

Local Government
OMBUDSMAN

24 June 2011

Ms Jane Todd
Chief Executive
Nottingham City Council
Loxley House
Station Street
NOTTINGHAM NG2 3NG

Dear Ms Todd

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

The law allows me to discontinue enquiries and I will often do so when a council agrees to remedy the injustice caused to the person who has complained. Those decisions are described as local settlements. Last year there were 16 local settlements. Four raised issues that it is appropriate for me to draw to the Council's attention.

1. One complaint concerned delay in assessing a child's needs and the way the Council operated the statutory complaints process. Before the child's mother complained to me the Council had accepted that it had delayed in assessing the child and offered £150 in recognition of this. The mother considered that this was inadequate and my investigator agreed that it did not reflect the injustice caused in the 18 months that the child did not receive the services he was eventually assessed as needing. The Council agreed to pay the mother £5,000. If the Council had made a more reasonable offer in the first place it would have avoided the time and public expense of my involvement and the additional strain on the mother. The Council may wish to consider inviting a senior member of my office to provide advice and guidance to staff on remedies for justified complaints.

2. Another complaint to me that could have been avoided concerned costs incurred by a landlord when the Council delayed from December 2009 to September 2010 in dealing with his appeal against a housing benefit decision. In the intervening period the landlord had archived his financial records for the 2009/10 financial year. When the Council eventually refused his appeal it cost him £515 to retrieve the records. He provided proof of this to my investigator. The Council agreed to refund those costs – amounting to almost twice as much as the sum involved in the decision.
3. In 1999 the High Court ruled that it was unlawful for local authorities to charge for aftercare services provided under Section 117 of the Mental Health Act. In 2003 the Local Government Ombudsmen published a Special Report on the subject. One of the complaints to me involved a woman who had been discharged under Section 117 with an aftercare plan that included '*... to secure and maintain a placement within supported accommodation.*' She had a supported housing tenancy but funded by housing benefits. This came to light when a change in her circumstances meant that she would no longer be eligible for housing benefit.

A Council officer advised that 'only social care services' were exempt from charging. In response to my investigator the Council agreed that this was wrong and said that it was in the process of agreeing a joint policy on aftercare services with the local health authority. I appreciate the Council's prompt response to this individual instance but want to record my concern that a policy was not in place and errors were still being made so long after the law was clarified and the Ombudsmen had provided advice to Councils.

4. I have previously drawn attention to poor practice in the Council's housing service (delivered through its arms length management organisation Nottingham City Homes). In 2010/11 I decided a complaint that, again, involved failure to retain important information on housing tenancy files, difficulty in accessing files and information fragmented across housing management, repair, anti-social behaviour and housing application systems with no cross-referencing of actions. Officers agreed to review procedures on record keeping and contacts with tenants. I hope that the Council will satisfy itself that the action taken as a result is effective.

During the investigation of this complaint my investigator came across an internal e-mail noting that the complaint '*...is being looked at again in an attempt to stop it going to stage 3 as we have failed on this one and there would be difficult questions to answer in front of Board Members.*' I trust that the Council will try to ensure that all its officers are aware of the importance of complaints in accountability and good governance.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink that reads "Anne Seex". The signature is written in a cursive style with a large initial 'A'.

Anne Seex
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	1	12	2	4	4	3	20	0	3	49
Advice given	3	2	1	6	3	5	16	0	0	36
Forwarded in investigative team (resubmitted)	1	3	0	1	2	1	3	0	1	12
Forwarded to investigative team (new)	4	6	2	11	5	0	24	1	1	54
Total	9	23	5	22	14	9	63	1	5	151

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	16	0	0	29	12	5	62

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	28	24.6
2009 / 2010	19	28.3
2008 / 2009	40	19.2

Provisional comparative response times 01/04/2010 to 31/03/2011

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	1	69.0