

**LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW OF COMPLAINTS ABOUT DERBY CITY COUNCIL DURING 2009/10****SUMMARY**

- 1.1 The Local Government Ombudsman (LGO) has published its Annual Review of complaints received about Derby City Council that it dealt with during 2009/10. The report shows that of the 50 decisions made on complaints during the municipal year, it found no maladministration against the Council. The report also highlights that apart from a couple of service areas, the average response times by the Council to LGO enquiries is improving and is well ahead of their targets. The Ombudsman asks that its report is considered by the Authority and any learning taken forward.

RECOMMENDATION

- 2.1 To welcome the LGO Annual Review of complaints about the Council during 2009/10.
- 2.2 Take appropriate action to ensure services seek to respond to first enquiries within the LGO target timescale of 28 days.

Reasons for Recommendation

- 3.1 The LGO asks councils to respond on average within 28 days to its first enquiries. Although the average response time for Derby City Council as a whole is 22.5 days, there are some service areas where we take much longer to respond in some instances. This may be due to a variety of factors such as the complexities of the case and relevant officer's availability. However, the LGO requests that we review our internal processes in order to provide prompt responses which will then enable the LGO to provide a quicker response to their complainants.

SUPPORTING INFORMATION

- 4.1 The Local Government Ombudsman has sent the Annual Review of complaints it has received about Derby City Council during 2009/2010. The Ombudsman hopes that this will be useful in addition to the information we hold on how people experience or perceive our services and could help us to identify how we may improve our services. The Ombudsman feels that the review may also be of interest to local people in terms of local transparency and accountability.

Initial contacts and enquiries with the LGO

- 4.2 In 2008 the LGO made changes to its complaint handling process such that all initial contacts with the Ombudsman are now dealt with by their Advice Team in Coventry.
- 4.3 During 2009/10 the Advice Team recorded 82 enquiries about Derby City Council and forwarded 52 complaints to their investigative team to consider. These included planning and building control (19), education (14), housing (5), children and family services (5), adult care services (4), other (4), and transport and highways (1).

Local settlements

- 4.4 The LGO often discontinues enquiries where the council takes or agrees to take action which they consider to be a satisfactory response - it defines these as 'local settlements'.
- 4.5 In any one year there can be a difference in the number of complaints received by the LGO and the number of decisions it makes. These depend on complexity of the cases and when the complaints are received by the LGO in the year. During 2009/10 the LGO made decisions on 50 complaints about the Council of which three were found to be outside their jurisdiction and 27 (57.4%) led to local settlements (see appendix 2).
- 4.6 The Annual Review highlights some of the complaints settled locally. Of the 19 complaints about planning stated above for example 18 related to the same complaint, failure to carry out statutory consultation through newspaper advertisement of the City Gate Hospital Planning Application. Our response to this complaint was to review our decision making process and allow all relevant planning considerations to be fully reconsidered. We also agreed to use publicity procedures that exceed those required by law for major developments to allow those who wished to comment on the development to do so. We also agreed to commission a planning report from an independent expert to be considered as part of the review process. In response to our positive action the Ombudsman commends the Council for our quick admission of fault, for openness and willingness to reach a practical solution.
- 4.7 The LGO also mentions our positive response to a complaint about school admission appeal hearing where the hearing had allowed the use of photographs of the school and late circulation of a distance map both contrary to the School Admission Appeals Code. We offered a fresh appeal without the use of photographs or maps
- 4.8 In all the decisions taken on Derby City Council complaints, no maladministration reports have been issued this year. Looking at outcomes of the decisions there were 27 local settlements, 20 complaints discontinued due to no or insufficient evidence of maladministration and 3 complaints were found to be outside of the LGO jurisdiction.

Responding to LGO enquiries

- 4.9 The Ombudsman monitors the time it takes for authorities to respond to its first enquiries which is the first request for information and documents from the Council. During 2009/10 the LGO made 15 first enquiries and our average response time to these was 22.5 days, comfortably within the target of 28 days. However the LGO has noted that the average response times for complaints about children and families services was 36 days and housing 32 days. The LGO asks that we look at those

response times in these service areas and review our procedures as a prompt response from us helps them to provide good customer service to those who complain.

