

Local Government OMBUDSMAN

Commission for Local
Administration in England

Annual Report 11 12

Delivering Public Value

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Commission for Local Administration in England

Annual Report 1112

Presented to Parliament pursuant to Section 23A(3A) of the Local Government Act 1974 as amended by Section 170(1)(5) of the Local Government and Public Involvement in Health Act 2007; and Section 34S(5) of the Local Government Act 1974 as amended by the Health Act 2009 Section 35, Schedule 5, Part 1, paragraphs 1 and 2; and Section 219(5) of the Apprenticeships, Skills, Children and Learning Act 2009.

Contents

What we do	4
Who we are	6
Chair's foreword	7
Our performance	12
Ombudsmen's introduction	12
Analysis of complaints	16
Measuring our success	21
Financial accounts	37
Glossary of terminology	41
Who we cover	43
Where to contact us	44

What we do

Our mission is to

Provide an independent means of redress to individuals for injustice caused by unfair treatment or service failure by local authorities, schools and care providers and use our learning to promote good public administration and service improvement.

The roles of the Local Government Ombudsmen (LGO) and the Commission for Local Administration in England are set out in the Local Government Act 1974 (amended by the Health Act 2009) and the Apprenticeships, Skills, Children and Learning Act 2009.

Our jurisdiction extends to a wide range of public bodies providing local services, including local authorities (excluding town and parish councils); adult social care providers; national parks; police authorities; education appeal panels and some maintained schools¹.

The two Ombudsmen have the power to investigate:

- > complaints by members of the public who consider that they have been caused injustice by maladministration or service failure in connection with action taken by, or on behalf of, bodies within the LGO's jurisdiction in the exercise of their administrative functions
- > complaints by members of the public who consider they have sustained injustice during the course of privately arranged or funded adult social care, and
- > complaints from pupils (or their parents) of injustice in consequence of an act/omission of a head teacher or governing body of a maintained school (until 31 July 2012).

The Commission for Local Administration in England is the statutory body which provides the resources to support the activities of the LGO; it also has powers to publish advice and guidance on good practice. It is funded by a grant from the Government. The members of the Commission are the two Local Government Ombudsmen and the Parliamentary Ombudsman.

¹ In relation to 14 local authorities only – see *Who we cover* for full list.

Our organisation values

We will treat people with courtesy, consideration, openness and honesty; and respect their privacy.

In the provision of our services this means we will:

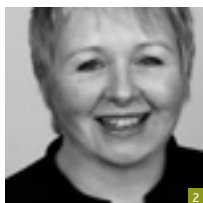
- > be independent, fair and consistent
- > take full account of what people say to us
- > establish the facts and communicate accurately, promptly and in plain language
- > explain fully the reasons for decisions, and
- > treat people with respect and not discriminate on any improper ground.

We will achieve this by:

- > providing a first contact service that makes it easy for people to make complaints to us
- > checking whether we need to make reasonable adjustments both at first contact and the investigator's initial telephone call
- > speaking to citizens to ensure that we have understood their complaint and to manage their expectations
- > making a prompt assessment of complaints and an early decision about whether to investigate
- > basing provisional views on evidence that we share openly with citizens whenever possible
- > taking account of comments before reaching decisions
- > securing appropriate remedies for injustice as swiftly as possible
- > communicating our processes and decisions clearly and comprehensibly and maintaining clear and accurate records, and

- > learning from our experience of dealing with complaints and modelling good practice in the way that we deal with complaints about our decisions and our service.

Who we are



Membership of the Commission

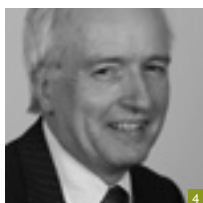
Dr Jane Martin Chair from 16 April 2012 (and previously Acting Chair)

Anne Seex Vice-chair from 16 April 2012

Ann Abraham Member (until 2 January 2012)

Dame Julie Mellor DBE Member (from 3 January 2012)

Dr Jane Martin and **Anne Seex** are **Commissioners for Local Administration** (Local Government Ombudsmen). **Dame Julie Mellor** (and **Ann Abraham** until her retirement) is the **Parliamentary Commissioner for Administration** (Parliamentary Ombudsman) and as such is a member *ex officio* of the Commission.



Senior staff

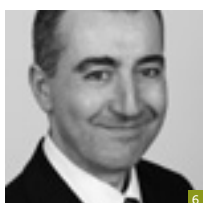
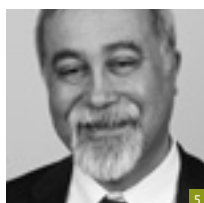
The senior staff of the Commission in 2011/12 were:

Nigel Ellis Deputy Ombudsman, London

Neville Jones Deputy Ombudsman, Coventry

Nigel Karney Deputy Chief Executive and Secretary

Michael King Deputy Ombudsman, York



1 Dr Jane Martin

2 Anne Seex

3 Nigel Ellis

4 Neville Jones

5 Nigel Karney

6 Michael King

Chair's foreword



Challenge, continuity and change

I am pleased to present this Annual Report for the year 2011/12. It has probably been one of the most challenging the Commission has faced for some time. In common with other public sector organisations we are working in an increasingly demanding external environment and are rightly subject to greater expectations from the public and their representatives – not least for the effective use of public money at a time of continuing financial constraints. In such circumstances it is essential to remain focused on the mission, objectives and values of the organisation to ensure that potential risks to the business resulting from external change are managed effectively internally. We have done this by maintaining the balance between continuity and change in a number of areas.

I want first to pay tribute to all our staff for maintaining high standards to ensure business as usual throughout a challenging time. It is their professionalism and commitment to impartial investigation which is at the heart of our achievements. The skills of experienced investigators and managers have provided the essential continuity we have needed.

The continued interregnum following Sir Anthony Redmond's retirement in November 2010 unexpectedly prolonged a period of uncertainty until December 2011 when the sponsor department confirmed, in response to our proposals, that the third Ombudsman would not be replaced. Anne Seex and I were confirmed as Vice-chair and Chair of the Commission respectively in April.

We have also maintained continuity at the top of the organisation and I am grateful to the corporate management team and members of the Audit and Remuneration Committees for their support during the interregnum. Ann Abraham, Parliamentary and Health Service Ombudsman, retired from the Commission at the end of 2011 and we welcomed her successor Dame Julie Mellor as a new Commissioner. I want to record our thanks here once more for Ann's support over many years and look forward to working with Julie.

Preparing for transformation and reducing our costs

For most of 2011/12 we have been responding to change promoted by the Government in new legislation or resulting from funding constraints and spending controls. For a small organisation this has sometimes been burdensome. Faced with an

“ First and foremost I would like to express my gratitude and uttermost respect for your professionalism, impartiality and fairness in dealing with my case. Without your office’s impartiality it would have been very difficult to get justice.”

Ms S

ESSEX

indication in March 2011 of 33 per cent budget cuts over three years we proactively commissioned an independent strategic business review with a brief to challenge us to achieve better value for money and reduce our costs while maintaining our service to citizens. We were delighted that Baroness Rennie Fritchie was able to chair the review for us and report back to the Commission in July 2011. Her words were a welcome endorsement of our work:

“It was clear to us as we undertook this work that this was not an organisation in trouble requiring remedial action. But rather an active, hardworking and reflective organisation that sought to be bold in its thinking and effective and efficient in its delivery.”

The review prompted an internal transformation plan which we put to our sponsor department in September as the basis for our budget review. This resulted in confirmed budget figures for the following three years equivalent to a 27 per cent budget reduction. We are grateful for the support of the Secretary of State for Local Government for our plan which is based on four elements:

- > Rationalisation of accommodation onto one headquarters site.

- > Reduced staffing, a leaner management structure and a reduced corporate services function.
- > A new business model focused on an intake and assessment process which resolves complaints swiftly and proportionately.
- > Greater emphasis on the impact and influence from insight from complaints.

