

## **The Local Government Ombudsman's Annual Review**

# **Wiltshire Councils**

including the former Wiltshire County Council, the former Kennet District Council, the former North Wiltshire District Council, the former Salisbury District Council and the former West Wiltshire District 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 Wiltshire Councils 2008/09**

## **Introduction**

This annual review provides a summary of the complaints we have dealt with about the former councils in Wiltshire. We have included comments on the performance of each authority and complaint-handling arrangements, where possible, so they can assist your Council with service improvements.

I hope that the review will be a useful addition to other information your authority holds on how people experienced or perceived the services of the predecessor authorities.

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.

# Wiltshire County Council

## Enquiries and complaints received

During the year our Advice Team received 24 enquiries and complaints about the former County Council. Advice only was given on eight of those, (usually to make a complaint direct to the Council). Five complaints were found to be premature and referred back to the Council to be considered first through the Council's own complaints procedures. The 11 complaints passed to the investigative team included two which had been resubmitted having previously been referred back to the Council as premature.

Complaints referred for investigation included five on education issues, two on highways management, two about Children and Family Services, one about Adult Care Services and one on employment and pensions.

## Complaint outcomes

Decisions were made on 17 complaints during the year. Two complaints were about matters outside my jurisdiction so were not investigated. No evidence of maladministration was found on three complaints investigated, covering School Admissions, Special Educational Needs and Adult Care Services. In two cases, about Adult Social Care and Children and Family Services, my discretion not to pursue investigation was exercised. Typically these are cases where even though there may have been some fault by the Council there is no significant injustice to the complainant.

## 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 we decided against the former council eight complaints were closed as local settlements.

### *Children and family services*

Compensation of £150 was offered for the complainants' time and trouble in pursuing their complaint after it was found that records of a child protection investigation were poorly kept and the outcome of the investigation not properly communicated to all the parties involved.

### *Special Educational Needs*

Compensation of £400 was agreed for failure over a full school year to ensure that visits by an Occupational Therapist were undertaken, so that the OT programme for the child was not updated as specified in his Statement of Special Educational Needs.

In another case failures in making arrangements for a child with a Statement of Special Educational Needs moving into the County meant that achieving agreement on a suitable school place for him took longer than it should have done and the parents faced an extended period of uncertainty. The parents notified the County in May 2006 of their intended move but no placement was suggested until August, the month in which they moved. The parents considered the temporary placement then offered, pending completion of a reassessment of need, unsuitable but I was unable to conclude that this was the result of fault by the Council.

The Council was not able to offer any alternative placements so limited 'home' tuition – at a local special education unit - was approved in order to facilitate the reassessment. There was delay in arranging suitable transport to this unit and delay in starting the reassessment after it started. An out-county school was then recommended but no places were available so the parents appealed for a place there. The appeal was upheld in March 2008 and it was agreed that the child could repeat Year 8, with the County funding the additional costs. But in the intervening period the only educational provision made was extremely limited and no provision was made for speech and language therapy which was an important element of the child's Statement. The Council accepted my recommendation for £3,000 to be spent on furthering the child's education and £250 for the parents' time and trouble. The Council also undertook to review procedures to ensure similar problems did not recur.

A third case was settled by compensation of £600 after disagreement about the suitability of a school place for another child with a Statement who had moved into the County. Investigation found that the parents had not been given appropriate information about a special education unit, part of a mainstream school, where the child had been placed pending a full assessment of his needs.

#### *School transport*

A child with very serious physical disabilities was provided with transport to school but an inappropriate vehicle was used and there were difficulties in communication between the contractor, Council and parent about the collecting/dropping off point. As a result the child missed school for eight days and the parents faced significant difficulty caring for her at home. Compensation of £350 was offered and the Council agreed to mediation with the parents through my office, to facilitate future relationships. Linked to this was another complaint about school transport for a disabled child which was also resolved following mediation, without the need for further investigation.

#### *School admissions*

Two complaints about school admission appeals were resolved very promptly by the offer of new appeal hearings, one where the school's appeal case was not sent out soon enough and another following a complaint about misleading advice.

**In all these cases** a total of £4,750 was paid to recognise injustice caused by maladministration.

### **Reports**

When we complete an investigation, we generally issue a report. I issued two reports against the former County Council. One report concerned child protection matters but I decided it was not in the interests of the complainants to publish it.

In another case about Children and Family Services the complaint involved significant education issues, some of which were outside my jurisdiction because the parents were pursuing appeals through a Tribunal and the Courts to challenge the suitability of the school place offered to their disabled child.

