Leisure	4	3	9
Social Services	9	8	5
Neighbourhoods & Housing	36	13	21
Belle Isle TMO	0	1	0
Leeds East Homes	13	N/A	N/A
Leeds North East Homes	15	N/A	N/A
Leeds North West Homes	21	N/A	N/A
Leeds South East Homes	5	N/A	N/A
Leeds South Homes	14	N/A	N/A
Leeds West Homes	13	N/A	N/A
East North East Homes	N/A	19	16
Aire Valley Homes	N/A	15	17
West North West Homes	N/A	15	14
Total	242	183	170

- 3.6 The Ombudsman reported that the Advice Team received 330 enquiries during 2008/09. Of these, 41 were resolved by providing advice only to the customer and 107 were found to be premature and were returned to the council to go through our complaints process.
- 3.7 The Ombudsman therefore received 182 cases that required an investigation. The figure of 182 cases is different to the number of cases received by the council as some of the 182 cases received by the Ombudsman's office were not actually sent through to the council before the end of March 2009 and will therefore appear in next years report. For the period April 2008 to March 2009, Leeds received 170 cases.
- 3.8 The table above shows the number of cases received by Leeds over the last three years. This information is provided to give the Board a year on year comparison confirming a further reduction in full cases received by Leeds.

3.9 Complaint Outcomes

3.10 Table 2 – Ombudsman Cases - Outcomes

Period	Local Settlement	No Mal-Admin.	Mal-Admin.	Ombudsman's Discretion	Out of Jurisdiction	Service Failure	Mal-Admin. No Injustice	Total
2006/07	86	91	1	40	27	0	0	245
2007/08	68	74	1	37	23	0	0	203
2008/09	64	80	0	31	28	0	0	203

- 3.11 The table above shows that 203 decisions were made on cases in the period 2008/09. This figure is higher than the number of cases received (170) as decisions were made and notified to the council by the Ombudsman's office during 2008/09, on cases that were actually received and responded to by the council during 2007/08.
- 3.12 Although the council received 170 cases in 2008/09, 63 of these cases arrived already determined (no need for an investigation or response) by the Ombudsman with findings of Out of Jurisdiction, Ombudsman's Discretion or No Maladministration. This means that of the 170 cases recorded against Leeds, only 107 full Ombudsman cases were allocated out across the council for investigation and response.
- 3.13 The increase in usage of Case Conferencing with support provided by the Corporate Customer Relations Manager and/or the Ombudsman Liaison Officer has seen a high number of complex, cross service cases being resolved quickly with the relevant settlements for customers.
- 3.14 Due to the ongoing work to improve the quality of our responses we have also seen a number of the responses receiving compliments from the Ombudsman specifically about the detailed and comprehensive content and the willingness shown by services to learn from their mistakes.
- 3.15 In total 64 of the cases received had an outcome of Local Settlement. Local Settlements are decisions discontinuing an investigation because an acceptable local settlement between the customer and the council 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. Should an acceptable settlement not be agreed, or the fault is found to be severe, a finding of Maladministration, leading to a Public Report would be made.
- 3.16 Detailed below are the total payouts made by the council since 2006.

06/07 = 85 cases	£35,471
07/08 = 68 cases	approx £42,000 – no data to verify
08/09 = 64 cases	£67,866.7

3.17 Although it is pleasing to see the actual number of local settlement cases going down, the total settlement amounts are increasing year on year. This information shown above confirms clearly that it is not only more beneficial to the customer to resolve their issues earlier, within our formal complaints process, but is financially prudent for the council to resolve cases internally without them progressing to full Ombudsman cases.

3.18 Commentary on Cases Highlighted

3.19 The Ombudsman highlighted a small number of cases that had been dealt with over the period. Detailed in **Appendix 2** of this report are the Ombudsman's comments along with commentary from the service areas as to what actions were taken to resolve the issues and what lessons were learnt.

3.20 Reports

3.21 It is pleasing to confirm that there were **no cases of Maladministration** proceeding to a Public Report during 2008/09.

3.22 There was however 6 warnings issued to the council by the Ombudsman that cases were being considering for Public Reports due to Maladministration. Intensive liaison with services and the Ombudsman by the Corporate Customer Relations Manager and the Ombudsman Liaison Officer has resulted in all cases being resolved as Local Settlement. This close working and liaison is highlighted in the first paragraph on page 5 of the Annual Letter.