It is designed to ensure we maintain an independent and impartial LGO scheme which remedies injustice with free easy access for citizens. We have already begun the transition project to achieve the required transformation but do not underestimate the further challenges ahead.

In anticipation of the transformation we have conducted a voluntary redundancy exercise and a number of staff will have taken voluntary severance by July 2012. I want to take this opportunity to thank them all for their contribution, particularly those who have been with the LGO for many years.

We routinely review the passage of legislation through Parliament which might affect our role, and during 2011/12 were engaged in discussions with officials in relation to the Localism Act and, in particular, the



changes affecting our jurisdiction for social housing complaints. We have been working with the Independent Housing Ombudsman to prepare for the transfer of jurisdiction in April 2013 and have pressed for the need for a shared services approach. We believe this would be both cost-effective and provide a streamlined, efficient service to tenants. We have also met with the Minister about proposals in the Open Public Services White Paper and have signalled our willingness to work with the other public sector ombudsmen in England to ensure comprehensive access for citizens. We have provided advice and information in response to consultations on new policy proposals when they arose such as the possible impact of changes to administering welfare benefits at the local level from 2013 as set out in the Welfare Reform Act.

Schools

Ms P's son, M, had been diagnosed with autism. When he started at primary school he was given an individual education plan and settled well. But then his behaviour changed, and the school started to hold regular meetings with Ms P and other agencies about how to manage M's behaviour.

Ms P said she was regularly asked to come and collect her son from school because of his behaviour and not to bring him in the next day. She was concerned that these were unofficial exclusions.

One day when M was six years old the school could not cope with his behaviour and could not calm him down. They called the police. Ms P didn't think the school should have done that as she was already there by then. M was excluded from school for two days.

He also received other fixed term exclusions for his behaviour and it was decided that he should move to another school.

When Ms P complained to the school there was a delay in investigating and it took five months before she got a response.

Government guidance says there is no provision for schools to send pupils home in response to breach of discipline except by exclusion. The Ombudsman found that, if all the occasions where the register was marked as 'other authorised absence' were actually exclusions, the cumulative total of days he was excluded meant that M's case would have been considered by the school's governors. Calling the police in response to the behaviour of an autistic six-year-old whose mother was already available seemed disproportionate. Ms P was very distressed by this.

We asked the school governing body to apologise to Ms P, and to review its policies and procedures to prevent similar problems happening to other parents in future. The school confirmed it now had systems to accurately record pupil absences and exclusions.

Internal management of schools unreported case

Improving our service

As well as responding to external change we have initiated a number of changes internally through our business planning process to improve our service during the year. In April 2011 we introduced a new electronic casework management system. It holds the authoritative and comprehensive record of how we dealt with each registered enquiry and complaint so we no longer need to create and store paper files. The software has been refined over the year to meet our needs and staff must be congratulated for their support in achieving this. We also established a new project to prepare for the publication of our decisions electronically. Staff have again engaged very positively with proposals to change how we present our decisions and we are now well placed to deliver greater transparency and accountability and ensure that we present a comprehensive view of our work to the public.

Our developing work in the area of adult social care, where all registered adult social care providers are within our jurisdiction, has continued to reveal lessons learned for more effective complaints handling by provider organisations, and we are beginning to generate greater insight into the causes of injustice resulting from service failure. It is becoming increasingly apparent that our work in this sector will be a blueprint for resolving disputes with diverse providers of local public services and providing independent redress for citizens who pay for their own services.

We had a full year of handling complaints about internal school matters under jurisdiction now to be repealed in July. We have here again learned a great deal about complaints handling and dispute resolution at the school level and will be sharing our knowledge as a legacy for the future.

We are now well placed to continue to deliver a relevant and resilient LGO scheme. At a time when the provision of public services is rapidly changing, it is as important as ever to ensure good local public administration. The LGO will continue to offer impartial investigation of allegations of injustice caused by maladministration or service failure, maintaining the independence and discretion of the Ombudsmen to ensure administrative justice and fairness for citizens.



Dr Jane Martin
Chair

Parking penalties

A council decided to introduce charges in its car parks for blue badge holders and evening users. It used a range of publicity methods to inform people in the local area but didn't take account of regular car park users who happened not to be local residents.

Ms A, who lived outside the council's area, had driven her mother, a blue badge holder, into the town once a month for five years. She always parked in a car park disabled bay. As she'd never had to pay for a ticket, she didn't look at the ticket machine, and was surprised to be given an excess charge notice for £80. She complained to us, as did several others in similar situations.

The Ombudsman found that the notices on the ticket machines were not effective in terms of letting these users know about the change. There needed to be signs at the car park entrances so that all users could see them. The work the council had done to raise awareness was not adequate.

She said the council should reimburse the penalties. The council agreed to refund all those affected, many of whom had not complained to the Ombudsman. This amounted to £11,600 in refunds.

Our performance

Ombudsmen's introduction



PROFILE

Jane Martin

Local Government Ombudsman

Dr Jane Martin was appointed Chair of the Commission for Local Administration in England in April 2012. She has been in the post of Local Government Ombudsman and Vice-chair of the Commission for Local Administration since January 2010. She has extensive knowledge and experience of public service delivery. At the University of Birmingham and Warwick Business School she conducted research on public management and governance in the fields of education, health and local government. She has worked in local authorities across England as a consultant for the Improvement and Development Agency for Local Government (IDeA) and was the first Executive Director of the Centre for Public Scrutiny. Prior to joining the LGO she was Deputy Chief Executive at the Local Better Regulation Office and a Non-executive Director of Coventry Primary Care Trust.

The Commission's corporate strategic plan and annual business plan provide the context for the work of the LGO scheme set against four strategic objectives:

- 1 Provide a complaints service direct to the public which is accessible, responsive, consistent and cost-effective.
- 2 Ensure sound decisions and appropriate redress based on impartial, rigorous and proportionate investigations.
- 3 Use our knowledge of complaints to identify best practice and issues of wider public benefit; promote good public administration and service improvement, and influence public policy.
- 4 Ensure proper stewardship of public funds through the proper use of resources and effective public accountability.

This section of the annual report sets out how we have achieved those objectives and compares our performance for the year against previous years and against performance targets. The Commission receives performance information at each meeting and monitors the progress of business plan activities. The Corporate Management Team also considers the operational implications of business plan activity on a regular basis. This section draws on that information to provide a comprehensive picture of progress throughout the year.

At a time of uncertainty and change we recognise the importance of remaining focused on our core business. We provide independent redress for citizens and maximise the wider benefit of our knowledge gained from complaints to improve public administration and local public services.

We know we need to adapt and evolve our service and expect the transformation plans for the LGO scheme to help us provide greater efficiency and an effective service in the future.

During 2011/12 we have continued to offer a good service to citizens. This introduction highlights our performance throughout the year.

Restorative justice

Our Advice Team dealt with a total of 99,680 contacts in 2011/12 and 20,906 complaints and enquiries were registered. 10,627 complaints were allocated to investigators and the investigative teams made 11,229 decisions.

These volumes are broadly similar to the previous year and indicate a steady demand for the service. We had anticipated an increase in complaints to us during the year as a result of public spending cuts but this has not materialised. Initial figures for 2012/13 are showing an increase in calls to the Advice Team but it is too early to tell whether this will become an established trend as public spending falls.

Complaints and enquiries about adult social care continue to rise – an increase of 24 per cent in 2011/12, building on a significant increase in the previous year. The biggest category of complaints dealt with by the investigative teams in 2011/12 was education and children's services. It is difficult to attribute these increases to any particular factor but our work with schools, adult social care providers and relevant interest groups to raise awareness of our extended jurisdiction may have had an impact.

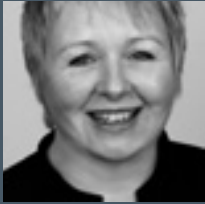
Planning complaints have fallen for a second year, again reflecting a continuing trend from the previous year. This may be a reflection of the reduced number of planning permissions granted by local authorities.

