



The Commission for  
Local Administration in England

## **The Local Government Ombudsman's Annual Letter**

# **York City Council**

**for the year ended  
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 letters.

## **Annual Letter 2006/07 - Introduction**

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

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

There are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

## **Complaints received**

### ***Volume***

We received 67 complaints against your Council in the year, five fewer than in the year to 31 March 2006. We expect to see these fluctuations year on year and I see nothing significant in the variation.

### ***Character***

Almost half the complaints I received were about planning and building control. The remainder were spread fairly evenly over the categories of adult care services, benefits, education, housing, public finance, transport and highways and other which included one complaint each concerning antisocial behaviour, consumer affairs, commercial, land, leisure and culture, and breach of confidentiality, and four concerning environmental health.

## **Decisions on complaints**

### ***Reports and local settlements***

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

I have not found it necessary to issue a report on any of the complaints I have decided during this year. Where I have found fault I am pleased to say that your Council has shown a willingness to agree to my proposals for a remedy. Of the 67 decisions I have made, 15 were local settlements.

More than half the local settlements included taking some action as part of the remedy. Examples are: making an apology; holding a meeting to address the complainant's concerns; facilitating a housing transfer; prioritising a transfer request; writing off court costs and entering into an arrangement to accept payment by instalments.

Other settlements took the form of compensation, with or without other administrative action. Amounts paid ranged from £50 for a delay in sending an explanation to £1264 for failing to safeguard possessions while the Council considered the owner's homeless application.

Councils often find difficulty in handling complaints which involve areas of responsibility covered by more than one department. An example of this was a complaint about provision for a family with a disabled child whose needs included housing and other services. The parents had applied for a grant to adapt their home to accommodate the child. As the grant came from housing they complained to the housing department when things went wrong. After our investigation the Council accepted that a corporate approach was required by staff from social services as well as housing. A meeting was

convened with the parents to discuss the way forward and the Council paid compensation of £1000 for the delay in addressing all the relevant issues, and for failing to communicate clearly with them to explain the rules for funding alterations to their house and discuss what other options were available to them.

Following my recommendations the Council agreed to review its policies and procedures in certain areas where my investigations had shown there were shortcomings. In one case a court summons had been issued in respect of council tax arrears despite the fact that the Council had agreed to suspend recovery action while a claim to benefit was determined. I recommended that, where there is a suspension of recovery action, the case is reviewed when the period of suspension ends to see if there are grounds for extending it. The Council agreed to do so.

Another example was where the Council had sold a complainant a piece of land it owned but had failed to tell him that planning permission would be needed for a change of use and that planning permission was most unlikely to be granted. The Council has now extended the remit of its regular consultation meetings between property asset management staff and planning development control officers to include discussion of all Council property asset sales which may involve a need to obtain planning permission.

The Council also reviewed its procedures where its houses are empty between tenancies. It now ensures that the water supply is turned off following a complaint of damage to an adjoining property from a flood caused by taps left on in an empty property.

In total the Council paid nearly £6000 in compensation in respect of complaints brought to me. I am grateful for the Council's readiness to put things right.

### ***Other findings***

In over a third of complaints I decided this year I found no or insufficient evidence of maladministration. Fourteen complaints were sent back to you because the complainant had come to me before giving the Council a reasonable opportunity to investigate the matter. In 14 further cases I used my discretion not to pursue the complaint. These complaints include those where I considered the Council had already taken appropriate steps to provide a remedy for any administrative fault that had occurred. One complaint was outside my jurisdiction.

### **Your Council's complaints procedure and handling of complaints**

The Council's complaints procedure is well signposted from its web site and is easy to use. There is a link direct from the home page. Comments and suggestions are invited as well as complaints. There is a separate section for concerns and complaints about schools as the procedure here is quite different.

We received seven complaints in the year which we had previously sent back to the Council to consider under its own complaints procedure. These seven were not satisfied with the Council's response and so they asked me to consider them. In four of them I found no or insufficient evidence of maladministration. I decided another did not warrant further investigation and one resulted in local settlement. I am still considering the seventh. Five of these complaints involved planning applications or planning enforcement.

### **Training in complaint handling**

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling

(investigation and resolution) we now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

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

I was pleased to welcome your housing and social complaints manager to my seminar last November. I hope she found it useful.

In last year's letter I criticised the Council for taking longer than average to respond to first enquiries made by my investigators. I am disappointed to note that the average response time this year is even longer. Over a third of the first enquiry responses came from the planning and building control departments. I appreciate that the Council, in common with many other local authorities, has experienced some staff shortages in these areas over the past year. This may account for the fact that their response times are slowest, at an average of 48 days.

I said that last year's average of 37 days was unacceptable and should be improved. In September 2006 Vereena Jones, Assistant Ombudsman, met you and complaints officers to discuss possible ways of improving response times. My investigators now use email wherever practicable to send our initial enquiries so that officers tasked with responding have our questions as early as possible. I am happy to consider any other proposal which will help the Council to better its response times. I look forward to further dialogue on this topic in the near future or for Ms Jones to meet a wider group of complaints officers, as we suggested in September.

### **LGO developments**

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

## **Conclusions and general observations**

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.

**J R White**  
**Local Government Ombudsman**  
**The Oaks No 2 Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	4	3	0	3	8	10	29	5	0	5	67
2005 / 2006	4	5	4	1	18	10	13	8	1	8	72
2004 / 2005	2	4	1	2	18	16	12	6	0	13	74

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	0	15	0	0	23	14	1	14	53	67
2005 / 2006	1	5	0	0	30	12	8	16	56	72
2004 / 2005	1	8	0	0	24	10	10	19	53	72

See attached notes for an explanation of the headings in this table.

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	35	38.7
2005 / 2006	37	37.1
2004 / 2005	38	34.4

**Average local authority response times 01/04/2006 to 31/03/2007**

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0