

**The Local Government Ombudsman's
Annual Review
Coventry 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 Coventry City Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about Coventry 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

Last year, our Advice Team handled 87 enquiries and complaints about your Council. Of these 33 related to complaints which we considered were premature, and we referred them to your Council for investigation. We gave advice to 12 other enquirers on a variety of matters, including my jurisdiction. Our Advice Team forwarded 42 complaints to the investigative team, including 10 which had previously been referred to the Council to consider. Enquiries and complaints were spread across all the main subject areas. Education, transport and highways and planning and building control accounted for nearly half of those complaints forwarded for investigation.

Complaint outcomes

This year, I decided 47 complaints against your Council. There were 12 complaints in which I found no, or insufficient, evidence of fault by the Council to warrant further investigation. I used my discretion not to pursue investigations into 11 complaints, for example where the injustice to the complainant was not significant enough to warrant a remedy, or where the remedy which the Council had provided was adequate. Eight complaints were outside my jurisdiction.

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. Of the complaints I decided against your authority, which were within my jurisdiction, 16 (41%) were local settlements. These settlements resulted in the Council making payments totalling over £6,500. Of these payments, £1,075 arose from two complaints about social services providing for the care of adults; £4,000 from three complaints about social services for Children and Families, and £440 from two complaints about parking.

Complaints by service area

Adult care services

I settled two complaints about social care services for adults.

In one case, the Council backdated costs for non-residential care services for a period before it had carried out a financial assessment. This was contrary to its own policy. The Council agreed to waive costs amounting to £575 for the period in question.

In the second case, the Council did not deal properly with the complainant's late parent's admission to residential accommodation, and then sought payment of the parent's unpaid Council Tax and care charges without proper information. The Council acknowledged that it had not previously considered the parent's dwindling savings or properly explained certain charges. It agreed to waive one charge and reduce another. The Council agreed to make a payment of £500 to the complainant to acknowledge the distress arising from the events. The Council has also agreed to provide residents with specific written information about charges, in addition to its general booklet.

Children and families

I decided four complaints about social services to children and families. I treated one complaint as premature. I settled the other three complaints.

Two separate complaints related to the way in which the Council had placed a number of extremely challenging foster children with two different foster carers and their families. In both cases, the Council had failed adequately to assess the very serious risks arising from the foster children's propensities and conduct. In one case, the Council failed to give a review panel sufficient background information about the foster children for the panel to come to an informed view of the complaint. The Council has undertaken a thoroughgoing review of the relevant procedures. It has also apologised to the complainants and paid them a total of £3,500 to acknowledge its faults.

In the third case, the Council delayed in considering a matter through the statutory procedure for complaints about social services, and failed to tell the complainants about their rights to take the matter to the final stage of the procedure. Several aspects of the complaint were upheld in the later stages of the procedure. The Council paid the complainants £500 to recognise their additional time and trouble in pursuing the complaint throughout the statutory procedure, and the extended uncertainty which this caused.

Contracts and business matters

I decided two complaints about contracts and business matters. One of these complaints was outside my jurisdiction. I settled the second complaint about an application for a market stall. The Council agreed to resolve the matter by considering a fresh application. The Council was reviewing its procedure for considering such applications, and agreed to take account of any comments by the complainant in doing so.

Parking

I decided eight complaints about parking. In two complaints, there was no, or insufficient, evidence of maladministration and, in two others, I used my discretion not to pursue an investigation. One complaint was outside my jurisdiction.

I settled the remaining three complaints about parking.

In one case, the Council wrongly clamped the complainant's vehicle after it had suspended enforcement action. The Council recognised its error and cancelled five outstanding penalties, representing £365, to recognise the distress and inconvenience to the complainant.

In a second case, the Council issued a parking penalty notice in error. The Council paid the complainant £75 to recognise the avoidable time and trouble which arose from the error and the steps taken to correct it. A third complaint, which arose from a poorly completed penalty notice, compounded by delay in issuing a corrected notice, was settled by the Council cancelling the penalty, amounting to £35.

Education

I decided eight complaints about educational matters. In two complaints, there was no, or insufficient, evidence of maladministration and, in two others, I used my discretion not to pursue an investigation. In one of these cases it emerged that it is not clear, nationally, whether a council or the school governors are the admissions authority for a nursery class. The Council has agreed to develop a local protocol to provide useful clarity on this point.

I settled the remaining four complaints. In one case, the Council failed to deal properly with the complainant's late application for a child's admission to a secondary school following the family's move from another authority's area. The Council apologised for the confusion, offered to visit the complainant to discuss the options for continuing the child's education, and paid the complainant, £150 to recognise its faults.

In a second complaint, the complainant said that the Council had lost an application, delivered to the Council's offices by hand, for the admission of a child for whom the complainant had responsibility, and then treated a resubmitted application as late. The complainant's appeals for places at two preferred schools were unsuccessful. The complaint was settled by the Council's offer of a place at a third school, which the complainant accepted. The Council also agreed to revise its procedures for acknowledging papers delivered by hand to its offices.

A third complaint arose from the misspelling of the surname of a child returning from abroad to a school at which she had previously been a pupil. The spelling mistake meant that the child was not identified as a former pupil, and instead made to follow a more time consuming procedure. While the application for admission had been successful, the absence of a written decision led to an avoidable delay of two months in admitting the child to the school. The Council ensured that the place was provided, apologised, and paid £250 to recognise the fault. The Council agreed to improve liaison between the parties dealing with applications for school places from pupils coming from abroad, and to ensure that all decisions on applications for admission are sent to parents in writing.

The Council settled a fourth complaint about home to school transport by reimbursing the parents' transport costs amounting to £68 during the autumn of 2008, and providing transport from January 2009 onwards. The Council is reviewing its policy on home to school transport in the light of concerns about equalities issues raised by the complaint.

Liaison with the Local Government Ombudsman

The average time taken by the Council to reply to our written enquiries about complaints was 25.2 days. This is within the target (28 days) which we set for responding to our first written enquiries.

The Council's responses to our first enquiries are generally helpful. The Council manages its own complaints procedure well. It appears that the Council's procedures have been successful in encouraging early resolution of some complaints. However I note that during the year, of the seven cases I decided which had previously been referred to the Council and which had then been resubmitted, three were local settlements, including one of the cases about placement of foster children. This indicates that the Council may need to do more to ensure it does resolve matters through its own procedures.

My officers have kept in regular contact with your Council's Performance and Programmes Officer and my officers visit your Council's offices from time to time. Your Council's Performance and Programmes Officer took part in a seminar for councils' link officers at Millbank Tower in March 2009. We find these contacts helpful.

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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. 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.

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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.

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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	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	2	0	2	2	8	2	5	11	33
Advice given	0	1	1	0	0	1	1	3	5	12
Forwarded to investigative team (resubmitted prematures)	0	0	1	0	1	1	3	1	3	10
Forwarded to investigative team (new)	3	1	7	3	2	3	2	6	5	32
Total	4	4	9	5	5	13	8	15	24	87

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	16	0	0	12	11	8	47

Average local authority response times 01/04/2008 to 31/03/2009

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	24	25.2
2007 / 2008	30	21.8
2006 / 2007	26	29.1

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