45.3 per cent of cases were decided within 13 weeks, 77.2 per cent were decided in 26 weeks and 94.8 per cent decided within 52 weeks. These figures are slightly down on the previous year and further analysis is being carried out to establish the underlying reasons. We have observed that particular categories of complaint – such as adult social care – are more complex and require more in-depth investigation with a resultant effect on processing times. We make sure we keep complainants informed on the progress of their complaint and in many cases will allow complainants additional time to respond to our requests for information or to comment on our provisional views. Nonetheless, we cannot be complacent and have focused our efforts on closing our oldest complaints as soon as possible and routinely monitoring all cases that remain open at 40 weeks.



We issued reports on 77 complaints about councils in 2011/12, compared with 29 the previous year. We publish a report on a complaint when it is necessary to bring it to the wider attention of the council and the public. Through this process we make recommendations for remedy and follow up to ensure compliance. We are pleased that compliance rates remain high at 99 per cent which justifies our view that it is not necessary for us to have powers to enforce our recommendations.

Our key focus is restorative justice, and redress was obtained in 2,434 cases, equivalent to 25.3 per cent of all complaints decided (excluding the complaints not in our power to investigate). Increasingly this includes an apology and actions to change policy and practice by the body in jurisdiction. It is only when redress cannot be achieved that we will consider compensatory payments for injustice caused.



PROFILE

Anne Seex

Local Government Ombudsman

Anne Seex was appointed to the Commission as the Local Government Ombudsman based at York in October 2005. She previously had over 25 years' experience in local government, joining the Commission from Norwich City Council where she had served as Chief Executive for five years.

Anne's experience included 11 years in various roles in the Chief Executive's Department at Manchester City Council. She left Manchester to become Director of Community Services for Lancaster City Council where she was responsible for housing, leisure, environmental health, engineering and estates.

Wider public benefit

Our new Focus reports developed this year draw on learning from our casework in specific service areas. By describing good practice, highlighting what can go wrong and making recommendations for improvement, they support good local public administration and service improvement. We have received positive feedback so far and plan to publish more during 2012/13.

Since April 2010 we have had the power to deal with complaints from pupils or their parents about schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power reverted to the Secretary of State for Education.

During the short period of the pilot we had a positive impact on the way in which schools handle complaints. We welcomed the findings of independent research commissioned by the Department for Education which included an evaluation of the effectiveness of our role in dealing with schools complaints. The report, *Parents' and Young People's Complaints about Schools*, is available through our website. From the interviews with parents and stakeholders there was a consensus that the key strengths of our service were our accountability, independence and expertise.

The findings also showed that one of the most valuable aspects was the training and development in complaint handling that we offered. The evidence suggested that much remodelling of school procedures occurred as a result.

Our jurisdiction will end in July 2012 and we will complete our work on all complaints about schools by 31 January 2013. We will produce a report on the common themes and lessons that have emerged from our work in this area.

The year 2011/12 was the first full year of operation of our extended jurisdiction over all registered care providers, some 13,000 bodies operated by private or independent organisations. We can now provide access to redress for all users of social care including those who arrange or fund their own care.

We commissioned independent research into the state of complaint handling in the adult social care sector to help us understand what works well and what needs to be improved. The research report by the Office for Public Management is on our website. It was the first time that research had been carried out on this aspect of the sector so provides a unique perspective. A key theme was the importance of ensuring that service users, their families and representatives know about their

“ I would like to thank you for all your hard work, constant updating and genuine interest in bringing my complaint to a close. Your remarkable insight into my complaint saw that you understood down to the smallest information what had really gone on between my family and the council.”

Ms C

SOUTH LONDON

right to complain to us. We have commissioned further research to understand how best to promote our service in the future and in the context of spending restrictions.

The research showed that the most common issues giving rise to complaints related to a poor standard of care or staff misconduct. These included issues such as unacceptable staff behaviour and staff failing to meet service users' needs as set out in their care plans.

Complaint numbers are still below the level we expected, particularly when there has been very high profile coverage in the national media about the quality of care experienced by some service users. Our aim is to ensure that those people who need to complain know who we are and how they can find us.



We will produce a report highlighting our insights and knowledge gained from adult social care complaints. It will reflect on issues arising from the new jurisdiction and our wider adult social care role.

Transparency and accountability

We take seriously all complaints about us which we review internally. Complaints about our customer service and our decisions are investigated by a manager. They are summarised in regular reports to the Commission, highlighting the lessons learned for improvement in our performance.

We have progressed our plans to create greater openness and transparency in our work by using our power to publish the individual statements explaining the decisions on complaints. Through our website the published statements will provide a vast increase in publicly available information about our decisions and enhance our accountability. Our aim is to provide a comprehensive picture of complaint decisions and the reasons for them.

This fits with our approach to transforming the organisation, building on the best of what we already do combined with new ways of working to create an efficient and

effective organisation that is fit for the future. We appreciate the commitment, talent and experience of our staff over the last year and as further changes progress.

Although the change has been developed against the backdrop of cuts in our budget, the plan we have agreed to implement over the next three years contains a positive vision of a sustainable, stable and credible service.

Jane Martin
Anne Seex

Our performance

Analysis of complaints

Complaints and enquiries received

The LGO Advice Team is the single point of contact for all enquiries and new complaints. The Advice Team registered a total of 20,906 complaints and enquiries in 2011/12, compared with 21,840 in 2010/11 – a decrease of 4.3 per cent.

The figures include:

- > telephone enquiries that closed after giving the caller advice. The caller may be told that it is unlikely the Ombudsman can deal with their complaint and that they should seek help from another organisation, such as an advice agency, or that they need to complain to the body they wish to complain against first
- > complaints made by telephone and forwarded to one of the investigative teams, and
- > complaints received in writing through our website or the post.

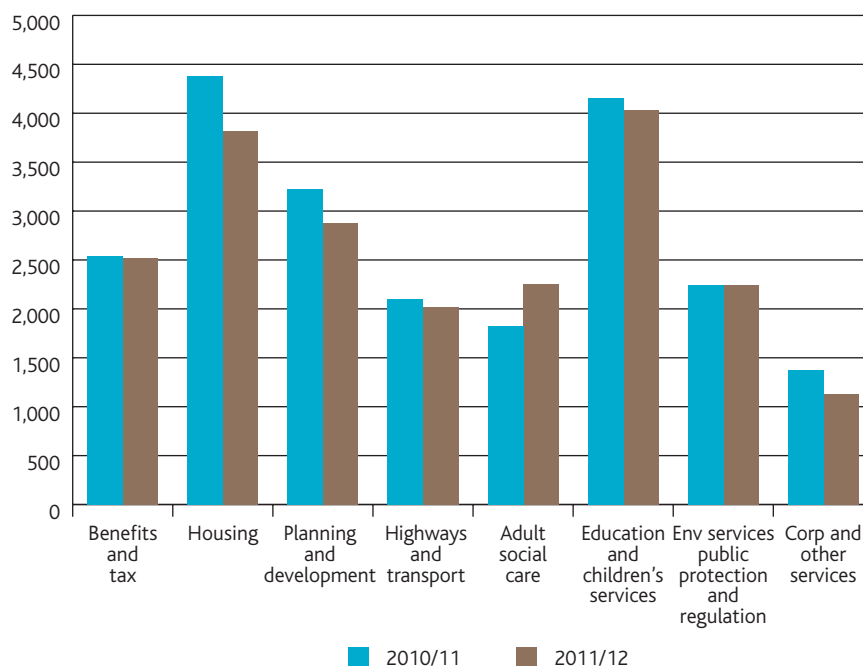
The LGO Advice Team deals with almost all the premature complaints received. Premature complaints are those where the citizen has not yet complained to the organisation. Once the organisation has had a chance to respond to the complaint the citizen may resubmit it to the

Ombudsman if they are not satisfied. A total of 8,468 premature complaints were received during 2011/12.

