

**BRISTOL CITY COUNCIL
Audit Committee
11th November 2011**

Report of: The Head of Corporate Communications

Report Title: Ombudsman complaint statistics.

Ward: Citywide

Officer presenting report: Tim Sheppard, Corporate Complaints Manager

Contract Telephone Number: 0117 92 22233

RECOMMENDATION

That the committee note the report.

SUMMARY

This report provides details of the Local Government Ombudsman (LGO) complaints procedure and the subsequent complaints over a period of three and a half years from 2008/09 to date.

The significant issues in the report are:

- Appendix B - summary of complaints received.

Policy

The Council has a requirement to respond to LGO complaints and failure to do so may result in sanctions against the Council.

Consultation:

Internal: None necessary

External: None necessary

1. Introduction

- 1.1 Over the last couple of years the Audit Committee have been presented with the Local Government Ombudsman's (LGO) Annual Report for the Council, as part of Internal Audit report. At its last meeting, the Committee asked if more detail on the LGO complaints could be provided and this report is a

response to that request.

2. Background

- 2.1 Having assessed the tables of statistics provided as part of the Ombudsman's Annual Report, I have concluded that they do not lend themselves to meaningful analysis and as such, I have decided to use my own records.
- 2.2 The explanation below details what it is about the LGO figures that makes analysis problematic and why I have selected my records for this exercise. I must stress however, that it is the same base data and the selection of my own records in no way prejudices the results.

3. LGO Statistics

Tables provided with the Annual Report (Appendix C)

- 3.1 There are two main tables included with the Annual Report, one headed LGO Advice Team and another headed Investigative Team. The first details all communications either in writing by email or phone, made to the Advice Line in the period in question, and the decisions made by the Advice Line staff on what to do with that communication.

Like most organisations, the LGO has separated out the part of the service that receives communications from the part that carries out the core activity. It is the role of the Advice Line Team to filter communications and either give advice to enquirers or pass it on for professional consideration. Appendix A attached, describes this filtering process in more detail.

The Investigative Team table details the number of complaints closed during the period in question and what conclusion the investigator reached. What is important to understand about these figures is that some of them will not have been the subject of any serious investigation but were simply matters too complex for the Advice Line team to make a decision on and were simply referred to the investigating team for a more professional examination. This explains many of the conclusions shown as "Ombudsman's discretion" and "Outside jurisdiction".

A further complication is that a percentage of these outcomes will be from complaints registered in the previous year.

The table that most closely correlates to our own records is one headed "First Enquiries", which is the number of complaint investigations the LGO sent to us in the year in question. With the exception of 2008/09 these vary by just one for each year.

Categorisations

- 3.2 You will see from the tables for each of the years in question that only the most basic service categorisation has been used and that in 2010/11 education was joined to children and family services, local taxation and benefits were joined and a new category of environmental services and public protection and regulation was introduced. This makes comparison with previous years very difficult.

Time Periods

- 3.3 These two tables also use different time periods. The LGO Advice Team table reports enquiries received between 1 April and 31 March of the year in question, whereas the Investigative Team table reports only those complaints closed in the year in question.

Key Data

- 3.4 During any given year the Council receives a great of deal communications from the LGO much of which is for information only and no action is required. It is where a communication opens an investigation, which has the potential of finding us guilty of maladministration, with the very real consequence of compensation payments, that the real value of any analysis lies. It is for this reason and the difficulties presented above, that I have chosen to use our own records as the basis for this analysis.

One piece of key data the LGO provide that we can use is the average number of days to respond to their enquiries. Details of this are in the analysis below.

Our Own Records

- 3.5 We open a record on an LGO investigation on the date it arrives with us and store all communications in that record until receipt of the termination letter, irrespective of the date that arrives.

We are also able to relate each complaint to a specific Council service. This gives a consistency of data across the years.

Notwithstanding the above, I have included the three tables from the LGO Annual Reports for completeness and comparison.

4. Analysis

- 4.1 Attached at Appendix B is a summarised analysis for the years 2008/9, 2009/10, 2010/11 and 2011/12 to date, showing the number of complaint investigations each service underwent and the outcome.

5. Conclusion

- 5.1 From this analysis the pattern of complaints to the LGO is largely one of general consistency with only occasional changes from one year to the next.

The numbers of investigated complaints remain fairly stable year on year at somewhere between 40 and 50.

Total annual compensation payments are slowly reducing although local settlements seem prone to fluctuation.

Housing Services account for the largest numbers of investigated complaints but this is to be expected given the nature of the service.

Average response times have been 32, 25 and 27 days respectively for 2008/9, 09/10 and 10/11.

6. Other Options Considered

- 8.1 None necessary

9. Risk Assessment

- 9.1 There is a risk of penalties being imposed if we fail to respond to LGO enquiries.

10. Equalities Impact Assessment

- 10.1 None necessary for this report

11. Legal and Resource Implications

- 11.1 Legal - none sought

- 11.2 Resource implications - none arising from this report

Appendices

Appendix A - LGO Advice Team - How they deal with enquiries.

Appendix B - Summary tables.

Appendix C - Tables provided with LGO Annual Reports.

LOCAL GOVERNMENT ACCESS TO INFORMATION

Background Papers - LGO reports

LGO ADVICE TEAM - how they deal with enquiries.

On receipt of an enquiry, the Advice Team will make an assessment of what criteria it fits in order to decide how to deal with it. There are three specific criteria.