I found the Council was at fault because Children and Family Services amended an assessment of the child's needs, removing a recommendation for a placement with 24 hour provision, without notifying the parents. This significantly affected the decision on the school place offered for her. The Council could not demonstrate that the needs of the child, her two siblings (one of whom was also disabled) and her parents were adequately met in the assessment of need.

For three months the two disabled children did not have an allocated social worker. Inadequate support and respite care provided while the Tribunal decision was pending caused all the family members immense stress, and nearly led to the break-up of the family. The child was out of school between January and September 2007 and no respite care was offered until May.

Following a decision of the High Court the appeal on the school place was referred back to the Tribunal for reconsideration. But before that was done the Education Department agreed to a residential school placement so that the child's needs for 24-hour provision would be met. This case demonstrated the crucial importance of effective liaison between Education and Children and Family Services in arranging services for severely disabled children.

The complaint was settled by the offer of compensation of £10,000 for the family and agreement to review relevant procedures to prevent such problems recurring.

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

Formal enquiries were made on nine complaints during the year. The Council's average response time was 29.9 days, an improvement on the previous year but still outside the 28 day target.

## **Kennet District Council**

### **Enquiries and complaints received**

During the year the Advice Team received 13 enquiries and complaints about the former council. Five of the complaints (three on housing issues and two on planning) were found to be premature and referred to the Council to be considered first under its own complaints procedure. Advice was given on four cases (usually to make a complaint direct to the Council). Four complaints were passed to my investigative team, two of them having been resubmitted after referral to the Council as premature.

The complaints referred for investigation involved three about planning applications and one about housing benefits.

### **Complaint outcomes**

Decisions were made on four complaints. On the two complaints about planning matters no maladministration was found. A complaint about housing benefit was closed at my discretion because my investigator found insufficient evidence of injustice to the complainant to warrant further investigation. In that case there had been some delay by the Council in completing an assessment of entitlement to benefit but the complainant did not suffer financially as a result.

### **Reports and local settlements**

When we complete an investigation, we generally issue a report. I did not issue any reports against the District Council.

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.

During the year one complaint was closed as a local settlement. The Council, very commendably, took steps to resolve the complaint, even though no maladministration was identified. The complainant, a single man with significant mental and physical health problems, had been homeless but had been found to be intentionally so because of substantial arrears from a former tenancy, so that the Council decided it did not have a duty to provide him with accommodation. The complainant was also aggrieved about temporary accommodation offered while enquiries were made about his housing situation but no fault was found in the way the Council dealt with this. Following proper consideration of an appeal the Council decided that it did have a duty to provide accommodation because of his vulnerability, and the Council then negotiated with a housing association for a tenancy for the complainant. To secure the tenancy the Council agreed to meet one third of arrears outstanding from his previous tenancy, the housing association wrote off one third and the complainant agreed to pay the balance by instalment.

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

Enquiries were made on three complaints during the year, and the average response time was 17.7 days. This is well within the target of 28 days but the average does disguise significant variation, with 35 days taken to respond on the complaint about housing.

## **North Wiltshire District Council**

### **Enquiries and complaints received**

Our Advice Team dealt with 23 enquiries and complaints about the District Council during the year. Five of these (including three complaints on planning) were considered to be premature and were referred to the Council to be considered first through its own complaints procedure. Advice only was given on three complaints (two of them about planning). And 15 complaints were referred to my investigative team for investigation.

Of the 15 complaints referred for investigation seven were about planning issues, three were about Council Tax benefit, and there was one each on housing, local taxation, parking, licensing and leisure and culture.

### **Complaint outcomes**

We made decisions on 19 complaints during the year. As expected the subject involving the largest number was Planning.

Of the seven planning complaints, three were found to be outside my jurisdiction because it was considered reasonable for the complainants to pursue their grievance through other channels. Two complaints about decisions to grant planning permission were not pursued because no evidence of maladministration was found in the way the decisions were made. I have discretion not to pursue investigation where there may have been some fault by the Council but no evidence of injustice to the complainant was found and this was exercised on two complaints about planning applications.

Four complaints on other subjects were found to be outside my jurisdiction because of the availability of alternative ways of seeking a remedy, including two complaints on Council Tax benefit, one on licensing and one on parking.

No evidence of maladministration was found on a complaint about the Council's actions on a homelessness case. Another on Environmental Health, where the complainant was aggrieved about noise from a neighbouring property was not pursued for the same reason.

Two other complaints – on Antisocial behaviour and on local taxation – were not pursued because no evidence of injustice resulting from maladministration was found.

### **Reports and local settlements**

When we complete an investigation, we generally issue a report. During the year I did not issue any reports against the former District Council

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 we decided against the former Council four were closed as local settlements.