The number of complaints and enquiries in each subject category for 2011/12 compared with 2010/11 is shown in graph 1 below. As well as premature complaints, it includes enquiries where the caller was given advice and complaints sent to the investigative teams.

Education and children's services complaints and enquiries now form the biggest category of complaint, overtaking housing which has dropped by nearly 13 per cent in 2011/12. Adult social care complaints and enquiries have gone up by 24 per cent in the year, after the 73 per cent increase the previous year. Planning has fallen for a second year – by nearly 11 per cent.

Graph 1: Complaints and enquiries registered by category 2010/11 – 2011/12



“ I would like to thank you for your support in this matter, and truly believe without your assistance, this matter would not have been acted upon as quick by [the] council.”

Ms G

DERBYSHIRE

Complaints allocated

10,627 complaints were allocated to investigators during the year, just over half of those registered by the Advice Team. That was a 5.5 per cent drop compared to the previous year.

Graph 2 below shows the number of complaints dealt with by the Advice Team in each category and those allocated to investigators.

Of those complaints, the largest category is education and children’s

services at 2,478, although there has been a decrease of nearly seven per cent compared to the previous year. The next largest categories are housing (1,743) and planning and development (1,707).

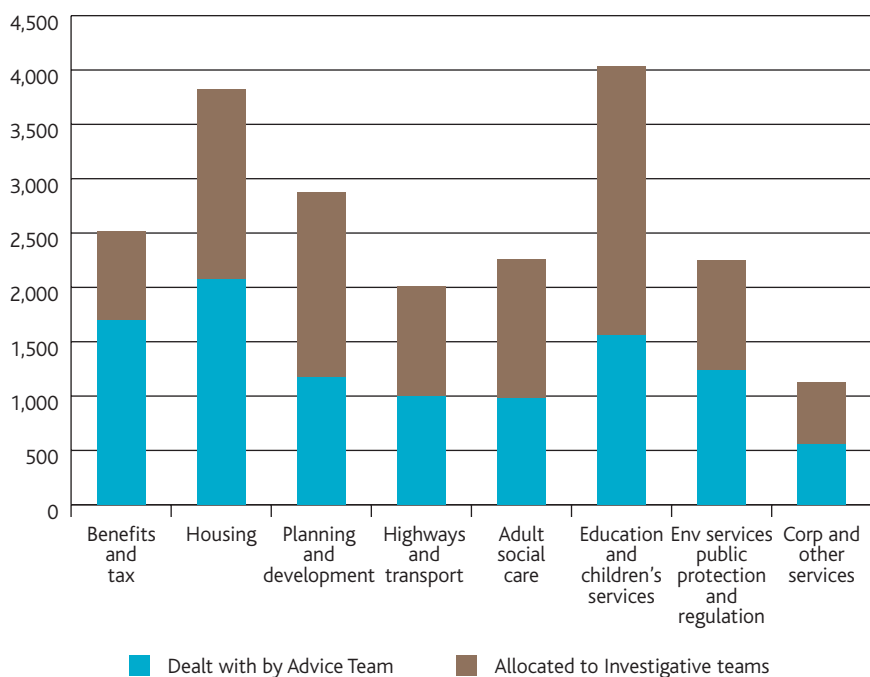
Adult social care complaints sent to the investigative teams increased by 22 per cent from 2010/11 to 2011/12.

Looking at the complaints from pupils and their parents about schools in the 14 designated areas

(included within the education and children’s services category), the investigative teams received 282 complaints during the year, compared with 169 in 2010/11. The most frequent subjects of complaint were bullying and teacher conduct.



Graph 2: Complaints dealt with by Advice Team/allocated to investigative teams by category 2011/12



“ Although, as you anticipated, this is not the outcome that the [name of society] had hoped for, we would like to thank you for all the time and patience that you have spent carefully gathering and considering all of the information on this investigation.”

Mr H

CHESHIRE

Outcome of complaints

The investigative teams decided 11,229 complaints during the year, compared to 10,792 in 2010/11, an increase of four per cent. Our planning had assumed that the number of complaints would increase and require 12,804 decisions to be made to maintain throughput. In the event, the anticipated increase in complaints did not happen. The figure of 11,229 was broadly in line with a revised forecast approved by the Commission in November 2011. This was in anticipation of a temporary 10 per cent reduction in output following the introduction of our new complaint management system and associated working practices.

A breakdown of the outcomes of these complaints is shown in the following three tables – split to highlight decisions on complaints about councils, schools and adult social care providers.

Table 1: Outcome of complaints about councils² 2011/12

Outcome	Number of complaints	Percentage of total
Not investigated		
• no power to investigate	618	5.7
• no reason to use exceptional power to investigate	955	8.7
• investigation not justified, other	1,943	17.8
Investigated		
• not enough evidence of fault	3,497	32.0
• injustice remedied during enquiries	2,300	21.1
• no or minor injustice, other	1,530	14.0
Report issued	77	0.7
Total	10,920	

Table 2: Outcome of complaints about schools 2011/12

Outcome	Number of complaints	Percentage of total
Not investigated		
• no power to investigate	35	16.5
• no reason to use exceptional power to investigate	0	0.0
• investigation not justified, other	55	26.0
Investigated		
• not enough evidence of fault	49	23.1
• injustice remedied during enquiries	34	16.0
• no or minor injustice, other	39	18.4
Total	212	

² In this context 'councils' is shorthand for all authorities within the Ombudsman's jurisdiction, excluding schools for the purposes of the internal management of schools jurisdiction, and non-council adult social care providers.



Table 3: Outcome of complaints about adult social care providers 2011/12		
Outcome	Number of complaints	Percentage of total
Not investigated		
• no power to investigate	9	9.3
• no reason to use exceptional power to investigate	10	10.3
• investigation not justified, other	26	26.8
Investigated		
• not enough evidence of fault	1	1.0
• injustice remedied during enquiries	25	25.8
• no or minor injustice, other	26	26.8
Total	97	
Outcome of complaints overall total 11,229		

Note: See the *Glossary of terminology* for an explanation of terms used.

We adopted new descriptions for our decisions in 2011/12 to more closely follow the wording in our legislation and to give greater precision. We are working to ensure that the new descriptions are used consistently across the organisation.

The total number of complaints where redress was obtained or recommended for the complainant was 2,434 – 25.3 per cent of all complaints decided (excluding the complaints not in our power to investigate). This is slightly less than the previous year (when it was 27.1 per cent) but it is difficult to make a direct comparison because of the new decision descriptions.

Planning applications

Our investigation of a complaint from two householders concerning a development behind their homes revealed that essential planning records had been lost.

We found that the council had no records of plans and applications approved before 1996. A senior planning officer (who had since left the council) had arranged to destroy the records, which it had a statutory duty to hold and make available for public inspection. The decision notices were retained, but these do not record exactly what was approved.

The Ombudsman said this was a significant and very serious failure of corporate governance, and “an extraordinary and inexcusable act of maladministration”.

The council appointed a barrister to conduct an independent inquiry about the destruction of records, and also accepted our recommendations on what to do about its errors in the handling of the particular development.

Our performance

Measuring our success

We have four strategic objectives to deliver our mission, and have set out success criteria based on expected outcomes for service users and other stakeholders.

We use a range of performance indicators to assess whether we are achieving the outcomes we are striving for. They focus on the impact of our performance as well as the volume and quality of our outputs. The annual business plan has specific performance targets for the year.

This section describes our progress during the year for each of the four objectives.

Strategic objective 1:

Provide a complaints service direct to the public which is accessible, responsive, consistent and cost-effective

The internet is increasingly used by people to access information and advice about all aspects of life. Through our website we aim to enable citizens to understand what we do, how we work and whether we are likely to be able to help them.

