

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

## Introduction

This annual review provides a summary of the complaints we have dealt with about Sheffield City Council.

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 telephone calls to our service has increased significantly since then to more than 3,000 a month. Our advisers now provide comprehensive information and advice to people who telephone, write or email. It enables citizens to make informed decisions about whether to put their complaint to us.

This means that direct comparisons with some previous year-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

In total there were 223 enquiries and complaints about your Council during 2008/09. Formal and informal premature complaints made up 85 (38.1%) of these contacts, 41 (18.4%) people were given advice and 97 complaints (43.5%) were forwarded to the investigative team.

Looking at the category of complaint, by far the largest number of contacts (83) were about Housing with 36 of these being premature complaints and 34 complaints for investigation. This was followed by Planning and Building Control (36 contacts, 18 complaints for investigation) and Other issues, notably anti-social behaviour, (35 contacts, 17 complaints for investigation). Together these three categories made up around 70% of contacts and complaints forwarded. Education accounted for a further 11 complaints forwarded. The remaining enquiries and complaints were evenly spread over the other subject areas.

## Complaint outcomes

### Reports

When we complete an investigation, we generally issue a report. This year we issued one report about your Council.

Mr N was paralyzed from the chest down after an accident. Some 17 weeks before he was discharged from hospital, an NHS Occupational Therapist contacted the Council to make the arrangements needed for him at home. The Council took no substantive action for over 10 weeks, and the NHS Occupational Therapist followed up the referral five times before Mr N was assessed

by a Council Occupational Therapist. This assessment was to start the process of arranging a Disabled Facilities Grant (DFG) to adapt Mr N's home.

The Council did not give Mr N accurate information about its criteria, processes or timescales for his DFG application. The Council's Occupational Therapist told Mr N, incorrectly, that it would take 12-18 months to provide him with a ramp to get his wheelchair up the three steps to his front door. Mr N therefore arranged for friends to build him a ramp. Mr N was also told that the work to his house would take 6-12 months.

Mr N spent 10-14 weeks at home without access to washing facilities or a toilet and with a 'shower chair' that was too small for him to use as a commode. The result was that he could only defecate by lying on an incontinence sheet on his bed and manually removing faeces. During this time his family asked the Council to give greater priority to the adaptations to his home and Mr N made a formal complaint. He received no response and, believing that he would have to wait months for the work to be done, borrowed £10,000 from family and friends and instructed builders. The Council did not tell him that he could have continued with his application for a DFG and that approval was only a few weeks away.

Knowing that the shower chair was too small to be used as a commode, the Council's Occupational Therapist delayed ordering a replacement in order to be sure that it would be the right size for the fittings in Mr N's adapted bathroom. It was only after Mr N made a second formal complaint (to which he also did not receive a response) that the Council began to try to get a replacement that was eventually delivered six months after Mr N had been discharged.

The Council's practice and the service it provided to Mr N fell far short of that envisaged in the Government's advisory Good Practice Guidance on Delivering Adaptations to Disabled People and was maladministration causing Mr N injustice.

The Council apologised to Mr N; reimbursed £14,340 for the costs he incurred in funding the adaptations work himself; and paid him a further £2,000 compensation in recognition of the indignity, inconvenience and distress that he experienced and his time and trouble in pursuing his complaint. It has also issued reminders to staff and is reviewing: its joint arrangements with the NHS for providing equipment and adaptations to people who are discharged from hospital and for providing shower chairs; the information it provides; and how its current practice compares to a check-list included in the national advisory Guidance.

### **Local settlements**

We will often discontinue enquiries into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. 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 on the same basis against your authority, 41 resulted in a local settlement (31.8%).

There were 16 local settlements on housing related complaints, resulting in payments of £4,250 as well as repairs and improvements such as a bathroom, windows and a ceiling being replaced. A homelessness complaint showed that the Council did not follow the correct procedures in either assessing a homelessness application or in offering that person a property. As a result they missed out on almost 8 weeks of hostel accommodation and on being offered a property. They were quickly offered a house once the Council put its mistakes right, as well as £500 compensation. Two complaints concerned excessive delay in progressing the sale of a freehold and failing to respond to complaints. In one case this meant the complainants had to get the land charge search done twice. The Council agreed to pay for the second land charge search as well as £150 for time and trouble in pursuing the matter. Another complaint concerned the redesignation of 15 blocks of flats from being suitable for those aged over 40, over 50 or over 60 to available to all with general

needs. This resulted in some existing older residents suffering clashes of lifestyle when younger tenants moved in. The Council reviewed and changed the designation of nine blocks and paid £500 each to two tenants who had been adversely affected. In another case, the Council did not put up security screens when a neighbouring property became empty. This led to flooding which caused damp in the complainants' property. The Council then failed to take sufficient action quickly enough to sort out the problem. The Council remedied the damp, paid for damaged items and £100 for running a dehumidifier and offered £500 for stress, time and trouble.

