

**The Local Government Ombudsman's
Annual Review
Coventry City Council
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

Contents of Annual Review

Section 1: Complaints about Coventry City Council 2009/10.....	3
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	3
Liaison with the Local Government Ombudsman.....	5
Training in complaint handling.....	6
Conclusions.....	6
Section 2: LGO developments.....	7
Introduction.....	7
New schools complaints service launched.....	7
Adult social care: new powers from October.....	7
Council first.....	7
Training in complaint handling.....	8
Statements of reasons.....	8
Delivering public value.....	8
Appendix 1: Notes to assist interpretation of the statistics 2009/10.....	9
Appendix 2: Local authority report 2009/10	

Section 1: Complaints about Coventry City Council 2009/10

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 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

Last year, our Advice Team received 78 enquiries and complaints about your Council, nine fewer than the previous year. Of these, 28 related to complaints which we considered were premature and we referred these to your Council for investigation. We gave advice on 14 enquiries on a variety of matters, including jurisdiction. The Advice Team forwarded 36 complaints to the investigation team, including three which had previously been referred to the Council to consider. Complaints were spread across all the main subject areas. There were 15 education complaints forwarded for investigation, a significant increase from the previous year.

Complaint outcomes

This year, I made decisions on 31 complaints against your Council. Of those, in nine cases I found there was no or insufficient evidence of fault by the Council to warrant further investigation. I exercised discretion not to pursue investigations into six complaints, for example, where the injustice to the complainant was assessed not to be significant enough to warrant a remedy, or where the remedy already recommended by the Council was adequate. Three 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 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority and which were within my jurisdiction, 16 (46.4%) were local settlements, considerably more than the average of 26.9%. These settlements resulted in the Council making payments totalling over £15,000. Of these payments, around £11,000 arose from two complaints about social services for children and families and around £3,000 from one complaint about benefits.

Complaints by service areas

Education

I made decisions on 10 complaints about education matters, nine of which concerned school admissions. In four complaints, there was no or insufficient evidence of fault to pursue an investigation and in two others, I exercised discretion not to pursue an investigation.

I settled the remaining four school admissions complaints. All four cases concerned applications and appeals to infant classes in community primary schools. In three cases, all concerning one school, the Council failed to identify why the application had failed. The complainants appealed and the appeal panel did not insist on written information from the Council as to why the applications had failed. The panel made its decisions on the basis of oral or no submissions. In a fourth case, the Council's written case to the appeal panel failed to identify the distance between the complainant's home and the school, thus preventing the complainant from challenging the Council's evidence on distance at the appeal. In all cases, the Council agreed to fresh appeal hearings with a new panel and clerk.

Children and family services

I made decisions on four complaints concerning social services to children and families. I exercised discretion not to pursue an investigation in two cases and I settled the remaining two.

In one case, the Council failed to make proper financial provision for the complainant who was a foster carer, causing the complainant and family financial hardship. The Council appointed an independent investigator, but failed to implement the recommendations of the investigation report without adequate reason. The Council agreed to make a payment of £4,436 which represented backdated fostering allowance. In addition, the Council agreed to pay compensation of £443 to acknowledge the delay in implementing the independent investigator's recommendations and the unnecessary time and trouble that the complainant was put to in bringing a complaint to me.

In the second case, the Council delayed in carrying out an assessment of the needs of a child with profound disabilities and of their family as carers. The assessments that were eventually carried out were flawed and decisions about services were based entirely on financial considerations, rather than the child and their family's needs. The Council paid the complainant £6,000 in compensation in recognition of the faults identified.

Benefits

I decided four complaints about benefits. I settled three of these cases and in one case, I exercised discretion not to pursue an investigation.