Table 4 below shows the increased use of our website for the last three years. This includes an increase of 28 per cent in visits to the website in 2011/12 compared to the previous year.

We commissioned independent qualitative research about the website. The research involved interviews with professional advisers, non-departmental government bodies, journalists and an MP. The research company reported to us:

- > Respondents largely felt a lot of work had gone into it because it worked so well.
- > On the home page there is a clear statement of purpose: "Complained to the council? Still not satisfied?" with an accompanying telephone number. Most felt this was really important to complainants as it made the Ombudsman accessible to them.
- > The website was easy to navigate.
- > The search function on the website works very well and is good at finding reports.
- > The website is very rich in information, but it does not feel overwhelming and remains very clear despite its volume of information.
- > Many felt it a good thing that accessibility in other languages was so prominent on the front page.

Table 4: Website statistics 2009/10 – 2011/12

Period	Visits	Page views	Home page views
2009/10	226,143	970,797	167,313
2010/11	240,680	921,416	152,154
2011/12	307,884	1,142,444	153,008

Notes:

Visits represent the number of individual sessions initiated by all the visitors to the site (it is designed to come as close as possible to defining the number of actual, distinct people who visited the site).

Page views – a view of a page on the site.

Not everyone has access to or wants to use the internet, so printed material remains an important way of providing information about rights of access to the Ombudsman. The Office for Public Management report on adult social care complaints revealed low levels of awareness about our role in privately funded care. We had Department of Health funding for communications activity and, following approval of an exemption from Government spending restrictions, we printed information leaflets targeted at service users, advisers and advocates, voluntary bodies, councils, libraries and MPs.

All initial contacts are handled by our Advice Team. We know from responses to our own postal surveys that the team is well regarded. In 2011/12 the survey results show continued high levels of customer satisfaction:

- > 98.5 per cent of respondents either strongly agreed or agreed that advisers were polite, sensitive and helpful – up 1.5 per cent on the previous year.
- > Almost 97 per cent strongly agreed or agreed that they knew how to proceed with their complaint by the end of the call – up 2 per cent on the previous year.

- > More than 95 per cent strongly agreed or agreed the service had provided what they expected at that point.

We commissioned independent 'mystery shopping' research to assess how advisers dealt with realistic test scenarios put to them in a total of 49 contacts made by telephone and 12 by email. The outcome reflected the results of our own surveys. The advisers were rated very positively for friendliness, professionalism and politeness. The information provided in the call was largely rated as helpful and clear.

The research company reported to us that:

- > Advisers took the time to listen to the complaint.
- > Advisers had a professional, friendly, sometimes sympathetic tone and came across as calm, knowledgeable, attentive and efficient.
- > The call worked well where the adviser could offer a solution to the caller so they felt their complaint had been progressed by calling the Advice Team.
- > The adviser making time to explain any information relevant to the complaint was appreciated.

- > Calls were rated positively for providing details on timescales, signposting to other organisations and explaining our processes.

There were some inconsistencies in handling the scenarios. The simpler scenarios were handled more uniformly with greater variation on the more complex scenarios. Only half of the more complex calls were registered as a complaint or enquiry. There were also some inconsistencies in being given alternative organisations to contact.

The research identified that most calls were not rushed and those that were took place in the busier lunchtime period. It identified the features of the minority of calls that were rated less positively.

The results were fed back to the advisers and lessons arising were used in the team's development.



“ Thank you for the diligent and even handed manner in which you have handled this matter.”

Ms S

NORFOLK

Table 5 below summarises the Advice Team’s activity for the last three years. The total contacts show a six per cent increase from 95,006 in 2010/11 to 99,680 in 2011/12.

There was a slight increase in the number of telephone calls received in 2011/12. The proportion of calls answered went down from 98.3 per cent to 97.6 per cent. The amount of post has reduced by five per cent, while email traffic increased by 14 per cent.

Over 1,000 more complaints were made using the online complaint form compared with the previous year. We improved this form to encourage more use, ensure we get the information we need at the outset and speed up the initial handling of a complaint.

Advisers maintained the improved average time taken to answer calls of 18 seconds.

During the year we implemented a new complaint management system and introduced new working practices for investigators. The system includes a standard ‘workflow’ and a number of mandatory steps designed to provide consistency in both process and application of good practice.

The specialist teams for education and children’s services and adult care services have used inter-office seminars and practice meetings to achieve consistency in approaches and decision making. The Ombudsmen have introduced regular case conferences with the assistant ombudsmen from these teams to

draw out common issues and themes arising from complaints and provide clear, consistent guidance to investigators.

We know that citizens want us to deal with their complaints as quickly as possible and we set ourselves targets. We fell short of our time targets for 2011/12, shown in table 6 on page 24, where this measure is showing the number of weeks from a complaint registered by the Advice Team to the decision. We also monitor the time taken from when a case is allocated to the investigative teams to the decision, also shown in table 6 above. This shows that the time targets were exceeded.

In 2011/12, we aimed to have no more than 105 cases in hand for more than 12 months. The actual figure was 117 – a 12 per cent reduction on the previous year but still above the target.

Table 5: Advice Team activity 2009/10 – 2011/12			
	2009/10	2010/11	2011/12
Total telephone calls received	40,204	43,917	44,181
Total telephone calls answered	39,575	43,186	43,146
Average time to answer call	23 seconds	18 seconds	18 seconds
Number of text messages received	137	194	88
All post, including written complaints	12,836	13,397	12,740
Complaints made via website form	3,607	3,715	4,723
Emails received	26,836	34,514	38,983

Note: The numbers of calls received and answered differ as some calls are lost because the caller hangs up before the call is answered.

“ Thank goodness for organisations like the LGO for giving us support and hope.”

Mr C

SOUTH YORKSHIRE

Key indicator	From date complaint registered			New measure*	
	March 2010	March 2011	March 2012	March 2012	Target for 2011/12
	Actual	Actual	Actual	Actual	
Percentage of all complaints (excluding prematures) determined within 13 weeks	56.8	54.2	45.3	55.4	50.0
Percentage of all complaints (excluding prematures) determined within 26 weeks	85.2	83.4	77.2	84.4	80.0
Percentage of all complaints (excluding prematures) determined within 52 weeks	96.9	97.0	94.8	96.6	96.0
Number of cases more than 52 weeks old	122	133	117	117	<105

* From date complaint allocated for investigation

We take complaints about our service very seriously. Every service complaint is investigated by a manager. Regular reports to the Commission summarise the issues raised and the lessons learned. The number of service complaints for 2011/12 and the outcomes are shown in table 7 below.

Data on the ethnicity, gender, age and disability of citizens whose

complaints are forwarded to our investigative teams provides some measure of our accessibility. (See table 8 on page 26.)

We now invite all these citizens to complete and return monitoring forms so a total of 3,542 forms were returned in 2011/12, compared to 2,409 in 2010/11.



Table 7: Service complaints in 2011/12	
	2011/12
Service complaint: not upheld	64
Service complaint: justified in part or in full	37
Total	101

Housing allocations

Ms F was a young adult with multiple sclerosis that affected her mobility, vision and thought process. She needed help to go up and down stairs in the rented house she shared with her mother and two younger sisters. An occupational therapist's report said Ms F's condition was likely to get worse, and she might need a ground floor bedroom and bathroom.

The mother applied for the family to be rehoused. She bid for a three-bedroom property with two ground floor reception rooms, thinking her daughter could use one ground floor room as her bedroom. Her bid had the highest priority, but the council decided it was unsuitable, and said that if she used a reception room as a bedroom it would count as a four-bedroom property and the family only needed three. The council said the bid would have succeeded otherwise.

The Ombudsman said this was unfair and illogical. Had it not been for the daughter's disability, the family would have been rehoused. The council failed to consider its obligations under the Disability Discrimination Act 2005, and failed to follow its own Equalities and Diversity Policy.

