

**The Local Government Ombudsman's
Annual Review
East Riding of Yorkshire
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.

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Section 1: Complaints about East Riding of Yorkshire Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about East Riding of Yorkshire 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.

There are two appendices to the review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

The number of enquiries and complaints about the Council received this year totalled 112. Our Advice Team gave advice in 16 cases and a further 30 complaints were judged to be premature. In these cases we either asked the Council directly to address the complaint or we advised the complainant to make a formal complaint to the Council. My office received 66 new complaints during the year. Of these, 19 were complaints initially determined by our Advice Team as premature but re-submitted to me by complainants dissatisfied with the way in which the Council had dealt with their complaint. The remaining 47 complaints were new complaints.

The Council will wish to know that the subject areas of the complaints received by me during the year break down as follows.

Planning and Building Control	17
Education	12
Adult Social Care	9
Public Finance	5
Children and Family Services	4
Transport and Highways	4
Environmental Issues	4
Antisocial Behaviour	2
Contract and Business Matters	2
Land	2
Leisure and Culture	1
Licensing	1
Waste Management	1
Cemeteries	1
Miscellaneous	1

Complaint outcomes

I determined 62 complaints during the year, a figure which differs from the number of complaints received because of work in hand at the beginning and the end of the year.

Of those complaints determined by me, nine were closed on the basis that they were not within my

jurisdiction while in 14 further complaints I exercised the general discretion available to me not to pursue the matter. In 29 cases I found no evidence of maladministration by the Council sufficient to justify my continued involvement. The Council agreed to settle the remaining 10 complaints accepting that something had gone wrong and that it was appropriate to provide a remedy of some description for the complainant.

Reports

I issued no public reports against the Council this year.

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. 26.9% of all decisions on complaints in the Ombudsmen's jurisdiction were local settlements. The 10 complaints which the Council agreed to settle during the year amounts to 18.8% of the total number of complaints I determined and which were within my jurisdiction.

Complaints by Service Area

Planning and Building Control

This was the largest category with 19 complaints decided during the year. Of the 11 complaints which concerned planning applications, five were closed using my general discretion not to pursue a complaint; in four complaints I found no maladministration and two the Council agreed to locally settle.

I determined six complaints about enforcement issues. In two of these I found no maladministration; one I closed using my general discretion; one was outside my jurisdiction and two complaints the Council agreed to settle. In one case the Council had already agreed to pay £250 compensation for failure properly to consider the effects of a new development on complainant's property.

One complaint about trees was outside my jurisdiction and in a further complaint about trees I found no maladministration.

Social Services – Adult Social Care and Children and Family Services

This was the second largest category of complaints determined during the year. Seven complaints concerned adult care services with two being closed during my general discretion and in five cases I found no maladministration.

I determined five complaints about Children and Family Services – in three I used my discretion to close; in one I found no maladministration and in a further complaint the Council agreed to settle and pay £2000 in compensation for delay in providing post adoption support.

Education

I determined 10 education complaints. Of these nine were to do with admission appeals and in four cases the Council agreed to offer places. In the remaining five complaints I found no maladministration.

In the one general education complaint I considered I found no maladministration.

Public Finance

All four complaints I determined in this category were to do with local taxation. Two of these complaints were closed because they were not within my jurisdiction and in two I found no maladministration.

Transport and Highways

I made four decisions in this category during the year. Three complaints to do with parking, highway management and rights of way were outside my jurisdiction. The fourth, to do with parking, I closed using my discretion.

Environmental Issues

In all three decisions in this category I found no maladministration.

Antisocial Behaviour

Again in the two complaints in this category I found no maladministration

Others

The remaining eight complaints determined during the year fall into the miscellaneous category. The Council agreed to settle a complaint about drainage by writing to the complainant with details of her concerns about flooding and an agreement to follow up.

I found no maladministration in three further complaints, two were closed at my discretion and two were outside my jurisdiction.

Liaison with the Local Government Ombudsman

I ask all authorities to respond to my enquiries within 28 calendar days. The Council took on average 18.5 days to respond to my enquiries during the year. This is similar to last year and the Council is to be congratulated for its continued efforts to meet my time targets.

I am pleased to note that the Council sent two representatives to the Liaison Officer's Seminar held in York 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.

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 hope this review provides a useful opportunity for you to reflect on how the Council deals with those complaints that residents make to my office. If there are any issues that you wish to discuss, I or one of my senior colleagues would be happy to meet with the Council.

**Mrs A Seex
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.

**Mrs A Seex
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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	3	2	0	10	0	2	4	3	6	30
Advice given	2	0	1	1	1	0	4	1	6	16
Forwarded to investigative team (resubmitted prematures)	2	0	0	0	0	4	7	2	4	19
Forwarded to investigative team (new)	7	4	12	0	0	1	10	2	11	47
Total	14	6	13	11	1	7	25	8	27	112

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	10	0	0	29	14	9	62

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	24	18.5
2008 / 2009	20	18.9
2007 / 2008	44	25.3

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

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