

**The Local Government Ombudsman's  
Annual Review  
Liverpool City Council  
for the year ended  
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use 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

<b>Section 1: Complaints about Liverpool City Council 2009/10.....</b>	<b>3</b>
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	3
Liaison with the Local Government Ombudsman.....	4
Training in complaint handling.....	5
Conclusions.....	5
<b>Section 2: LGO developments.....</b>	<b>6</b>
Introduction.....	6
New schools complaints service launched.....	6
Adult social care: new powers from October.....	6
Council first.....	6
Training in complaint handling.....	7
Statements of reasons.....	7
Delivering public value.....	7
<b>Appendix 1: Notes to assist interpretation of the statistics 2009/10.....</b>	<b>8</b>
<b>Appendix 2: Local authority report 2009/10</b>	

# Section 1: Complaints about Liverpool City Council 2009/10

## 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.

There are two appendices to the review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

## Enquiries and complaints received

Our Advice Team deals with all initial contacts to the Ombudsmen and advises people who want to make a complaint. The Advice Team recorded 142 enquiries about your Council in 2009/10, 58 of which were complaints for my office to consider. The Council had not had an opportunity to consider and respond to 52 complaints and these were referred to you, as premature.

## Complaint outcomes

In any one year, there can be a difference in the number of complaints received and the number of decisions made by my office. This is because some decisions will have been made on complaints received in the previous year and not all the complaints received in 2009/10 will have been decided by 31 March.

We made decisions on 58 complaints during the year. 11 were found to be outside jurisdiction. In 11 cases I exercised my powers to discontinue the investigation and in 17 cases there was no evidence of maladministration.

## Local settlements

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. 26.9% of all decisions on complaints in the Ombudsmen's jurisdiction were local settlements. Of the decisions on complaints about your authority, 17 were settled in this way.

The Council agreed settlements as follows:

### ***Adult care services***

Five complaints were settled under this heading, mostly by undertakings to improve procedural matters in future. However, in one case involving a discharge from hospital the Council agreed to the payment of £1000 compensation for the complainant's time and trouble in complaining, and additional associated costs.

### ***Children and family services***

The one case settled here involved the failure by the Council to make an application on behalf of a "looked after child" for Disability Living Allowance. The Council sent a suitable letter of apology, together with £4000 compensation.

### ***Education transport***

One complaint involved the failure by the Council to put to its internal appeal panel a crucial piece of information. The complaint was remedied by the provision of a fresh appeal. The other matter settled in this category resulted in agreement by the Council to change its current policy on school transport to ensure that the eligibility criteria are clear.

### ***Highway management***

A complaint about delay in preparing a report was remedied by the completion of the report, together with a firm date for it to be presented to the relevant committee.

### ***Housing benefit***

The Council settled a complaint about delay in reviewing the complainant's housing benefit claim by apologising and paying £50 compensation.

### ***Local taxation***

Five complaints were settled in this category, mostly involving the use of bailiffs to pursue outstanding Council Tax debts. A total of £900 compensation was paid.

### ***Parking***

Two parking complaints were settled without the need for compensation payments.

### ***Regeneration and improvement***

Council paid £200 compensation to the complainant for poor handling of a complaint about damage to household fittings caused by the Council's contractors.

### ***Reports***

When we complete an investigation, we generally issue a report. This year we issued two reports against your Council.

The first of these concerned an inaccurate assessment of the age of a young asylum seeker by Council staff who were not trained to make a judgement. This left her living for a long period without the support she needed and to which she was entitled as a child in need. The Council agreed to pay her £5000 compensation and to review a sample of its previous age assessments to see if any action was necessary in relation to staff training.

The second report concerned contracts and business matters, it being the first published report under the recent extension of my jurisdiction in this area. The complainant had tendered for a Council contract, which was subsequently granted to a company that could not possibly have met the requirements set out in the tender documents. The Council agreed to pay the complainant £700 (which he donated to charity), and £500 to each of the other companies who had tendered unsuccessfully. The Council also agreed to commission a review of a sample of its recent tender evaluations and contract awards to see whether there were similar flaws. It agreed to address other procedural and policy issues.

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

My office made 38 enquiries of the Council during the year. The average time to respond was 17.5 days, well within my target of 28 days. This continues the Council's consistently good performance against this target in recent years.

I am pleased to note that the Council felt able to send a number of staff to the seminar in York for council officers responsible for liaison with my office. My staff regularly comment on the co-operation and positive attitude of the Council's liaison staff. The Council's policy on recovery of Council Tax and Community Charge arrears has inevitably led to a number of complaints. The

Council's openness and willingness to discuss the issues that arise in this area has been welcome.

### **Training in complaint handling**

I am pleased that during 2009/10 we provided training in Effective Complaint Handling to staff from your authority. I also note that the Council is one of a number of authorities sending delegates to an open course later this year.

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**

It is inevitable that a major urban authority will generate a number of complaints to me. Some of these have exposed issues of concern, but I welcome the constructive attitude taken by the Council to criticism where this is necessary. This is consistent with the cooperative and highly professional attitude of your liaison staff. It is apparent that yours is an authority that takes complaints seriously.

I hope this review provides a useful opportunity for you to reflect on how the Council deals with those complaints that residents make to my office. If there are any issues that you wish to discuss, I or one of my senior colleagues would be happy to meet with the Council.

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

**June 2010**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

### New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at [www.lgo.org.uk/schools/](http://www.lgo.org.uk/schools/)

### Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

### Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at [www.lgo.org.uk/guide-for-advisers/council-response](http://www.lgo.org.uk/guide-for-advisers/council-response)

## **Training in complaint handling**

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

## **Statements of reasons**

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

## **Delivering public value**

We 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 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.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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

**June 2010**

# Appendix 1: Notes to assist interpretation of the statistics 2009/10

## 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.

**Premature complaints:** 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

**Forwarded to the investigative team (resubmitted premature and new):** These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to 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 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 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 LGO 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 LGO'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 LGO'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 2009/10**

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

**LGO Advice Team**

<b>Enquiries and complaints received</b>	<b>Adult care services</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Benefits</b>	<b>Public Finance inc. Local Taxation</b>	<b>Planning and building control</b>	<b>Transport and highways</b>	<b>Other</b>	<b>Total</b>
Formal/informal premature complaints	3	3	1	3	6	19	5	3	9	52
Advice given	6	2	5	1	3	2	0	6	7	32
Forwarded to investigative team (resubmitted prematures)	1	0	1	1	1	3	1	2	0	10
Forwarded to investigative team (new)	10	3	3	2	2	8	7	5	8	48
<b>Total</b>	<b>20</b>	<b>8</b>	<b>10</b>	<b>7</b>	<b>12</b>	<b>32</b>	<b>13</b>	<b>16</b>	<b>24</b>	<b>142</b>

**Investigative Team**

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Total</b>
2009 / 2010	2	17	0	0	17	11	11	58

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	38	17.5
2008 / 2009	41	18.1
2007 / 2008	53	18.9

## Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20