

Committee: **AUDIT AND REVIEW**
Date: **6 November 2009**

Report: **LOCAL GOVERNMENT OMBUDSMAN – ANNUAL LETTER**

Purpose of the report

1. To report the receipt of the Annual Letter from the Local Government Ombudsman (the Commission for Local Administration in England) for the year ended 31 March 2009; and to inform Members of the enquiries and complaints made against the Yorkshire Dales National Park Authority and received by the Local Government Ombudsman in the twelve month period up to this date.

Strategic Planning Framework

2. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

Corporate Plan Objective 19

"Provide high quality, efficient and effective services to the public in a way that responds to the needs of users and ensures that they are widely accessible to those who live, visit or work in the National Park"

Background

3. The Local Government Ombudsman (LGO) considers complaints about the administrative actions of councils and some other authorities, including National Park Authorities. The LGO provides a free, independent and impartial service. The Ombudsman cannot question what a council has done simply because someone does not agree with it. If they find something that has gone wrong such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsman aims to put it right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.
4. The Annual Letter, which can be viewed 'online' at www.lgo.org.uk, summarises the complaints against the Yorkshire Dales National Park Authority received by the Local Government Ombudsman in the year to 31 March 2009. The Annual Letter is specific to individual authorities and is split into two sections: the first section includes statistics showing numbers of enquiries and complaints received, figures

on the decisions made by the LGO Investigative Team, and response times to queries; the second section provides a general update on LGO developments. The Letter is **attached**, along with appended explanatory notes and the Local Authority Report.

5. Members might be interested to note that, since April 2008, the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. This means that direct comparisons with statistics from previous years could be misleading, so the current annual review focuses on the 2008/09 figures without drawing comparisons.
6. The Report shows that in the year to 31 March 2009 the Ombudsman **received** three enquiries and complaints. One of these was premature, and one enquiry received advice only. The other complaint was passed for consideration by the Investigative Team.
7. The Report also shows that in the period, four complaints were **determined** by the Ombudsman. This figure differs from the number of complaints received due to the “work in hand” at the beginning of the year, meaning that there was a backlog of cases with decisions still pending from previous years.
8. In two cases, the Ombudsman used her discretion not to pursue the complaint; one of these related to the complaint received during the period 2008/09 and the other to a complaint made in the previous year 2007/08. In the remaining two cases there was no evidence of maladministration found; these both related to complaints made in the year 2006/07.
9. The final part of the Report shows response times to first enquiries made by the Ombudsman.

RECOMMENDATION

10. That the report be noted.

Lesley Knevitt
Secretariat Administrative Officer

26 October 2009

Background documents:

None

**The Local Government Ombudsman's
Annual Review**

Yorkshire Dales National Park Authority

**for the year ended
31 March 2009**

The Local Government Ombudsman (LGO) provides 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, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses 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 Yorkshire Dales National Park Authority 2008/09 | 3 |
| Introduction..... | 3 |
| Enquiries and complaints received..... | 3 |
| Complaint outcomes..... | 3 |
| Liaison with the Local Government Ombudsman..... | 4 |
| Training in complaint handling..... | 4 |
| Conclusions..... | 4 |
| Section 2: LGO developments | 5 |
| Introduction..... | 5 |
| Council First..... | 5 |
| Statement of reasons: consultation..... | 5 |
| Making Experiences Count (MEC)..... | 5 |
| Training in complaint handling..... | 5 |
| Adult Social Care Self-funding..... | 6 |
| Internal schools management..... | 6 |
| Further developments..... | 6 |
| Appendix 1: Notes to assist interpretation of the statistics 2008/09 | 7 |
| Appendix 2: Local authority report 2008/09 | |

Section 1: Complaints about Yorkshire Dales National Park Authority 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about Yorkshire Dales National Park Authority.

I hope that the review will be a useful addition to other information the authority holds on how people experience or perceive its services.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of telephone calls to our service has increased significantly since then to more than 3,000 a month. Our advisers now provide comprehensive information and advice to people who telephone, write or email. It enables citizens to make informed decisions about whether to put their complaint to us.

This means that direct comparisons with some previous year-statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

Enquiries and complaints received

The Commission received a total of three enquiries and complaints about the Authority during the year. Our Advice Team gave advice on one occasion and determined that another potential complaint was premature in the sense that it was apparent that the Authority had not been given the chance of addressing the concerns of the citizen involved. This complaint was sent to the Authority with the request that it be considered by the Authority through its internal complaints procedure.

One complaint was forwarded to me for consideration and this was a planning matter.

Complaint outcomes

I determined four complaints during the year a figure which differs from the number of complaints received because of work in hand at the beginning of the year. These complaints all concerned planning matters. In two cases I exercised the general discretion available to me not to pursue the complaints while I found no evidence of maladministration by the Authority in the remaining two cases.

Reports

I issued no public reports against the Authority during the year.

Liaison with the Local Government Ombudsman

I ask all authorities to respond to my formal enquiries within 28 calendar days. Although I made formal enquiries of the Authority on one occasion during the year I am pleased to record that the response reached me within 17 days.

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 recognise that, with so few complaints and so little contact between my office and the Authority, that there is only limited value in this review but nevertheless I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year.

**Mrs A Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

June 2009

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.

Adult Social Care Self-funding

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

Internal schools management

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

Further developments

I 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 local 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.

**Mrs A Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

June 2009

Appendix 1: Notes to assist interpretation of the statistics 2008/09

Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

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.

Formal/informal prematures: 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 usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

Advice given: These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

Forwarded to the investigative team (resubmitted prematures): These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

Forwarded to the investigative team (new): These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted 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 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 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 Ombudsman 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 Ombudsman'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 Ombudsman'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 2008/09

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 | Planning and building control | Transport and highways | Other | Total |
|---------------------------------------|-------------------------------|------------------------|----------|----------|
| Formal/informal premature complaints | 0 | 0 | 1 | 1 |
| Advice given | 0 | 1 | 0 | 1 |
| Forwarded to investigative team (new) | 1 | 0 | 0 | 1 |
| Total | 1 | 1 | 1 | 3 |

Investigative Team

| Decisions | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Total |
|-------------------------|---------|----|--------|---------|--------|----------|----------------------|-------|
| 01/04/2008 / 31/03/2009 | 0 | 0 | 0 | 0 | 2 | 2 | 0 | 4 |

| Response times | FIRST ENQUIRIES | |
|------------------------|------------------------|----------------------------|
| | No. of First Enquiries | Avg no. of days to respond |
| 1/04/2008 / 31/03/2009 | 1 | 17.0 |
| 2007 / 2008 | 2 | 26.5 |

Average local authority response times 01/04/2008 to 31/03/2009

| 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 |