

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Leicester City 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 Leicester 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 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 130 complaints against your Council during the year, 15 fewer than last year. We expect to see fluctuations in numbers year on year, and I see nothing significant in the fall.

Character

Thirty-seven complaints, approximately a quarter of all those we received against your Council, were about housing. This is a similar number and proportion to previous years.

We received 15 complaints about planning and building control, an increase of six on 2006/07. We also received a higher number of complaints in the areas of children and family services compared to last year: 10 compared to two in 2006/07. But I do not consider these increases to be significant.

We received 11 complaints about benefits. This is less than half the number received last year but on a par with the number received in 2005/06.

We received a similar number of complaints to previous years in the areas of adult care services (five), education (11), public finance (18) and transport and highways (seven).

The remaining 16 complaints were recorded in the 'other' category. They included complaints about waste management, environmental health, licensing and miscellaneous matters, and three complaints in each of the areas of antisocial behaviour, land and leisure and recreation.

Decisions on complaints

Reports and local settlements

When we need to complete an investigation we issue a report. I issued no 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 way of local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Twenty-two complaints were settled locally, and compensation totalling £11,628 was paid.

Two adult care services complaints were settled locally. Both concerned the Council's failure to put appropriate care packages in place in a timely fashion. One complainant was without services for a year and the other for some four months. The Council resolved these complaints by reviewing arrangements and procedures and making a payment of £5,250 to the first complainant and a payment equivalent to cost of the services which should have been in place to the second.

Two complaints about antisocial behaviour by neighbours were resolved. In the first, the Council failed to address noise complaints adequately and delayed in taking action. The Council offered the complainant a housing transfer. In the second, the Council accepted that it had been wrong to continue to charge the complainant rent when her property was uninhabitable due to damage caused by anti-social behaviour; it settled the complaint by making a payment of £987.

In another complaint, the Council granted a licence for a hot food takeaway van but failed to advise the complainant of the need to seek prior approval from the Highways Department about the siting of the van. The Highways Department required the removal of the van and the Council paid £250 in recognition of the complainant's time and trouble.

Seven local settlements were agreed in respect of housing benefit matters. In five cases, there was delay in processing claims or taking appropriate action and the Council remedied these complaints by making compensatory payments. One complaint concerned the Council's error in failing to verify a landlord's claim that the complainants were more than eight weeks in rent arrears before refusing their request to pay housing benefit to them rather than to their landlord, and the Council made a payment of £250. The final complaint in this group resulted from recovery of an overpayment, conflicting rent account statements and confusing explanations. The Council provided a corrected statement and clear explanations in remedy.

Three complaints about housing repairs were essentially about delay and were settled by the Council completing works and making payments totalling £2,062.

In an education admissions case, faults in the way the Council carried out allocations were compounded by the failure of the appeal panel to establish whether the admissions process had been carried out properly. If it had been, the complainant's child would have been offered a place. Once the Council realised it was at fault, it offered the child a place at the preferred school, revised its procedures and agreed to consider providing further training to appeal panel members.

The remaining complaints were settled locally by the payment of compensation and the taking of appropriate action but they do not raise issues of particular significance.

Other findings

Forty-two complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In a further 16 cases I took the view that the matters complained about were outside my jurisdiction.

The remaining 56 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

Last year I suggested that it might be an opportune time to review the accessibility and workings of your complaint process because almost half the complaints we received against your council were premature (59 out of 128). This was much higher than the national average of 28%. This year premature complaints account for just under a third of all complaints decided. This is more in line with the national average, which this year is 27%.

Fifteen complaints that had been determined as premature were resubmitted. Five of these resulted in local settlements, eight were not pursued either because no evidence of maladministration was seen or because it was decided not to pursue them for other reasons. One was premature and one was still under consideration at the end of the year. The number resubmitted which were then upheld by my office may indicate that further work is needed on the robustness of the challenge to departmental views by the corporate part of the process. The Council's complaints procedure should be ready to put things right when they have gone wrong. It is not there to defend the Council's position against a justified complaint.

Liaison with the Local Government Ombudsman

Enquiries were made on 43 complaints during the year. Your Council's average response time of just under 32 days, while an improvement on last year's average of just under 39 days, masks a disappointing picture in respect of response times. Only 21 responses – fewer than half - were received with the target timescale of 28 days.

In nine cases it took more than 50 days for a response to be received, including an education special needs case where we did not receive a response for 74 days, two homelessness complaints which took 55 and 66 days, and an enforcement complaint where no response was received for 83 days. I consider this to be unacceptable, particularly in cases where complainants are vulnerable or have an ongoing injustice. I hope that your Council will make a determined effort in the coming year to effect improvements.

The quality of responses is generally satisfactory and I am pleased to note that my officers have had cause to comment favourably on some pro-active and helpful responses from your officers which have resulted in speedy resolutions and good outcomes for the complainants. But, unfortunately, there have been more occasions where your Council has not provided requested information or has not answered a particular point. There have also been instances where there seems to have been confusion about who was responsible for providing the response. All these things result in further delay for the complainant which I am sure you will agree should be avoided.

I was pleased to give a seminar in February of this year to officers of authorities in Leicestershire and Rutland. I hope those from your authority who were able to attend found it useful.

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, 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, 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 how useful you have found these reports, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships involving your Council.

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	5	11	10	11	37	16	15	18	0	7	130
2006 / 2007	9	25	2	10	30	34	9	18	0	8	145
2005 / 2006	9	8	2	12	42	12	11	9	1	8	114

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	22	0	0	32	24	16	43	94	137
2006 / 2007	1	10	0	0	29	13	16	58	69	127
2005 / 2006	0	29	0	0	51	7	10	28	97	125

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	43	31.7
2006 / 2007	50	38.9
2005 / 2006	52	32.0

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