After our report, the council agreed to offer the family suitable accommodation without delay, pay them £4,000, arrange and pay for an extra week of respite care for Ms F, and review its lettings policy.

The returns made to us show:

- > There has been no change in the ethnic profile, the male to female ratio or the age profile.
- > There has been a drop in the proportion of people defining themselves as disabled from 31 per cent to 28 per cent in 2011/12.

Strategic objective 2:

Ensure sound decisions and appropriate redress based on impartial, rigorous and proportionate investigations

At the core of our mission is a focus on providing individual redress as well as improving local public services. We seek to put the person affected by the injustice back in the position they would have been in had the fault not happened. Our recommendations will ask the organisation responsible for the fault to take actions to do so where this is still possible. For example, to conduct a care assessment, offer adequate new accommodation or offer a fresh admission appeal hearing. Only if it is not possible will we then consider asking for a compensatory payment.

During the year we reviewed our approach to recommending financial remedies to ensure that they are clearly communicated and

Table 8: Equality monitoring data of complainants 2009/10 – 2011/12 (from specified responses only)

Area monitored	2009/10 %	2010/11 %	2011/12 %	2001 census % of population
Ethnic group				
White	86	86	84	91
Black	6	7	7	2
Asian	5	5	6	5
Mixed race	1	1	2	1
Other ethnic group	2	1	2	1
Total number	1,757	2,409	3,333	49,138,831
Sex				
Male	55	55	55	49
Female	45	45	45	51
Total number	1,841	2,396	3,239	49,138,831
Age				
Under 16	–	–	0 [#]	17
16-19	–	–	0 [#]	7
20-24	3 [§]	3 [§]	2	7
25-59	57	58	57	48
60-64	–	13	14	6
65 and over**	40	27	27	15
Total number	1,734	2,415	3,316	49,138,831
Disability				
With disability	26	31	28	34*
Total number	1,698	2,370	3,268	20,451,427*

Note: This data excludes 'unspecified' responses. Percentages may not add up to 100 due to rounding.

The exact percentage of those aged under 16 was 0.3% in 2011/12 and 0.2% for those ages 16-19 for the same period. This figure has been rounded to the nearest whole number. The census figures are for under 15 and 15-19.

§ Prior to 2011/12, age was recorded for 24 and under. The 3% in 2009/10 and 2010/11 refers to 24 and under, it was not broken down further as is shown for 2011/12.

** This category was 60 and over until 2010/11.

* This percentage and number relates to the number of households that include a person with a disability.

consistently applied. We agreed key principles to underpin our approach to deciding whether and what financial remedy is appropriate. This is published on our website. The financial remedies secured during the year ranged from £62,386 reflecting costs incurred by the complainant as a result of a council's actions, to numerous small payments made by organisations as a tangible way of expressing regret for the inconvenience caused to the citizen.

Table 9 sets out the number of remedies recorded in the year.

The Ombudsmen have no powers to enforce the recommendations for remedy where we have found an organisation to be at fault. All our recommendations were accepted in cases that were closed without a report and only two councils resisted recommendations made in reports.

We issue reports on some local authority complaints for a number of reasons. We will always report if a council does not accept our findings or accept a recommendation. Other reasons for reporting include that the case raises public interest issues or it sets out lessons learned for other bodies in similar circumstances.

In 2011/12, we issued reports on 77 complaints about councils, compared with 29 the previous year. As in the previous year, education matters formed the largest proportion of the reports (nearly a quarter), with most on schools admissions complaints. This is a much higher proportion than the number of complaints and enquiries on education matters which accounted for 12 per cent of the total. Planning and development was the next biggest category, and most concerned planning applications. Adult social care was

the joint second biggest category and a large increase from the previous year when we issued reports on two complaints. Again, the proportion of reports issued is higher than the complaints and enquiries received on adult social care issues – 18 per cent of reports compared to 11 per cent of complaints and enquiries received.

We issued reports on three joint investigations with the Parliamentary and Health Service Ombudsman during the year. One report about the care and support provided to a person with Down's Syndrome was published and laid before Parliament. It highlighted significant failings by both an NHS trust and a council. (See case study on page 29.)

If the Ombudsman is not satisfied with a council's response to her report, she must issue a further report. A decision to reject the recommendations in a further report can only be made by a meeting of the full council. We issued two further reports in 2011/12. Our recommendations have now been agreed in one of the reports.

All published reports are on our website, together with a table giving a full list of reports issued during the year and a breakdown of the subjects.

Table 9: Type of remedy obtained			
Type of remedy	2009/10	2010/11	2011/12
Apology	585	631	635
Take action and other	1,562	1,530	1,107
Review policies and/or procedures	220	288	335
Financial redress	1,397	1,348	1,270
Total number of remedies recorded	3,764	3,797	3,347

Note: The variation in 2011/12 figures is partly due to new working practices and the way data is recorded on the new complaint management system so comparisons with previous years are difficult.

“ I am writing to say how impressed I have been with the care and attention [the investigator] has given to my complaint. The statement she prepared is a model of lucidity, and her recommendations firmly grounded in the evidence and entirely appropriate.”

Mr B

MIDDLESEX



Ensuring high quality investigations and decisions is fundamental to our role. We have reviewed our high level quality standards and adopted a new statement to restate the foundations for the quality of our work.

We have adopted a new performance appraisal system based around key behaviours such as communication, customer focus and knowledge management. We have continued to improve knowledge sharing and collaboration internally through methods such as online discussion forums and networking groups. Investigators' work is sampled by managers, the Ombudsmen examine samples of work and observations are fed back into general and personal training plans.

All our investigators are expected to make sound and justified decisions and to explain their reasons clearly.

Table 10: Complaints about our decisions 2009/10 – 2011/12

	2009/10	2010/11	2011/12
Decision sound and justified	977	1,015	986
Decision sound and justified but further explanation needed	30	22	26
Decision amended and explained	3	5	6
Decision not sound and justified – further enquiries needed	47	57	38
Other*	23	32	31
Total	1,080	1,131	1,087

* These include cases where the complaint did not go through the review process, usually this is because the review was not requested quickly enough (within three months of the decision on the case).

We welcome additional opportunities to review the standard of our work to ensure that our high standards are maintained. When a citizen expresses dissatisfaction with an investigator's decision, the case will be reviewed by a senior member of staff, who has had no previous involvement in the complaint. We regularly analyse the number of complaints about our decisions and lessons we can learn from them so that we can improve the quality of our service. Table 10 above shows the outcome of complaints about our decisions for the last three years.

The only challenge to the Ombudsmen's decisions is through the courts by judicial review. Our aim is that any judicial reviews will not find fault in our decisions. There are two stages in the judicial review process. The applicant has to apply for permission for judicial review of a decision and, only if permission is granted, there is a second stage hearing in the Administrative Court. The figures for applications and judicial review hearings for the last three years are given in table 11 on page 30.

Adult social care: joint investigation

Mr J was an outgoing and sociable adult with Down's Syndrome. He lived with his wife in rented accommodation, with support from the council and his family, until his health and skills began to deteriorate and he had to go into hospital.

He was diagnosed with dementia and epilepsy, but although he was declared ready for discharge, he was kept in hospital for another five months. His home was now considered to be unsuitable, so Mr J and his wife were moved to a self-contained flat at a care home for older people. The flat was kept locked for safety reasons. This was meant to be temporary, but they were still there 10 months later when Mr J fell ill with a chest infection. He was taken into hospital again, where he died, aged 53.

His brother complained about the care and treatment that Mr J was given, both by the council and the NHS trust, so we investigated his complaint jointly with the Health Service Ombudsman.

The Ombudsmen found significant failings. No-one took overall responsibility for Mr J's care. Decisions had been taken about his care needs without enough consideration for his basic human rights to liberty and family life. The importance of Mr J's family in his life wasn't appreciated, and so they were not fully involved in plans for his care. There was delay in finding him and his wife a suitable new home.

