

How the Local Government Ombudsman will deal with your complaint

This fact sheet is for you if you have **already** put your complaint to us. If you have not done that yet, you should **first** call the LGO Advice Team on **0300 061 0614** or **0845 602 1983**.

The Local Government Ombudsmen provide 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.

When you examine my complaint, what do you look for?

We must find out two things:

- was there fault by the council? **and**
- did this fault affect you, personally?

We might find fault if the council:

- made a mistake;
- took too long to do something;
- did not follow its own rules or the law;
- treated you unfairly;
- broke its promises;
- gave you wrong information;
- did not tell you that you had a right of appeal against a decision; or
- took a decision in the wrong way, such as:
 - not taking all the relevant information into account;
 - taking into account irrelevant information, or
 - not following its own procedure properly.

We might find that you were affected personally if you:

- did not get a service or benefit that you should have had, at the time you should have done;
- suffered financial loss; or
- suffered a lot of avoidable expense, trouble or inconvenience.

But we will not usually consider your complaint if we think that you were only slightly affected, or if the council has taken, or is willing to take, satisfactory action to resolve it.

While we are looking at your complaint we can also look to see if the things that went wrong for you are part of a wider service failure that might affect others.

If you employ a professional person to help you make your complaint, such as a solicitor or surveyor, we will only ask the council to pay the fee in exceptional circumstances. This is because people do not usually need a professional to put a complaint to us. However, you may be eligible for help from a solicitor or some advice agencies through the Legal Services Commission's Legal Help Scheme.

What happens when you get my complaint?

- We will contact you (usually by telephone) to discuss your complaint and make sure we understand it properly.
- We must decide if the law allows us to consider your complaint – we can usually do this quickly, but sometimes we need more information from you or the council.
- If the law does not allow us to investigate your complaint, or if we decide not to, for example because the injustice to you is only slight, we will tell you as soon as we can. In most cases, we will also suggest if there is anyone else who might help you instead.
- If we decide that an investigator should look at your complaint, we will give you new contact details for the team that will handle it. The investigator will then contact you within 28 days.
- We must let the council know that we have had your complaint. When we consider your case we may send the council copies of documents you sent us and there is sometimes a need to interview other people. But in doing these things, we will maintain your privacy as far as possible.
- We must also decide whether your complaint needs to go through all stages of the council's complaints process. If it does, we will forward the complaint to the council and inform you in writing.

What happens if you can consider my complaint?

- We will let you know the name of the investigator who will consider your complaint – if you have questions about your case you will be able to contact this investigator in person, or leave a message, between 9am and 5pm, Monday to Friday.
- We will examine your complaint, including any supporting material you have given us.
- We will look at both sides of the complaint.
- We may be able to make a decision using just the information you have given us, or we may:
 - get information from the council;
 - examine the council's files;
 - meet you, council officers or other people; or
 - visit the site if your complaint is about buildings or land.
- We will continue looking into your case until we have enough information to allow us to come to a provisional view, and then we will ask you for your comments and take them into account before we make a decision.
- We cannot tell the council what to do while we are considering your complaint. The law says that the council should continue to deal with matters in the normal way, so if things are still going wrong, it is important that you tell the council.
- We will let you know what we have decided and why.
- We must let the council know what we have decided.
- Please note that we will not routinely acknowledge correspondence from you.

What can you do to put things right?

- If it looks to us as if there was fault and that this did affect you, personally, then we will usually ask the council to take action to resolve the matter – sometimes the council itself will suggest this. Either way, we will take your views into account.
- If we think the proposed action is fair, we will tell you so and close the complaint.
- There are too many different possibilities to list here, but we might ask a council to:
 - apologise to you;
 - pay you compensation;
 - do repairs to your council home;
 - take action or make a decision that it should have done before;
 - reconsider a decision that it did not take properly in the first place;
 - improve its procedures or conduct staff training so that similar problems do not happen again to you or anyone else;
 - hold another school admission appeal for your child; or
 - consider taking enforcement action against an unauthorised building close to your home, or against the unauthorised use of a building.
- We cannot make councils do what we recommend, but they almost always do so.

Will the decision on my case be made public?

- In some cases we may issue a public statement of reasons.
- Occasionally, we issue a formal report, which we will make public unless there are special reasons not to.
- We will not use your real name or those of any other people involved.

How long does it take?

- We will be as quick as we can, but it may take some months to gather enough information to make a fair decision.
- We make decisions on about half the cases within 13 weeks, and on about eight out of 10 cases within 26 weeks.
- In some complex or unusual cases, it can take longer – the investigator will keep you informed.

Can I go to court as well?

- No – the law doesn't let us investigate cases that you could go to court about (or appeal to a tribunal or a government minister about) unless we think there are good reasons why you should not have to do that.
- If you have *already* gone to court, it is very unlikely that we could look at your complaint.
- If you go to court while we're already looking at your complaint, we'll have to stop our investigation.

Can I complain about your decision or how you dealt with my case?

- Anyone who contacts us and is dissatisfied with our service can complain. This could be about, for example, our handling of the investigation of your case, our decision on your case or your treatment by our staff. But we will not normally review our decision on your complaint

if you just express dissatisfaction with it, without further comment. You should also normally make your complaint within three months of the decision being made.

- You can get information on how to complain about us from our website, www.lgo.org.uk or by contacting the investigator who handled your complaint.
- You can apply to the High Court to challenge an Ombudsman's decision – this is called 'judicial review' – but you have to act quickly and you may need to take advice, for example from a solicitor, law centre or Citizens Advice Bureau.

Special help

We can help you if you have difficulty using our service, for example, if you have a disability or if English is not your first language. For instance, if you need an interpreter, we can arrange this. We can also produce letters and reports in large print, in Braille or as a voice recording). If necessary, an investigator may arrange to visit you. For further information, phone the LGO Advice Team on **0300 061 0614**.

Equality and diversity

We are committed to giving an equal service to all. This means we will not treat you any differently because of your: *sex, colour, race, nationality, ethnic group, regional or national origin, age, marital status, disability, political or religious belief, sexuality or class*.

Data protection

To process your complaint, we will hold personal data about you in our case files. This will include data you provide to us and information about you that other people give us in response to our enquiries. We will hold this data securely and only use it to help us to process your complaint. We may also need to show some of it to others, such as the council, so they can respond to our enquiries. The person who is ultimately responsible for the control of your data is the Ombudsman for the area of your complaint.

You have rights under the Data Protection Act to have a copy of your personal data. There are exceptions to this right. The main one is where we feel that releasing particular information to you would prejudice a proper investigation of your complaint. Please make any request for personal data to the Deputy Ombudsman at the Ombudsman's office.

We normally destroy our case files 12 months after the case is closed. In exceptional circumstances we may need to keep a case file longer; we will notify you if so. We keep a record of the complaint and our decision letter for five years as this helps if you complain to us again. In cases where we publish a report, we keep a copy of the report for an unlimited time.

We keep a register of people who we consider to present a possible threat to the safety or wellbeing of our staff. We will normally tell the person when their name is placed on the register, unless there are reasons for believing this may provoke unacceptable behaviour towards our staff. We regularly review the need for the entry on the register.

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