Eight benefits complaints were settled during the year with the most common faults identified being delays in reaching decisions, complainants being given conflicting advice about what was required from them and the Council asking for information which had already been supplied or could not now be supplied due to delay in asking for it. This resulted in compensation of £3,200, two people receiving additional benefit and two other people being given the chance to have their claim properly assessed.

There were five adult social care settlements. One was made by relatives on behalf of a person with physical and mental health problems who the social worker felt needed 24 hour care. This was put before a funding panel eight times in 18 months. There were also delays in carrying out multi agency assessments. This resulted in the person staying at home without proper support for longer than necessary. As the person concerned had already moved into residential care, the Council agreed to pay compensation to the relatives for their time, trouble and stress in pursuing the matter. Two complaints concerned home care. In one, the Council failed to investigate properly and promptly complaints about the treatment of a service user by home carers. This reduced their quality of life while the complaint continued. The Council agreed to review its internal procedures and pay £2,500 in compensation. In the other, the Council failed to manage a home care package properly, which resulted in increased levels of missed and late calls. The Council agreed to run the care package in-house, following a number of unsuccessful contracts with care agencies, and pay £500 compensation.

There were two school transport settlements. In one case, the person complaining had appealed for a free bus pass and been rejected. Subsequently the Council decided that a different, longer route was the appropriate safe walking route to travel from the area where the complainant lived to that school, which meant she would have then qualified for free transport. However it did not publicise this change to the safe walking route so people could decide whether to appeal. The Council awarded a free pass to the complainant on appeal, backdated to when the change in walking route was agreed, and has introduced a system to try and ensure parents know about such changes in future.

Of the 143 decisions made on complaints about your Council, 28 were on premature complaints which had been resubmitted to the Ombudsman because the person complaining was unhappy with the response they had received from the Council (19.6%). These 28 complaints resulted in seven local settlements, one-quarter of the decisions made on them. These figures suggest the Council's complaints procedure is working satisfactorily.

### **Other**

A number of complaints did not result in local settlements but identified areas where the Council's policies and procedures should be reviewed. One complaint highlighted the importance of full and clear information about charges and funding being given quickly to people going into residential care. The Council has subsequently agreed improvements to the information given to service users about provisional financial assessments and is considering further training for staff.

Twelve complaints we decided related to the sale of Council-owned freeholds and the process followed. Following feedback on these complaints, the Council has changed its policy so that when a freehold is to be auctioned, the leaseholder has two months to let the Council know if they wish to purchase the freehold. If so, the freehold will be withdrawn from the auction. The annual ground

rent letters have also been amended to point out that the Council could decide to sell the freehold and remind leaseholders of their rights to purchase.

A planning complaint showed there had been delays in enforcement procedures and a failure to take account of all the relevant issues. The Council reviewed its enforcement procedures leading to a new system for logging and monitoring of enforcement enquiries and clarification of the respective responsibilities of planning and enforcement officers.

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

The average time taken by the Council to reply to our written enquiries on 61 complaints was 43 days, well outside the target of 28 days, and slower than the 35.6 days and 35.8 days achieved in the past two years. Responses were slowest on Adult Care Services (58 days), Housing (52.7 days), Other, primarily Anti-Social Behaviour (44 days) and Children and Family Services (40 days), with only Public Finance achieving the target (17 days). Overall only 10 complaints received a response within 28 days. Whilst some complaints are complex and will always take time for the Council to respond to, these response times are adversely affecting the ability of my office to offer a quality service to complainants. However I have also noted that the Council is more willing to provide comprehensive information and quickly accept proposals for settling complaints than has been the case in the past, and I welcome this change.

I am aware the Council has already identified that there is a problem in terms of the resources dedicated to complaint handling across the organisation and has made changes to improve the situation. I hope that these will be reflected in improved response times as well as a continued willingness to work co-operatively with my office this year.

### **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.

In previous years we have provided training in Effective Complaint Handling for Social Care to staff from your authority. 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. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Mrs A Seex  
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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.

**Mrs A Seex  
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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	5	3	1	36	7	5	12	6	10	85
Advice given	4	1	2	13	4	0	6	3	8	41
Forwarded to investigative team (resubmitted prematures)	1	0	1	9	0	0	2	2	9	24
Forwarded to investigative team (new)	3	5	10	25	3	2	16	1	8	73
<b>Total</b>	<b>13</b>	<b>9</b>	<b>14</b>	<b>83</b>	<b>14</b>	<b>7</b>	<b>36</b>	<b>12</b>	<b>35</b>	<b>223</b>

**Investigative Team**

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	1	41	0	0	61	26	14	143

**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	61	43.0
2007 / 2008	96	35.6
2006 / 2007	53	35.8

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