The trust and the council agreed there had been serious mistakes and apologised. They also paid £2,000 in recognition of the distress, which the family said they would donate to charity. We also asked the council and the trust to prepare an action plan to set out what they have done (or would do) to make sure these mistakes were not repeated.

“ Your independence gave us the opportunity to be listened to (and we thank you for that) and, even if you had not upheld our complaint, at least we knew that you were not working against us and that any decision by you would be legally sound.”

Mr and Mrs J

CHESHIRE

Strategic objective 3:

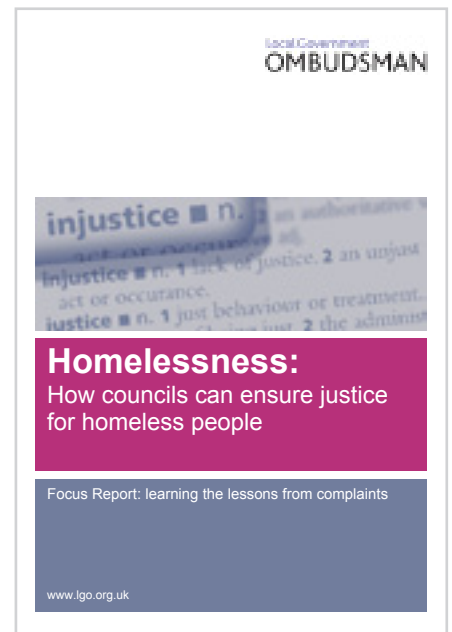
Use our knowledge of complaints to identify best practice and issues of wider public benefit; promote good public administration and service improvement, and influence public policy

As well as achieving individual redress, we seek to achieve wider public benefit in a number of ways.

The Ombudsmen initiated a new series of themed publications called Focus reports to share lessons learned from our work and support good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas,

describe good practice and highlight what can go wrong and the personal injustice that can be caused. They also make recommendations on priority areas for improvement. In 2011/12 the Ombudsmen published Focus reports on:

- > School admissions – about the rights of parents and pupils to a fair and impartial school appeal hearing, and how councils can ensure that happens.
- > Children out of school – urging councils to ensure that children’s rights to full-time education are met and to avoid some of the common mistakes made when providing education to children not in school.



- > Ensuring justice for homeless people – asking councils to consider how the people who face homelessness get the help they are entitled to.
- > Councils’ use of bankruptcy powers – highlighting flaws in the way councils pursue bankruptcy for council tax debts.

Table 11: Judicial review applications 2009/10 – 2011/12

	2009/10	2010/11	2011/12
Applications for permission for JR	13	7	8
Applications for permission refused	11	5	7
Applications for permission withdrawn	0	1	0
Applications for permission awaiting the court’s decision	0	1	0
Applications granted permission by the court	2	0	1*
JR proceedings withdrawn	1	0	0
Claimant unsuccessful at a substantive hearing	1	0	0

*Awaiting hearing in the Administrative Court

An independent research company conducted qualitative research with professional advisers, non-departmental government bodies, journalists and an MP on the new style Focus reports. This found the reports to be well regarded and easily accessible.

A web-based survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85 per cent said they found it useful. Most followed some of the steps identified in the report for avoiding maladministration and the vast majority said they would take action to put the other steps in place.

In July 2011 we published a report in conjunction with the Centre for Public Scrutiny (CfPS) about using insight from complaints to feed into local authority scrutiny and business planning arrangements, helping to drive service improvement.

We support local complaint resolution as the most speedy and cost effective form of administrative justice. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We introduced online course evaluation to measure the impact of our training more effectively. The key results are:

- > 87 per cent of delegates say the learning experience is useful
- > 71 per cent of delegates changed the way they handled complaints after training
- > more than 80 per cent say that investigation, communication, decision letters and complaint resolution have improved as a result of training
- > 71 per cent have shared their new knowledge and skills with colleagues, most of whom have adopted similar practices.

To date, our training programme has only extended to local authorities, but we trialled a complaint-handling course with an independent social care provider during the year. The feedback was very positive so we will be considering options for providing training in the sector.

We provide information and insights gained from complaints in response to consultations issued by Government and other public bodies. We have agreed protocols for working with the regulatory bodies in education and social care: Ofsted and the Care Quality Commission

(CQC). This includes sharing information about concerns with institutions that may come to light through individual complaints. This year we have also worked closely with the Children's Commissioner and the Office of the Children's Rights Director to ensure that our respective bodies signpost appropriately and share knowledge on the problems affecting children and young people so that appropriate action can be taken, and enquiries can be made. We gave evidence to the Children's Commissioner's school exclusions inquiry, highlighting our concerns about children with behavioural problems being unofficially excluded, and inadequate alternative education when children are excluded from school. We have also responded to the major changes proposed in the Special Educational Needs (SEN) Green Paper and have engaged with the Special Educational Consortium on appropriate forms of redress.



“ Thank you for your thoroughness and thoughtfulness.”

Mr H

WILTSHIRE

We have also responded to a number of social care policy initiatives. In November 2011 we gave oral evidence to the Independent Commission on Dignity in Care where we highlighted the complex nature of cases brought to us and raised concerns about lack of basic care. We call for ‘zero tolerance’ of neglectful behaviour. Common areas include poor nutrition and inattention to basic quality of life factors such as personal hygiene and leisure activities. We also highlighted that there were varying practices in complaints procedures across care providers, which are often linked to the size of the organisation or company. In August 2011, we were asked to respond to the Equality and Human Rights Commission’s inquiry into homecare for older people. In our written submission we pointed out our concerns about lack of awareness of our jurisdiction for all adult social care providers. We have also engaged extensively with the Department for Transport on their scoping work on blue badge appeals, as part of their reform of the Blue Badge Scheme.

We hosted two events for external organisations relevant to our work to discuss our role in a wider context and help build effective working relationships. We shared the research study on the state of complaint handling in the adult social care sector with service provider member organisations, advice bodies, the

Department of Health and CQC. The study prompted much discussion, giving those organisations represented an opportunity to give their own views and insights on the findings and how to make improvements. The research report is available on our website.

The Open Public Services White Paper and its potential implications for ombudsmen provided the focus for a meeting with organisations involved in the local authority sector. The discussion centred on the question of how the Ombudsmen and partners can ensure local accountability is retained in a context of choice and diversity in public service provision. It highlighted where gaps in accountability might lie and the need for citizens’ entitlement to fair treatment in service provision including access to an ombudsman service for unresolved issues.

As well as those previously mentioned, we have liaised with a range of other organisations during the year including:

- > Local Government Association
- > Public Law Project
- > Association of Council Secretaries and Solicitors
- > Age UK
- > Mencap
- > Compact Voice

- > Health and Safety Executive
- > Law Commission
- > Chartered Institute of Environmental Health
- > National Care Forum
- > English Community Care Association
- > Registered Nursing Home Association
- > UK Home Care Association

Strategic objective 4:

Ensure proper stewardship of public funds through the proper use of resources and effective public accountability

The Commission is the strategic authority and governing body for the LGO scheme. It is responsible for oversight of funds received from the sponsor department, Communities and Local Government. The Commission met seven times during 2011/12. Open agenda papers and minutes of the meetings are available on our website.

Special educational needs and children's services

H had moderate learning difficulties and lived with his mother. He attended a special school that was named in his statement of special educational needs, and he was expected to stay at the school after he was 16, but changes in his behaviour brought about a review.

The council's children's services team recommended H for a residential placement, but the education team said he had no educational need for it and refused to pay for it.

H's mother was finding it hard to cope, so the council offered H a foster placement while he carried on attending the same school, but H refused to go back to the school, and moved to live with his grandparents in another council's area.

The second council delayed seven months before beginning a core assessment of H's social care needs, and the two councils disputed which of them was responsible for maintaining his statement of special educational needs. Because of this, H's statement lapsed, and he was out of school for a term before he started a college placement.

