

**The Local Government Ombudsman's
Annual Review
Liverpool 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.

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Section 1: Complaints about Liverpool City Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about Liverpool 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 our advice team received a total of 187 enquiries and complaints against your Council. Of these, 81 were forwarded to the investigative team for investigation. The biggest single category of enquiries and complaints was public finance (34), which includes council tax complaints, followed by planning and building control (28) and housing (23).

Complaint outcomes

88 complaints were determined by my office during the year. Of these 10 were found to be outside jurisdiction and in 12 cases discretion was exercised not to pursue the matter further. In 41 complaints no evidence of maladministration was found.

Local settlements

We will often discontinue enquires 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. Of the complaints we decided against your authority 25 were locally settled. I will mention some of these under the subject headings below.

Adult care services

Three complaints were locally settled, one of which resulted in the payment of £2000 compensation for the poor delivery of day care services. In another case the Council had not accepted the complainant's request to have his complaint looked at through the Council's statutory complaints procedure. I asked the Council to do this because it was the only way to clarify the complainant's entitlement following discharge from a psychiatric hospital.

Children and family services

Two complaints were locally settled resulting in compensation totalling £2186. In one of these cases the Council had reduced respite provision for a disabled child without carrying out an assessment, and had then delayed in carrying out the recommendations of a review panel for a new assessment. In this case the Council agreed to pay £686 compensation, this being the equivalent of the cost of the lost respite care. I shall be monitoring any other complaints I receive against the Council about the withdrawal of respite without proper assessment, as I regard this as a very serious failing.

In another serious failing the Council had lost the files relating to the complainant's 18 years in the Council's care. The Council agreed to pay £1500 for the distress this had caused, and to continue its efforts to locate the files.

In a third case, which was closed on other grounds, the Council nevertheless agreed to pay £1000 to compensate the complainant for stress and their time and trouble in pursuing a complaint about the failure to assess a child in need following the death of his mother, and the failure to share relevant information about his background with relatives with whom he went to live.

Benefits

Three complaints about council tax benefit were settled, with compensation totalling £750. Two of the cases involved the inappropriate involvement of bailiffs. The use of bailiffs in the collection of council tax is a growing phenomenon nationally on which the Ombudsmen intend to issue a special report in the near future.

One complaint about housing benefit was settled, although this also concerned children and family services. In this case we found that the Council had failed to protect children living in a house that was subject to attacks by people harassing their parents. The children and family services and housing benefit departments had failed to prevent the family's eviction, and the Council had failed to help the family after the eviction. The Council agreed to pay £11,500 into a trust fund for the benefit of the children. It also agreed to review its procedures for monitoring child protection work, particularly in families where drug misuse is a major issue, and to review the way departments work together to protect vulnerable families, particularly with a view to preventing eviction.

Housing

One complaint was settled which related to delay in acting on a report of dampness in the complainant's home which was rented from the Council at the time. This resulted in the payment of £300 compensation. The housing association which has taken over the Council's housing stock will remedy the problem with the damp proof course.

Leisure and culture

In one complaint which was settled the Council had failed to hold a site meeting to discuss electrical repairs required at a vandalised clubhouse used by a bowls club. The Council agreed to carry out repairs and to agree a timescale for erecting fencing during the close season.

Public Finance

12 complaints were settled, with compensation totalling £1730 being paid. These largely concerned the way in which the Council has pursued council tax arrears, including the use of bailiffs (see my remarks above). In one case the Council charged the complainant for council tax for a period of two years when the Council itself had bought the property from a third party. In a number of cases the information supplied to complainants about alleged arrears was deficient or confusing. In one, a complainant was sent a bill with a zero balance and therefore could not have been expected to know about the debt. They were therefore not given an adequate opportunity to come to an arrangement with the Council for repayment before the debt was passed to bailiffs. In this case the Council paid a total of £500 compensation. As a result of the complaint the Council has produced a new standard letter to be used when chasing old debts.

In another complaint it was apparent that both the standard information provided to claimants and the letter sent to the complainant in this particular case did not make it clear that there is a right of appeal to an independent tribunal on issues of liability for council tax. The Council accepted the recommendation that letters should be rewritten to make this right of appeal clear.

£200 compensation was paid to a complainant in a case where the Council had agreed to withdraw its instruction to the bailiffs, but the bailiffs' action had continued.

£80 compensation was paid to a complainant who received a court summons for council tax arrears although he had already proved that he had sold the house.

Transport and highways

One complaint, about parking penalty notices, was locally settled by the Council agreeing to take no action on six outstanding penalty charge notices which had been reissued in the name of the complainant's daughter.

Planning and building control

One complaint was settled locally. A neighbour complained about development that was not in accordance with the planning permission the Council had granted. There was delay by the Council in taking action, but the matter was settled by the Council securing a retrospective planning application for the work from the owner.

Liaison with the Local Government Ombudsman

During the year my officers made enquiries of the Council on 42 occasions. The average time taken to respond is 18.2 days, against a target of 28 days. This is commendable and better than most similar authorities, continuing the very good performance of the past two years. The officer responsible for liaison with my office is described by my staff as being very helpful. Where it is demonstrated that the Council has got something wrong, our experience is that it is generally very receptive to recommendations for remedying the problem.

Training in complaint handling

I am pleased that during 2008/09 we provided training in Effective Complaint Handling to staff from your authority on two occasions. Feedback from Council staff indicated that these were found to be very helpful.

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

Conclusions

Yours is a large council covering a major urban conurbation. It is perhaps not surprising that there are problems from time to time, and during the year a number of issues have arisen in relation to the collection of council tax. Some of these, particularly the use of bailiffs, are not peculiar to this Council. However there is clearly scope for improvement in the departments responsible for the collection of council tax and for the administration of council tax benefit. I hope that next year will see an improved situation.

I welcome the willingness of the Council to remedy matters when failings are brought to light, and I particularly note the very positive role of your liaison officer in dealings with my office.

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
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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
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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.

Appendix 2: Local Authority Report - Liverpool City C

For the period ending - 31/03/2009

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	4	3	2	9	7	13	12	4	17	71
Advice given	1	2	1	3	5	4	3	7	9	35
Forwarded to investigative team (resubmitted prematures)	1	1	0	4	1	5	5	3	6	26
Forwarded to investigative team (new)	5	7	4	7	5	12	8	1	6	55
Total	11	13	7	23	18	34	28	15	38	187

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	25	0	0	41	12	10	88

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	42	18.2
2007 / 2008	53	18.9
2006 / 2007	69	17.4

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