

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

**Southampton 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 Southampton City Council 2008/09

## Introduction

This annual review provides a summary of the complaints we have dealt with about Southampton City 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 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 calls to our service has increased significantly since then. It handles more than 3,000 calls a month, together with written and emailed complaints. Our advisers now provide comprehensive information and advice to callers at the outset with a full explanation of the process and possible outcomes. It enables callers to make a more informed decision about whether putting their complaint to us is an appropriate course of action. Some decide to pursue their complaint direct with the council first.

It means that direct comparisons with some of the previous year's 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

Our Advice Team received 59 complaints and enquiries about your Council during the year. Eighteen of these were about housing matters, ten concerned planning and building control and the remainder covered a range of other services.

We treated 20 of these complaints and enquiries as premature and in a further 15 cases we gave advice (usually to approach the Council directly). The remaining complaints were forwarded to the investigative team either as new complaints or as premature complaints that had been resubmitted.

## Complaint outcomes

I decided 27 complaints against the Council during the year. In eleven of these cases I used my discretion not to pursue the complaints further. Typically these are cases where even though there may have been some fault by the Council, the complainant suffered no significant injustice. With a further nine complaints, I found no evidence of maladministration. One complaint was outside my jurisdiction. In the remaining six complaints the Council agreed local settlements (I shall give more details below).

## Reports

When we complete an investigation, we generally issue a report. This year we issued no reports against your Council.

### Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements.

Your Council continues to be very willing to agree to settle complaints where I consider this is justified. Of the complaints we decided against your authority, six were local settlements (23% of the complaints that were within my jurisdiction). These settlements included the payment of a total of £1,425 in compensation, as well as taking other measures.

The largest single payment was £1,000 to a complainant who objected to two planning applications from the house next door. The Council's procedures specified that these applications should have been referred to its Planning and Rights of Way Panel but in each case the Council omitted to do so. I concluded that it was highly likely that, even if the Panel had considered the applications, both would have been approved. Nevertheless, the complainant had lost two opportunities to present objections to the Panel and had a justified sense of outrage from being deprived of the opportunity of being able to put his point of view to the Panel. By the time the complaint reached me, the Council had already improved its procedures and training to reduce the likelihood of a recurrence. I was pleased that the Council agreed promptly to my recommendation that it should apologise to the complainant and pay £1,000.

Two of the settled complaints concerned Council Tax matters. In one case, bailiffs' letters addressed to other people arrived at the complainant's address. The letters concerned alleged Council Tax debts from another address. When the complainant realised what was happening, he told the bailiffs that the addressees did not live at his property and that he himself had no connection to the alleged debts so asked the bailiffs to stop sending correspondence. However the bailiffs sent a further letter to the complainant's address demanding payment. The complainant became concerned that bailiffs might visit his property and remove his belongings, wrongly believing them to belong to the alleged debtors. He also suffered some frustration at the bailiffs' failure to answer his letters. The Council agreed to apologise, paid the complainant £100 and reviewed its arrangements for communicating with bailiffs when doubt arises about a debtor's address.

With the other complaint regarding Council Tax, the Council erroneously believed the complainant had overpaid Council Tax so reimbursed the complainant some money. On realising its error, it agreed a monthly repayment arrangement with the complainant. When the complainant did not keep to this arrangement, the Council sent a court summons. The Council then decided that a summons had been inappropriate in this case (because the Council bore some responsibility for the circumstances in which the debt had arisen) so it cancelled the summons and the associated costs and altered its procedures to prevent a recurrence. The complainant remained dissatisfied with the repayment arrangements but I considered the Council's position reasonable in that regard. The Council agreed to apologise for issuing the summons, which I considered a sufficient remedy.

Another complaint that was settled locally concerned school admissions. The Council told all of its schools not to provide any information or support to assist parents appealing against the refusal of a school place in Southampton. In fact the School Admission Appeals Code of Practice only said that the particular school that was the subject of the appeal cannot give appellants any support or

information. It did not prevent, for example, a member of staff at a primary school providing information or support for an appeal for a place at a secondary school. My complainant's child was finishing primary school and the complainant was appealing against the refusal of a place at a particular secondary school. The Council's position meant that my complainant was unable to obtain and present to the appeal panel information from the primary school about the extra support the child had needed. The Council agreed to change its position and write to all Headteachers in its schools clarifying the matter. It also offered the complainant a fresh appeal hearing although in the event the complainant did not take up that offer.

Of the remaining local settlements, one concerned misleading information about bulky refuse collections, which the Council put right by paying the complainant £75, and by reviewing public information and staff awareness about the subject. The other concerned delay in reinstating a Housing Benefit claim, which the Council remedied by apologising and paying the complainant £250.

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

My office made formal enquiries on 17 complaints during the year. I ask councils to respond to enquiries within 28 days. Your Council has consistently replied well within this timescale in recent years and in 2008/09 the average response time was 21.1 days. Prompt responses are very helpful to me and to complainants so I am very grateful for the Council's efforts in this area.

I also wish to record my thanks for the Council's assistance in offering 'neutral' accommodation for my staff to hold a mediation meeting with a complainant and council officers from a neighbouring council in October.

### **Training in complaint handling**

In previous years we have provided training in Effective Complaint Handling to staff from your authority. We have extended the range of courses we provide and we can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities. I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

### **Conclusions**

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 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.

**J R White  
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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.

## LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Public Finance inc. Local Taxation	Planning and building control	Other	Total
Formal/informal premature complaints	2	2	0	7	2	4	3	20
Advice given	0	1	0	5	0	3	6	15
Forwarded to investigative team (resubmitted prematures)	0	1	1	1	1	0	1	5
Forwarded to investigative team (new)	2	1	4	5	2	3	2	19
<b>Total</b>	<b>4</b>	<b>5</b>	<b>5</b>	<b>18</b>	<b>5</b>	<b>10</b>	<b>12</b>	<b>59</b>

## Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	6	0	0	9	11	1	27

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	17	21.1
2007 / 2008	19	24.8
2006 / 2007	21	21.5

## 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