One complaint under the heading of Leisure and Culture was settled by the Council, although no evidence of fault was found, because it recognised that the complainant had suffered a very embarrassing incident as a result of an employee's actions. A small payment of £50 was made to the complainant. Another complaint, about Environmental Health, was settled by the offer of an apology for incorrect advice given about Council procedures on enforcement of the 'No Smoking' legislation.

A compensation payment of £100 was made to a housing applicant who had hearing difficulties, and who had not been given clear written information about the implications of the Council's housing allocations policies.

Errors in dealing with a housing benefit claim created a delay totalling almost 18 months for a complainant who was struggling to stave off eviction by paying what rent she could. She was a young mother who had moved from temporary homelessness accommodation. The Council agreed to offer compensation of £250 to recognise the injustice she had suffered.

A total of £400 was paid to complainants in local settlements.

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

Enquiries were made by my investigators on eight complaints during the year. The average response time of 26.9 days is within the target of 28 days, and a significant improvement over previous years. But for one housing complaint, where a reply took 45 days, the average could have been even better.

# Salisbury District Council

## Enquiries and complaints received

A total of 34 enquiries and complaints about this Council were received by our Advice Team. Eight enquirers were given advice only (usually to make a complaint direct to the Council). Eight complaints were found to be premature so were referred to the Council to be considered through its own complaints procedure.

The other 13 complaints were referred to our investigative team. Of these, three were resubmitted complaints having previously been treated as premature and referred to the Council.

Of the complaints passed to the investigative team seven were about a variety of housing issues and five about planning applications. Two complaints were about parking problems, there was one each on Anti-social behaviour, land and local taxation, and one included under the 'miscellaneous' heading because it did not concern any of the usual subject areas.

## Complaint outcomes

Decisions were made on 15 complaints during the year.

Four complaints about planning decisions were not pursued because no evidence of maladministration was found in the way the decisions were made. Two related complaints about a planning application were not pursued at my discretion because, even though there was some fault in notification of the application, it had not been the cause of injustice to the complainants.

A complaint on a 'miscellaneous' subject was also not pursued because no injustice was caused by the alleged maladministration.

No evidence of maladministration was found on a complaint about anti-social behaviour or on a complaint about local taxation.

## Reports and local settlements

When we complete an investigation, we generally issue a report. This year we did not issue any reports on complaints against this Council.

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 we decided against the former council, six were closed as local settlements.

Housing was the subject of three locally settled complaints. In one the Council had not given correct advice about entitlement to succeed to a Council tenancy. The Council agreed to write to the complainant to confirm that she and her son could hold a joint tenancy and that the right to succeed had not yet been used. In another case about housing allocations policy the Council had not properly assessed the housing need of applicants living some miles away from the district. The Council agreed to reassess their application under a new allocations policy to be introduced following review of existing procedures. However, before that was done the Council was able to offer them a property when suitable accommodation became available.

A third housing complaint arose from delay by the Council in completing repairs to a window broken during a burglary. It was first reported in August 2007 but because of a dispute about the extent of repair work required it did not proceed until early December. The complainant chose not to allow this because she believed all the windows in the house required replacement. She pursued this with the Council who subsequently decided that the work could be brought forward in the rolling renewals programme. Compensation of £125 was agreed to reflect the injustice caused by delay between August and December.

In a complaint about land, the complainant had undertaken a personal search of the Local Land Charges Register for a client. He alleged he was not allowed to examine the register himself but that it was read out to him by an officer. This did not reveal a charge on the register requiring repayment of a portion of a housing renovation grant if the property was sold before 2008. The client proceeded with the purchase of the property in 2006. When the charge was brought to the client's notice he attempted to negotiate with the Council through his solicitor, but the Council ceased to respond to correspondence. The Council did not accept that the complainant had not been allowed to examine the register himself, but agreed to waive the charge on the property and apologised for the poor communications in responding to the solicitor.

A complaint which arose following the issue of a parking ticket was largely outside my jurisdiction because of the right of appeal to the parking Tribunal. However, investigation of part of it was pursued because the Council had made an uncalled for and insensitive remark when writing in response to representations from the complainant, a remark which had caused her considerable distress. The Council acted promptly on the recommendation of my investigator to settle the complaint, and sent a clear and full letter of apology to the complainant. It also agreed to reconsider the parking ticket if the complainant wished to provide additional information.

