

Local Government OMBUDSMAN

The Local Government Ombudsman's Annual Letter

City of York Council

**for the year ended
31 March 2008**

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 letters.

Annual Letter 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about the City of York Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

Two attachments 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 39 complaints against your Council during the year, 28 fewer than the previous year and 33 fewer than in 2005 - 2006. We expect to see fluctuations like this from year to year, but this would appear to be a long term downward trend for which I commend your Council.

Character

We received fewer complaints across all the categories, but the decrease was most marked in planning and building control with only 13 compared to 29 last year. We received six housing complaints, two fewer than 2006-07 and 12 fewer than 2005-06.

We received a similar number of complaints to previous years in the areas of adult care services (three), benefits (two), education (two), public finance (three) and transport and highways (three).

The remaining seven complaints were recorded in the 'other' category. They included complaints about environmental health, antisocial behaviour, drainage and miscellaneous matters.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I did not issue any reports against your Council this year.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Two complaints were settled locally with your Council. In one adult care services complaint the Council failed to complete the care plan which had been agreed with the complainant and failed to convey this properly to the care home prior to his mother's admission. The Council also delayed in dealing with the stage two complaint. The Council reinforced with staff the requirement for care plans to be agreed and signed by customers and carers and for them to be received by care homes prior to admission. It also reviewed its systems for checking that the procedure had been followed. I note that the Council had already taken action to remedy this part of the complaint before I became involved, but I have raised the issue here because it is a matter of public interest on which I have previously reported. With regard to the delay the Council agreed to pay the complainant £100 compensation.

The other complaint was about housing benefit. The Council did not give the complainant written

notice of how to collect his belongings following his eviction from the property. By law it should have given him one month's notice before it could destroy the goods left. The Housing department said it did not do this because it did not have an address, but the Benefits section did have an address and the Council accepted that Housing should have checked with their colleagues. Although the Council did not accept there was an injustice, because it had kept his goods for more than the six months required where a notice was not served, I thought there was some evidence the complainant might have collected them had he been notified. The Council agreed to a 'goodwill' payment of £500 to be offset against his rent arrears.

Other findings

Four complaints were treated as premature and referred back to your Council so that they could be considered through your Council's complaints procedure. This was ten fewer than last year and 12 fewer than in 2005-06. Three of these were about the same planning matter.

In a further seven cases I took the view that the matters complained about were outside my jurisdiction.

Of the remaining 36 complaints two thirds were not pursued because I found no or insufficient maladministration causing injustice and the a third were not pursued for other reasons, mainly because no significant injustice flowed from the alleged fault.

Your Council's complaints procedure and handling of complaints

The reduction in the number of complaints made to me indicates that your Council has a robust complaints handling procedure which is easily accessible to residents in the Council's area. This view is supported by the fact that the four complaints decided as premature represent just 9% of the total number of complaints determined this year. This is significantly less than the national average, which this year is 27%.

Five complaints that had been referred back to the Council as premature were resubmitted. Four of these were not pursued because there was no evidence of maladministration and the other was outside my jurisdiction.

Liaison with the Local Government Ombudsman

Enquiries were made on 20 complaints during the year, 11 of these on planning and building control complaints. Your Council's average response time of just over 35 days, while an improvement on last year's average of just under 39 days, remains very disappointing. I am concerned that the average response time for planning and building control complaints, which amount to over half of all enquiries made, is an unacceptable 43.3 days. I criticised the Council in this respect last year when the average response time for these complaints was 48 days. I am glad there has been a slight improvement but I hope that your Council will make a determined effort in the coming year to accelerate this downward trend.

I note you have recently appointed a new link officer and would remind you that he is very welcome to attend my link officer seminar to discover how my office operates and help maintain an effective working relationship. We are holding our next seminar in November 2008. Please contact Ms Jones or Ms Chappell, my Assistant Ombudsmen, for more details.

Training in complaint handling

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. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. 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 and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different 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.

LGO developments

We launched the LGO Advice Team in April 2008, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act 2007, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

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.

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June 2008

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
01/04/2007 - 31/03/2008	3	2	0	2	6	7	13	3	0	3	39
2006 / 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

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
01/04/2007 - 31/03/2008	0	2	0	0	24	12	7	4	45	49
2006 / 2007	0	15	0	0	23	14	1	14	53	67
2005 / 2006	1	5	0	0	30	12	8	16	56	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
01/04/2007 - 31/03/2008	20	35.3
2006 / 2007	35	38.7
2005 / 2006	37	37.1

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0