In one complaint about housing benefit, the tenant was in rent arrears of more than eight weeks, but the Council did not consider its mandatory duty to pay benefit directly to the landlord (the complainant). The Council paid the benefit to the tenant in error. The tenant did not pay the landlord and it was impossible for the landlord to recover the monies owed. The Council wrongly considered that its powers to pay the landlord in these circumstances were discretionary, rather than a mandatory duty. The Council agreed to pay the complainant compensation of £2,908 that should have been paid directly and £250 for the unnecessary time and trouble the complainant was put to in making the complaint. In addition, the Council agreed to ensure that all staff administering housing benefit claims are made aware of the circumstances where benefit must be paid directly to a landlord.

In a second complaint, the Council took six months to respond to the complainant's formal

complaint. Although I decided that there was no fault in relation to the issue that was the subject of the complaint, the Council agreed that it took too long in dealing with the matter. The Council offered compensation of £100 in recognition of the delay.

In a third complaint, the Council took a year to consider the complainant's request for a review and appeal against a council tax benefit decision. The Council was aware that the complainant was in poor health and did not take account of this in dealing with his case expeditiously. The complainant received a visit from a bailiff, even though he had an arrangement with the Council to pay the arrears. The Council agreed to pay compensation of £400 for the delay and £150 for the unnecessary bailiff's visit.

Transport and highways

I settled two complaints about highway management. One complaint concerned delay in processing the complainant's application for a dropped kerb. The Council agreed to pay compensation of £50 for the delay. In a second case, the complaint concerned the Council's handling of road improvements. I identified a few minor faults, not requiring a financial remedy. The Council agreed to meet the complainant to discuss his continuing concerns about technical matters and to write and thank him for raising various issues about the manner in which works were being carried out.

In one case I found no or insufficient evidence of fault to pursue an investigation. The other two complaints were outside my jurisdiction.

Other

I settled two complaints under this heading.

One complaint concerned the maintenance of a municipal cemetery. Parts of the site tended to flooding. A council officer met my investigator and the complainant. The Council agreed to take a range of measures to improve maintenance of the cemetery.

In a second complaint, the Council, acting on behalf of the Environment Agency, gave the complainant incorrect advice for more than two years that the Council was responsible for and willing to carry out repairs to a riverbank at the boundary of his property. The Council should have been aware that the complainant was responsible for maintenance and informed him as such. The Council agreed to apologise and pay compensation of £500 in recognition of the two year delay in providing the correct advice.

I exercised discretion not to pursue a complaint about a crematorium on the grounds that there was little evidence of injustice. However, the Council agreed to revise its published information about restrictions on the placing of flowers at a crematorium. The leaflet contained jargon and some of its content was unclear.

Liaison with the Local Government Ombudsman

The average time taken by the Council to reply to our written enquiries about complaints was 26 days. This is slightly longer than last year's figure of 25.2 days, but still within the target of 28 days that we set for responding to our first written enquiries.

The Council's responses to our first enquiries are generally comprehensive and helpful, and I note in several cases that it has responded favourably to my proposals of an early settlement in cases where fault has been apparent from the outset.

My officers met with senior officers in your education department in July to discuss a number of

complaints about schools admissions appeals. We find these contacts helpful.

Training in complaint handling

I would like to take this opportunity to remind you that 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 authority's services.

**Tony Redmond
Local Government Ombudsman
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June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in **Barking and Dagenham, Cambridgeshire, Medway and Sefton**. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We 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 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.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

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.

Premature complaints: 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to 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 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 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 LGO 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 LGO'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 LGO'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 2009/10

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	0	6	0	2	3	6	5	2	4	28
Advice given	3	0	2	1	0	2	1	1	4	14
Forwarded to investigative team (resubmitted prematures)	0	1	0	0	0	0	0	1	1	3
Forwarded to investigative team (new)	0	3	15	1	4	0	3	4	3	33
Total	3	10	17	4	7	8	9	8	12	78

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	13	0	0	9	6	3	31

Average local authority resp times 01/04/2009 to 31/03/2010

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	30	25.9
2008 / 2009	24	25.2
2007 / 2008	30	21.8

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20