

**The Local Government Ombudsman's
Annual Review
Kingston upon Hull City Council
for the year ended
31 March 2009**

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 reviews.

Contents of Annual Review

Section 1: Complaints about Kingston upon Hull City Council 2008/09.	3
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	3
Liaison with the Local Government Ombudsman.....	5
Training in complaint handling.....	5
Conclusions.....	5
Section 2: LGO developments.....	6
Introduction.....	6
Council First.....	6
Statement of reasons: consultation.....	6
Making Experiences Count (MEC).....	6
Training in complaint handling.....	6
Adult Social Care Self-funding.....	7
Internal schools management.....	7
Further developments.....	7
Appendix 1: Notes to assist interpretation of the statistics 2008/09.....	8
Appendix 2: Local authority report 2008/09	

Section 1: Complaints about Kingston upon Hull City Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about Kingston upon Hull City Council.

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

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of telephone calls to our service has increased significantly since then to more than 3,000 a month. Our advisers now provide comprehensive information and advice to people who telephone, write or e-mail. It enables citizens to make informed decisions about whether to put their complaint to us.

This means that direct comparisons with some previous year-statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

Enquiries and complaints received

During the year to 31 March 2009 the Commission received, in total, 137 enquiries and complaints about the Council. Our Advice Team gave advice to callers on 26 occasions but determined that 56 complaints were premature in the sense that it appeared that the Council had not been given the opportunity of addressing the concerns of the citizen. In these cases we either, sent the complaint to the Council with the request that the matter be put through the Council's own complaints procedure or, advice was given to the complainant that they should approach the Council directly.

Fifty five complaints were forwarded to me for consideration. Of these, 14 were complaints re-submitted to me by people unhappy with the way in which the Council had considered their complaint while 41 complaints were new to me.

The complaints sent to me covered the full range of the responsibilities of the Council but education matters [about which I received 11 complaints], housing matters [about which I received 25 complaints] and transport and highways matters [about which I received six complaints] were by the largest three categories of complaints.

Complaint outcomes

I determined 57 complaints during the year, a figure which differs from the number of complaints received because of work in hand at the beginning and end of the year. As with the complaints received during the year, the largest number of complaints determined concerned housing, education and transport and highways matters.

Of the 57 decisions made this year, six were made because the complaint was outside of my jurisdiction while seven cases were closed by me exercising the general discretion available to me not to pursue a complaint. In 29 cases I found there to be no evidence of maladministration by the Council sufficient to justify my continued involvement. The Council agreed to settle 15 complaints accepting that something had gone wrong and that a remedy for the complainant, of some sort, was appropriate.

We will often discontinue enquiries into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. The complaints settled by the Council this year amounted to 29.4% of the complaints I decided against your authority and which were within my jurisdiction.

I will not refer to every complaint settled by the Council in detail but some examples are worth noting in this review. I would however preface these references by thanking the Council for its willingness to settle complaints when it has been persuaded that something has gone wrong. This is very much to the credit of the Council.

The Council in one housing complaint paid £5,000 in compensation following a marked failure to respond reasonably to a family badly affected by flooding. Over too many months the Council failed to appreciate and respond to the scale of the difficulties faced by a family already beset with ill health and having to cope with a baby born on the day of the flood. The complaint was compounded by the fact that some of the information provided to me by the Council was wrong, some of the records of the Council were lacking in accurate detail and some of the actions of the Council appeared to be prompted by rumour and hearsay about the complainant's family.

In another housing repair complaint the Council agreed to pay £500.00 compensation to a tenant who had to endure several months without being able to use the upstairs of his property because of delay by the Council in re-wiring the property. The initial response of the Council to me was unhelpful because it lacked sufficient detail and precision but the response of the Council was eventually very positive.

In a further housing complaint the Council agreed to pay £630.00 to a tenant after serious delay completing work to property after flooding. Work the Council said would take three weeks took three months and this delay was compounded when the Council refused to accept reasonable evidence that damage to decorations had been caused by flood water.

I was critical of the Council having considered a complaint about special educational needs when I concluded that it had failed to provide tuition for the complainant's son. Although I found the complainant shared culpability with the Council I was dismayed when the Council refused to accept my finding of maladministration. I did not issue a report on this occasion because the Council agreed to make a goodwill payment of £500.00 to the complainant accepting that, for whatever reason, the complainant's son did not receive education during the period in question.

Reports

I issued no reports against the Council during the year.

Liaison with the Local Government Ombudsman

I ask all authorities to respond to my enquiries within 28 calendar days. I am pleased to acknowledge that this year, as in the previous year, the Council met that target, this year providing its response on average within 25.5 days. I am grateful to the Council for the clear efforts it makes to respond to me in a timely fashion.

One of my management team met the Council's link officer and a number of her colleagues during the year and this was a positive meeting building upon what I regard as a very positive working relationship between my office and the Council.

During the year, while dealing with a complaint in a different part of the country, one of my investigators sought advice, for comparative purposes, about the way in which the Council deals with the licensing of houses in multiple occupation. 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.

Training in complaint handling

I would like to take this opportunity to remind the Council that 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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

We have extended the range of courses we provide and I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

The Council is a large authority serving a large population over a wide geographical area. Given the size of the Council and given recent events such as the serious flooding in recent years, the number of complaints received by me is relatively modest. The absence of any evidence of systemic problems, the willingness of the Council, generally, to settle complaints, the speed of responses sent to me by the Council and the very positive working relationship between my office and officers of the Council reflects well on the Council and I repeat my thanks for the co-operation I have received during the year.

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.

**Mrs A Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

June 2009

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.

Adult Social Care Self-funding

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

Internal schools management

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

Further developments

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

**Mrs A Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

June 2009

Appendix 1: Notes to assist interpretation of the statistics 2008/09

Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Formal/informal prematures: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

Advice given: These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

Forwarded to the investigative team (resubmitted prematures): These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

Forwarded to the investigative team (new): These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

Table 4. Average local authority response times 2008/09

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	2	3	1	27	1	3	1	1	17	56
Advice given	1	2	0	8	1	0	1	4	9	26
Forwarded to investigative team (resubmitted prematures)	0	0	0	10	0	0	1	1	2	14
Forwarded to investigative team (new)	2	3	11	15	2	1	0	5	2	41
Total	5	8	12	60	4	4	3	11	30	137

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	15	0	0	29	7	6	57

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	34	25.5
2007 / 2008	28	27.6
2006 / 2007	18	28.4

Average local authority response times 01/04/2008 to 31/03/2009

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	60	20	20
Unitary authorities	56	35	9
Metropolitan authorities	67	19	14
County councils	62	32	6
London boroughs	58	27	15
National park authorities	100	0	0