Comparison of performance with previous years

4.10 It is not possible to make direct comparisons of complaints with previous years* as the LGO introduced its Advice Team as first point for enquiries in 2008 which was not in existence before. However, we can make some comparisons which show an increasing number of enquiries received over the last three years. The table also shows that we are responding quicker to first enquiries. There are also an increasing number of local settlements.

| | 2007/08 | 2008/09 | 2009/10 |
|--|-----------|------------|------------|
| Total enquiries received by Advice Team. | 53* | 80 | 82 |
| Enquiries investigated | Not Known | 32 | 52 |
| Average first enquiries | 22 | 24 | 15 |
| Average response times | 24.5 days | 23.6 days | 22.5 days |
| Local settlements | 14 (27%) | 17 (48.9%) | 27 (57.4%) |

*Like the enquiries received by the Advice Team this figure includes complaints that were made prematurely to the Ombudsman and which were referred back to the Council for investigation.

Contacts with the LGO

4.11 Looking at the breakdown of the number of enquiries received by the LGO for each service area over the last three years shows planning and education services to be highest areas for complaints. Other service areas have broadly equal numbers of complaints.

4.12 It is difficult to accurately predict number of complaints to be investigated by the LGO as experience from the planning incident shows that any one issue could potentially raise many new complaints.

| Year | Adult Care | Benefits | Children and Family | Education | Housing | Public Finance | Transport And Highways | Planning | Other | Total |
|---------|------------|----------|---------------------|-----------|---------|----------------|------------------------|----------|-------|-------|
| 2009/10 | 4 | 2 | 7 | 14 | 5 | 2 | 2 | 37 | 9 | 82 |
| 2008/9 | 5 | 3 | 6 | 19 | 10 | 2 | 5 | 18 | 12 | 80 |
| 2007/8 | 1 | 5 | 4 | 6 | 7 | 2 | 3 | 9 | 16 | 53 |

LGO Developments

- 4.13 The Annual Review also provides updates on the developments in LGO services. In April 2010, the LGO launched a pilot phase of investigating school complaints in four local authority areas and intends to extend this in further 10 areas from September of this year. This is in preparation for its extension in September 2011 when its jurisdiction will cover all state schools in England.
- 4.14 In October 2010 the Ombudsman will gain powers to investigate complaints about privately arranged and funded adult social care. This will include provision of care that is arranged by an individual and funded from direct payments.
- 4.15 The LGO is also aiming to consult and develop on its Council First procedure. This was introduced in April 2009 requiring complainants to go through all stages of Council's complaints procedure before their complaint would be investigated by the LGO. The LGO will be researching views of the complainants and Councils about how the procedure is working to see if this could be improved further.
- 4.16 The LGO continues to provide training to local authorities on complaint handling. Some of the 118 courses delivered to by the LGO involved open courses for groups of staff from different authorities. These were designed for small numbers of staff to give them an opportunity to share ideas and experiences with other authorities. Over the next year the LGO intends to carryout a review of local authority training needs and ensure its programme helps them to improve their complaint handling.
- 4.17 The Local Government Ombudsman's publishes the Annual Review on their website (www.lgo.org.uk) and forwards it to the Audit Commission.

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| For more information contact: | Name 01332 255597 e-mail mahroof.hussain@derby.gov.uk |
| Background papers: | None |
| List of appendices: | Appendix 1 – Implications Appendix 2 – LGO's 2009/10 Annual Review of Complaints about Derby City Council |

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| IMPLICATIONS |
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Financial

- 1.1 None arising from this report

Legal

- 2.1 The Local Government Ombudsmen are appointed by her Majesty the Queen and have the same powers as the high court judge to obtain information and documents.

Personnel

- 3.1 None arising from this report

Equalities impact

- 4.1 Improved complaint handling benefits all of the city's residents.

Corporate objectives and priorities for change

- 5.1 Improved complaint handling will support all of Council's priorities.