

Local Government  
**OMBUDSMAN**

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

**Lancaster 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 Lancaster 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 26 complaints against your Council during the year, which was five fewer than last year. We expect to see fluctuations in numbers year on year, and I see nothing significant in the fall.

### ***Character***

Nine of the complaints, 34% of all complaints received, were about housing. This is an increase of three complaints from last year when housing accounted for approximately 20% of the total.

We received six complaints about planning and building control, an increase of four on 2006/7 and two complaints in relation to transport and highways, one fewer than last year.

We received three complaints about public finance, a reduction of two on last year.

One complaint was received in respect of benefits in 2008, six fewer than 2006/07.

The remaining five complaints were recorded in the 'other' category. They included complaints about environmental health, employment and pensions (matters outside my jurisdiction), contracts and business matters, land and a miscellaneous matter.

## **Decisions on complaints**

### ***Reports and local settlements***

When we need to complete an investigation we issue a report. I issued one report against your Council this year about two complaints about regeneration and improvement. I identified failings in recording, poor written communications with the complainants and inadequate advice about their options when the Council planned to acquire and demolish their homes. This resulted in lost opportunity for the complainants and financial loss. To remedy the complaints, the Council agreed to make a payment of £27,700 to one complainant and £13,625 to the other.

I received a similar complaint from another resident after issuing my report and the Council agreed to give the complainant the same remedy that I had recommended in the reported cases. I commend the Council's prompt actions in this case and for settling this additional complaint without the need for further investigation.

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).

One complaint was settled locally this year. The complainant felt that the Council had been unreasonable in taking recovery action for council tax arrears on his late father's home and by failing to respond to his queries. Your Council was helpful and proactive in agreeing to meet with the complainant to explain liability issues.

### ***Other findings***

Seven 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 eight cases I took the view that the matters complained about were outside my jurisdiction.

The remaining 14 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**

Seven of the 31 complaints decided this year were premature (23%). This was lower than the national average, which this year is 27%. This indicates that your complaints process is accessible and clear to citizens.

Of the seven complaints that were determined as premature, two were resubmitted. These were both related to planning applications and were not pursued either because insufficient evidence of maladministration was seen or because it was decided not to pursue them for other reasons.

I am pleased that my investigators have remarked that the Council's officers are generally proactive and helpful.

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

The time taken to respond to our enquiries in 2005/6 was 35 days and last year it had been improved to 29 days. This year we made enquiries on 12 cases, and the average response time was just under 18 days. The continuing improvement here is very commendable and is now within our target response time of 28 days.

I was pleased to give a talk to the Council's Audit Committee in April of this year about the developing role of the Ombudsman. 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.

**J R White**  
**Local Government Ombudsman**  
**The Oaks No 2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**June 2008**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	1	9	5	6	2	3	<b>26</b>
<b>2006 / 2007</b>	7	6	8	2	5	3	<b>31</b>
<b>2005 / 2006</b>	3	8	4	1	0	1	<b>17</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<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>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	2	1	0	0	10	4	7	7	24	<b>31</b>
<b>2006 / 2007</b>	0	2	0	0	11	4	6	8	23	<b>31</b>
<b>2005 / 2006</b>	0	2	0	0	4	4	2	2	12	<b>14</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2007 - 31/03/2008</b>	12	17.9
<b>2006 / 2007</b>	10	29.4
<b>2005 / 2006</b>	6	35.0

**Average local authority response times 01/04/2007 to 31/03/2008**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
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