A case involving Environmental Health action to secure repair to a privately rented property was settled by the payment of compensation of £250. The complainant's mother had been living for many years in a property which had not been properly maintained by the landlord. The Council did not communicate adequately with the complainant and there was a delay of almost three months in getting some of the essential repair work completed, although the most serious items had been completed. Further, the Council had not properly explained to the complainant what it could achieve in securing repair of the property, so that she had unrealistically high expectations of the standard of remedial work to be done.

**In all these cases** a total of £375 was paid to complainants to remedy injustice caused by maladministration.

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

Enquiries were made on 11 cases during the year, and the average response time was 44.4 days. This is well outside the target time of 28 days, but I am pleased to note a significant improvement on the previous year's performance, when an average response time of 87.5 days was recorded. Improvements were made across departments, but for planning complaints the average time was still high, at 73 days, largely the result of a response time of 109 days to enquiries made jointly on two related complaints about a planning permission.

## **West Wiltshire District Council**

### **Enquiries and complaints received**

During the year our Advice Team dealt with 17 enquiries and complaints about this Council. Four of these were given advice only (usually to make a complaint direct to the Council). Eight complaints were considered to be premature and were referred to the Council to be considered first through its own complaints procedure.

Five complaints in total were passed to the investigative team for investigation, two of which were resubmitted complaints which had previously been referred to the Council as premature.

Four of the five complaints passed to the investigative team were about planning issues including planning applications (two), planning advice and enforcement. One complaint was about a homelessness matter.

### **Complaint outcomes**

Decisions were made on 10 complaints during the year.

No maladministration was found on four planning complaints. Another planning complaint was closed because it was found to be outside my jurisdiction as it would have been reasonable for the complainant, a planning applicant, to pursue a remedy through appeal to the Planning Inspectorate. However, my investigator did note that the Council's own investigation of this complaint had revealed poor supervision and delays in the handling of the application.

A complaint about employment/pensions was not pursued as I cannot investigate complaints about such matters.

A complaint from a homelessness applicant was not pursued at my discretion because, although she wished to remain in the temporary accommodation owned by a housing association where she had been living for five years, she did not respond to requests for information to support her complaint that the Council was at fault.

### **Reports and local settlements**

When we complete an investigation, we generally issue a report. I did not issue any reports against this council.

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 we decided against the Council three were closed as local settlements.

One complaint about the Council's enforcement of Listed Building controls followed from an earlier complaint where the Council had agreed to review work undertaken on a Listed Building near the complainant's property. The agreed review had not been completed nearly a year after the original complaint and he complained again. The Council recognised the delay, largely due to staff shortages. But at the time the file on the complaint was closed as a local settlement, visits to the site were being made and the Council was continuing to make progress following reorganisation of the Enforcement Team and a new IT system.

A complaint about Environmental Health arose from concerns over many years about noise from a residential care home. The Council had undertaken investigation of the noise but had not found evidence of a statutory nuisance to warrant further action. Some doubt however was raised about whether, in 2005, a noise recording machine had been properly located to measure noise levels. The complaint was settled when the Council agreed to remove any doubt about this by undertaking further noise recording.

Compensation of £15 was offered to a complainant whose representations against a parking fine had not been properly considered; the complainant felt particularly aggrieved by the length of time taken to respond fully and what he felt to be the 'arrogant' way officers dealt with him.

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

Enquiries were made on only two complaints, both concerning planning issues, and an average response time of 37 days was recorded. This is well outside the target of 28 days but much better than the previous year - an average response time of 46.7 days. The figure disguises a wide disparity, in that a response on the complaint about planning enforcement was received after 19 days, while a response on a planning application took 55 days.

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

I am pleased to note, particularly given the significant numbers of planning complaints referred to in this Review, the request made by your officers for a seminar for planning officers on the work of the Ombudsman. This took place soon after the change to Unitary status. It was led by my investigators and was attended by a large proportion of the planning officers employed by the new council at all levels and from all districts. I hope the day will prove helpful for them for the future in dealing with complaints, both through the Council's own complaints procedure and responding to enquiries from my office.

My Assistant Ombudsman have welcomed the contact with your new Corporate Complaints Team to prepare for a smooth transition on complaint responses by the new council.

## **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.

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**

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. This will clearly be a challenging year for the new Council, bringing together the work of the former district and county councils. I hope that you find the information and assessment provided useful.

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**Westwood Business Park**  
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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	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	0	0	0	3	1	1	5
Advice given	0	0	0	2	0	1	3
Forwarded to investigative team (resubmitted prematures)	0	2	0	1	0	1	4
Forwarded to investigative team (new)	1	1	1	6	1	1	11
Total	1	3	1	12	2	4	23

## Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	4	0	0	4	4	7	19

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	8	26.9
2007 / 2008	7	32.6
2006 / 2007	10	31.5

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

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