Premature complaint - the conclusion is that this complaint has not been through/exhausted the council's complaints procedure and is therefore referred back to the council to deal with.

Immediate finding - the complainant has provided sufficient information for the LGO to conclude one of three things; nothing more could be gained from an investigation by the LGO; the subject of the complaint is outside the jurisdiction of the LGO; other issues, e.g. more than 12 months has passed, the complainant has other means of redress, etc. The Council is advised of the complaint but no action is required.

Investigation - it is clear that the council's procedure has been exhausted but there continues to be a case to answer and so information is sought from the council to establish the facts/background of the complaint.

Not clear - the Advice Team agent cannot immediately identify any of the above criteria and forwards the enquiry to an investigator to help make a decision.

On occasions, I will receive an informal enquiry from the Advice Team asking if we are aware of the complaint/what stage in our procedure it has reached.

Table.

It is the detail of this information, broken down by the service headings the LGO uses, that appear in the table included with the Annual Report.

SUMMARY TABLES.

OD = Ombudsman Discretion, OJ = Outside Jurisdiction,
 NM = No Maladministration, LS = Local Settlement.

2008/09

Team/Dept	Number	OD	OJ	NM	LS	Compensation
Cleansing	2			2		
City Docks	2			1	1	£50
Council Tax	3		1	1	1	£500
CYPS	3	1		2		
Health & Social Care	5			3	2	£2200
Highways	1	1				
Housing	16	5		7	4	£413
Internal Audit	1			1		
Planning	6	1		4	1	£1000
Property Services	1				1	no payment
Youth Service	1			1		
Total	41	8	1	22	10	£4163

Note.

In one of the six Planning complaints the complainant himself was unaffected by the failures he pointed out and so a “no maladministration” finding resulted. However, a number of residents in the adjoining road were affected and each offered was compensation. This required a report from the Valuation Office, which cost £3000 and each affected household was paid compensation at the level of 1% of the value of their property. This compensation totalled £11,400 pounds and with the VO the total reached £14,400.

This makes the overall compensation total for 08/09 £18,563.

2009/2010

Team/Dept	Number	OD	OJ	NM	LS	Compensation
Cleansing	1				1	£150
City Docks	1			1		
Council Tax	6	1		3	2	£750
CYPS	4			1	3	£1200
Env. Health	1			1		
Health & Social Care	2				2	£925
Highways	1				1	£400
Housing	27	3	1	13	10	£6235
Housing Benefit	1	1				
Markets	1				1	£5640
Planning	3			3		
Scrutiny	1			1		
Total	49	5	1	23	20	£15300

2010/11

Team/Dept	Number	OD	OJ	NM	LS	Compensation
The Council	1			1		
Crems & Cems	1			1		
CYPS	4	1	1	1	1	£250
Env. Health	4	1		2	1	£500
Health & Social Care	2	1			1	Mal with injustice - £9400
Highways	2	1	1			
Housing	19 (1 still open)			10	8	£2565
Housing Benefit	1			1		
Libraries	1			1		
Parks	4			4		
Planning	6 (1 still open)			2	3	£850
Property Services	1				1	£500
Total	46	4	2	23	15	£14065

2011/12 (to date)

Team/Dept	Number	OD	OJ	NM	LS	Compensation
Council Tax	1			1		
CYPS	4 (1 still open)			2	1	Offer place at school
Health & Social Care	2 (2 still open)					
Highways	6 (2 still open)			3	1	Compensation payment of £300
Housing	11 (4 still open)	1		5	1	Issue notice
Parks	1	1				
Planning	3 (1 still open)			2		
Total	28	2		13	3	£300

Appendix 2: Local Authority Report - Bristol City C

For the period ending - 31/03/2009

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	5	1	11	4	10	9	2	9	54
Advice given	0	1	0	4	2	1	3	5	19	35
Forwarded to investigative team (resubmitted prematures)	1	0	0	3	1	1	4	1	5	16
Forwarded to investigative team (new)	4	5	8	20	1	4	15	6	12	75
Total	8	11	9	38	8	16	31	14	45	180

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	30	11	0	0	37	23	19	120

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	46	31.9
2007 / 2008	90	32.1
2006 / 2007	66	30.5

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

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	2	0	0	13	2	7	2	3	8	37
Advice given	3	5	0	3	3	4	2	2	6	28
Forwarded to investigative team (resubmitted prematures)	0	1	1	5	1	1	1	2	13	25
Forwarded to investigative team (new)	6	7	4	18	4	4	15	3	20	81
Total	11	13	5	39	10	16	20	10	47	171

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	19	0	0	42	17	18	96

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	50	25.1
2008 / 2009	46	31.9
2007 / 2008	90	32.1

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

Local authority report - Bristol City C

for the period ending - 31/03/2011

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	3	11	3	4	10	3	17	0	6	57
Advice given	1	7	5	7	4	1	9	2	1	37
Forwarded in investigative team (resubmitted)	1	3	0	1	3	1	2	0	2	13
Forwarded to investigative team (new)	3	7	7	13	16	3	18	1	12	80
Total	8	28	15	25	33	8	46	3	21	187

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	29	0	0	42	13	22	106

No adult social care decisions were made in the period

Provisional comparative response times 01/04/2010 to 31/03/20 11

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	47	27.2
2009 / 2010	50	24.7
2008 / 2009	46	31.9

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	37.0