3.23 Liaison with the Local Government Ombudsman

3.24 Table 3 – Ombudsman Complaints – Average Response Times

Department	Average Response Time (Calendar Days)	Number of Cases Received
Chief Executives	23	4
City Services	24	15
Corporate Services	n/a	5**
Development	24	22
Education	20	11
Education Admissions	10	31
Learning & Leisure	31	9
Social Services	22	5
Neighbourhoods & Housing	25	21
Belle Isle TMO	n/a	0
Leeds East North East	31	16
Leeds West North West	27	14
Aire Valley Homes	21	17

** All cases were received already closed with a decision from the Ombudsman.

- 3.25 The response times detailed in table 3 are our internal response times shown 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 by the council.
- 3.26 The Ombudsman has reported in the Annual Letter that Leeds achieved an average response time of 25.9 calendar days against the target of 28 calendar days for a response. This is a very positive achievement as for 2008/09 our performance was 31.1 days.
- 3.27 The achievement is to be further commended as from 1st January 2009 the council implemented Chief Officer sign off on all Ombudsman cases – the process did initially slow down response times but has had major benefits in an improvement in the overall quality of the decisions and responses being provided for the Ombudsman.
- 3.28 Credit for response times average must also be attributed in part to the excellent turn around times shown by Education Leeds on Education Admission Appeals with an overall average of only 10 working days on the 31 cases they received.
- 3.29 Liaison**
The Ombudsman makes comment on the “very positive working relationship between my office and the council” The letter highlights an occasion when an Investigator approached Leeds for advice for comparative purposes regarding a complaint from another part of the country – the Ombudsman states “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”.
- 3.30 Training on Complaint Handling**
- 3.31 The Annual Letter provides details of the courses currently available from the Ombudsman’s office for councils. At Leeds we have taken up this training for the previous three consecutive years. Last year we worked with the Ombudsman Trainer who created and delivered a bespoke training course for Investigators here at Leeds.
- 3.32 Officers welcomed the training which in turn highlighted the gap in training and development for Investigators here at Leeds. Apart from the Ombudsman Training provided annually, no other formal training was available for officers asked to investigate and respond to complaints at stage 1 & 2 of our complaints policy. To address this, during 2008 the Corporate Customer Relations Manager gained the support of the Customer Strategy Board to design and implement a corporate training course for all Investigators. The course is designed to improve the quality of investigations and responses at an earlier stage in the complaints process.
- 3.33 The course has already been rolled out to a number of officers council wide with positive feedback and results. A corporate offering of the training is available from September.
- 3.34 LGO Developments**
- 3.35 The Ombudsman has provided details of developments that have occurred within the last year or are due to be implemented in the coming year.

- 3.36 *Council First*
This was implemented from April 2009 with no notable impacts here at Leeds.
- 3.37 *Statement of Reason – Consultation*
The Ombudsman is looking to start publishing statements of reasons from April 2010 but to begin to provide them to the council and customers who have complained from Autumn 2009.
- 3.38 *Making Experiences Count (MEC)*
From 1st April 2009 all Adult Social Care cases only have one formal stage – this stage has however been extended to 65 working days to allow for action planning and resolution between the customer and the service. The offer of support during this period of transition is welcomed.
- 3.39 *Training in Complaint Handling*
Details provided by the Ombudsman on the new training course Effective Complaint Handling in Adult Social Care has been passed to the relevant officers within the Directorate for consideration.
- 3.40 *Adult Social Care Self-funding*
Details regarding this extension in jurisdiction have been passed to Adult Social Care for their information.
- 3.41 *Internal School Management*
Details regarding this pilot have been passed to Education Leeds.

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 implications.
- 5.2 However with regards to resource implications, a high number of council officers are expected to investigate complaints as part of their daily duties. The requirement for all of these officers across council to attend a one day training course to improve their investigative and responsive skills does have resource implications for services.
- 5.3 Should the training and development prove successful this will reduce the need for further resources to carry out a more detailed investigation as the relevant resolution to the complaint will be identified and notified to the customer earlier in the complaints process.
- 5.4 This however is reliant on services supporting officers by making the funding and the officers available.

6.0 Conclusions

- 6.1 The Ombudsman's Annual Letter although on the whole complementary about improvements we have made over the last year, reminds us that we still have areas to focus on such as Anti Social Behaviour (ASB).
- 6.2 During 2008/09 16 cases were received from the Ombudsman where ASB was highlighted by the customer. Of these cases, 10 were closed as Local Settlement, 3 were closed as No Maladministration, 2 were closed as Outside Ombudsman

Jurisdiction and 1 was closed as Ombudsman Discretion. ALMO's were the lead agency on 14 of the cases received with ASBU the lead on the remaining two cases.

- 6.3 Although this may look a large number of cases, the ASB unit alone received 1,910 enquiries during 2008/09 with 552 of these going on to be investigated and support given to victims of ASB.
- 6.2 The Ombudsman does however make the point that there are no areas other than ASB where she feels there are any trends or themes emerging.
- 7.0 Recommendations**
- 7.1 Members are asked to note the performance information and issues raised within.

Background Documents:

Quality Investigations and Responses to Complaints Report presented to Customer Strategy Board in October 2008 – Author - Wendy Allinson.

The Local Government Ombudsman's Annual Review for the year ending March 31st 2009 – Author – Mrs A Seex – Local Government Ombudsman.