

Local Government  
**OMBUDSMAN**

**The Local Government Ombudsman's  
Annual Letter  
Portsmouth 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 Portsmouth 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 55 complaints against your Council during the year, an increase of over a third on last year's figure and the total received in 2005-2006. We expect to see fluctuations year on year.

### ***Character***

Just under a third of complaints were about housing matters, a slightly greater proportion than last year, and concerned housing allocations (four), housing repairs (six) and managing tenancies (four), with one complaint relating to housing sales/leaseholds.

Nine complaints were about other matters and concerned anti-social behaviour (four), employment and pensions (two), access to information, licensing and waste management. The number of complaints in this category remained unchanged.

We received an increased number of complaints about public finance (eight) and transport and highways (six). But the numbers involved are relatively small and may not reflect any discernible trend.

Complaints received about other service areas included planning and building control (five), benefits (five), adult care services (three), children and family services (three), education (one).

## **Decisions on complaints**

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

When we complete an investigation we issue a report.

I was not required to issue any reports against your Council last 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 local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Ten complaints were settled locally during 2007/08, and the Council paid a total of £4,468 in compensation.

In a complaint about housing allocations, I found the complainant had lived in unsuitable accommodation for over a year as a result of the way the Council had dealt with his re-housing application. It failed to re-house him at the earliest possible opportunity despite the severity of his

disabilities. In response to my recommendation, the Council agreed to pay the complainant £2,666 for the delay of 16 months in re-housing, when he continued to live in unsatisfactory accommodation, plus £250 for his time and trouble. The Council also agreed to pay the complainant £166 per month from February 2008, until he was successfully re-housed. These payments were in accordance with the Commission's guidance on remedies where someone has lived in very unsatisfactory accommodation for an avoidable period of time due to a council's actions. At the time of writing, the Council was still pursuing options for re-housing the complainant.

In a complaint about housing repairs, the complainant said the Council had wrongly referred a complaint about a repair carried out by a contractor direct to the contractor rather than putting it through its own complaints process. The contractor did not respond for over five months. In response to my initial enquiries, the Council offered to pay the complainant £250 for the inadequate handling of his complaint and the difficulty caused. I was pleased to note the Council's prompt offer of a local settlement here.

In a complaint about local taxation, the Council pursued a Council Tax debt which, due to the passage of time and changes in its systems, it could not prove was still owed. Ultimately, bailiffs were instructed. I decided that the complainant had suffered distress and time and trouble. The Council accepted that it could not prove the debt was still owed and so agreed to write it off and settle the complaint. The Council reimbursed the complainant for £181.14 already paid, wrote off costs of £121 and paid her £250 for her time, trouble and distress. The Council also undertook to arrange refresher training for debt recovery staff on dealing with sensitive issues, together with a wider review of recovery procedures. I was again pleased to note the Council's offer of a local settlement at an early stage in my investigation.

### ***Other findings***

Fourteen 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 ten cases I took the view that the matters complained of were outside my jurisdiction as the complainants had alternative statutory rights of appeal (three), the matters complained of potentially affected most or all people in the Council's area (three), the complaints referred to employment and personnel matters (two), the events dated back over twelve months and I did not see grounds to exercise my discretion to look into them, and because legal proceedings had commenced.

Eleven complaints were not pursued because no evidence of maladministration was seen. I decided not to pursue two complaints because no significant injustice flowed from the fault alleged. Two complaints were withdrawn. In one complaint, I exercised my discretion not to pursue a complaint about the information given by the Council to the complainant about its investigation of an allegation by him about benefit fraud as this would have been a confidential matter for the authority.

### **Your Council's complaints procedure and handling of complaints**

The number of complaints treated as premature increased slightly from last year, but premature complaints made up a smaller proportion of the total received.

The proportion of complaints treated as premature last year (27.45%) is in line with the national average of 27%.

Three complaints that had been referred back to the Council as premature were resubmitted. I did not pursue two complaints about housing repairs because, in one case, no evidence of maladministration was seen and, in the other complaint, no significant injustice flowed from the fault alleged. I decided that in a resubmitted complaint about a planning application, the events referred to were too old to exercise my discretion to look into them

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

Enquiries were made on 27 complaints during the year. The average response time of 31 days was just outside my target timescale of 28 days. But the time taken to respond to initial enquiries was halved from last year. I have noted that the figures include two complaints received by your authority in the early part of the year before improvements in the Council's complaints handling procedures took effect; and that the response for one complaint became caught up with the Christmas holiday period and office closures, distorting the recorded response time by twelve days.

I welcome the very considerable progress made by the Council in its response times and your authority's renewed commitment and intention to meet the target timescale of 28 days in 2008-2009. Your Council's achievement in reducing its response times has greatly assisted the work of my office and helped to reduce uncertainty for complainants about the progress of complaints.

## **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 by social care review panel members. We can run 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.

I note that your Council sent a representative in 2007 to the annual seminar run by my office for local authority complaints officers on the work of the Ombudsman and complaints handling. We receive very positive feedback on the content and value of the seminars. We will be sending out invitations in due course for this year's event and would welcome your authority's attendance.

## **LGO developments**

We launched the LGO Advice Team in April 2008, 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, has 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 2007, which also came into force in April 2008. 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'. Again, I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

## **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 No2**  
**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)

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	3	5	3	1	15	9	5	8	6	55
2006 / 2007	0	5	1	2	10	9	6	3	3	39
2005 / 2006	5	3	1	0	14	8	3	3	4	41

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	10	0	0	11	6	10	14	37	51
2006 / 2007	0	4	0	0	13	5	5	11	27	38
2005 / 2006	0	4	0	0	9	4	4	14	21	35

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	27	31.0
2006 / 2007	20	60.0
2005 / 2006	11	27.7

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