The Ombudsman found the councils' delays and failure to take a child-centred approach caused H to miss a whole year of full-time education and nine months of support. His grandmother suffered stress and frustration and his mother lost the chance to formally put her case for appropriate education and social care for H at a critical time. So H might have lost the opportunity of a residential placement with 24-hour support.

Both councils agreed to follow our recommendations to apologise, pay £4,500 in total for the missed education and significant unnecessary stress, provide therapy for H, and review their arrangements for transferring children with statements who are moving to post-16 education.

Case reference 09 018 565 & 09 018 567

“ I wanted to thank you for your very comprehensive conclusion to my complaint. I very much appreciate the work you have undertaken.”

Ms B

CAMBRIDGESHIRE

The Commission has a Code of Conduct and a Register of Interests for Commission Members. Both are available on our website and copies can be supplied on request. The arrangements agreed between our sponsor government department, Communities and Local Government, and the Commission, with the consent of the Treasury, for the use of our government grant are described in a Grant Memorandum. Discussions are ongoing to agree a new framework document highlighting the 'special' status of the Commission as a quasi-judicial LGO scheme. This has focused on the need to ensure proper accountability for use of public funds without fettering the discretion and independence of the Ombudsmen to deal with complaints.

We have an Audit Committee, with an independent Chair and Member, which considers reports from our internal auditors (KPMG) and our external auditors (the National Audit Office) and oversees our risk management arrangements. The other Committee members are the Parliamentary and Health Service Ombudsman and the Commission Chair. The Audit Committee met four times in 2011/12 and considered seven internal audit reports and two value for money reviews.

Lucinda Bolton is the independent Chair. She is also a Governor of

Thames Valley University and chairs its Audit Committee, a board member of the NHS Information Centre, a member of the NHS Pay Review Body and an Independent Assessor for public appointments for the Department for Culture, Media and Sport. She previously worked in investment banking. Eugene Sullivan is the independent Member and Acting Chief Executive of the Audit Commission. Previously he was a Partner and Head of Public Sector Services at RSM Robson Rhodes LLP.

We also have a Remuneration Committee that provides independent scrutiny of the pay and conditions of senior staff and the reward system for other staff. The Committee comprises an independent Chair (Lucinda Bolton), the Commission Chair and, until her retirement in October 2011, the Parliamentary and Health Service Ombudsman (Ann Abraham). It met four times in 2011/12.

A more detailed report on our governance arrangements is set out in our annual accounts. As has been referred to in the Chair's foreword, during 2011 an independent strategic business review was commissioned to inform the three-year budget review and to consider value for money in response to indicative 33 per cent budget reductions.

The Commission recognises that its activities have an impact on the environment. We are committed to minimising this impact by reducing the resources we use, using those resources more efficiently and effectively, and minimising generation of waste.

In terms of sustainability, our focus for 2011/12 was to reduce our energy and water consumption in the office and our travel for business and commuting purposes; also to increase our waste recycling.

We installed new, more efficient boilers in our York and Coventry offices during 2010/11. Helped by a milder winter, this resulted in significant savings in gas and electricity use. We have also achieved a very large saving in water consumption (1.075m litres) in the Coventry office.

Our London office is part of a large shared-services building, so our scope to control energy is very limited. We have introduced new waste recycling measures, linked to a new office cleaning contract.

We maintained low levels of private car usage and encouraged cycling to work. We use predominantly public transport for work travel and make extensive use of video-conferencing for meetings between our offices.

Table 12: Analysis of requests 2009 – 2011

Year	Number of requests	Number of requests met in full	Number of full refusals	Number of partial refusals	Complaints upheld (full or partial)	Complaints not upheld	Number referred to Information Commissioner	Number not meeting 20-day deadline
2009	294	124	100	65	8	25	6	32
2010	314	165	76	71	4	23	3	31
2011	240	133	43	63	4	22	7	22

We note that the Government has introduced a new framework for sustainability reporting. Although we fall below the size of bodies required to publicly report using the framework, we will be organising our environmental data in this way so we are able to benchmark our performance against other organisations and national averages.

Within the terms of our legislation we seek to be as open and accountable as possible. Consistent with Government guidelines we publish all expenditure over £500 on our website. We also seek to deal efficiently with all freedom of information requests.

Analysis of how we have dealt with freedom of information requests, under the provisions of the Freedom of Information Act 2000, are shown in table 12 above.

In 2011, there was a decrease in requests compared with 2010 of

more than 23 per cent, after an increase of nearly seven per cent the previous year. There was a bigger decrease (over 37 per cent) in general requests than in requests from complainants about their individual complaint, and is partly due to receiving fewer multiple requests from a small number of individuals.

The majority of the refusals on individual complaints were because the information related to investigation files. Under section 44 of the Act, information is exempt if its disclosure is prohibited by another Act. The Local Government Act 1974, section 32(2) requires the Ombudsman to keep confidential any information obtained in the course of, or for the purposes of, an investigation, except in order to conduct the investigation.

The refusals that did not relate to complaint files were mostly because

we did not hold the information requested.

Of the cases that the Information Commissioner's office considered during the year (some of which were requests we dealt with in the previous year) one file was closed after we provided more information to the requester, another was closed when the requester withdrew their complaint. A third has since been closed as the requester has withdrawn their complaint. Five decision notices were issued by the Commissioner, with the complaints not being upheld, although in one case more information was sent to the requester during the Information Commissioner's investigation. In two of the cases resulting in a decision notice, the requester applied to the Information Tribunal for the case to go before them. One of these cases still awaits an outcome, but the Tribunal dismissed the other application.

Disabled facilities grant

Mr D was 65 years old and a tenant of a registered social landlord. He had arthritis of the spine, pelvis and both hands, and was registered disabled. He also had a medical condition that made it particularly important to maintain his personal hygiene, but his arthritis meant he could not use a bath. Instead, he had to strip-wash.

In a report sent to the landlord, a council occupational therapist assessed Mr D as needing a walk-in shower. An agreement between the landlord and the council said the landlord would install a shower within 60 days of getting an occupational therapy recommendation. Mr D heard nothing for a year, and then was told by his landlord that the shower would be provided the following year as part of an area improvement programme.

When the council processed applications for disabled facilities grants for showers, work was generally done within about 38 weeks, so Mr D would have waited three years for his shower because he was a tenant of a registered social landlord. The council did not establish if Mr D might be eligible for a disabled facilities grant, and did not take any action once it knew about the landlord's long delay.

The Ombudsman did not have the power to investigate the landlord's actions, but found that the council failed to meet Mr D's need for a walk-in shower within a reasonable time. It had a statutory duty to meet Mr D's assessed need which it cannot pass on to another organisation. As a result he had to strip-wash for a year to 18 months longer than he would otherwise have done. This compromised Mr D's dignity and independence, and jeopardised his health.

We recommended that the council review its arrangements against government good practice and review its protocols with registered social landlords. It did this and also apologised to Mr D.

Case reference 10 008 979

Financial accounts

for the year ended 31 March 2012

Funding is provided in accord with an agreed Grant Memorandum with our sponsor department, Department for Communities and Local Government. The Grant Memorandum, which was brought into effect on 1 September 1999, can be viewed on our website at www.lgo.org.uk/about-us/governance.

Funding for the year totalled £14.409 million.

The tables overleaf are consistent with the formal accounts produced for the year ended 31 March 2012.

The formal annual accounts are prepared in the form agreed with the Department for Communities and Local Government. Copies of the annual accounts are available from the Secretary of the Commission at 10th Floor, Millbank Tower, Millbank, London SW1P 4QP, telephone 020 7217 4683 and on our website at www.lgo.org.uk.

“ Thank you for your helpful response. I fully understand your position and the limitations it places on you however your ‘insights’ are gratefully received.”

Mr B

EAST LONDON

Net costs were funded by grant in aid provided as described above.

Net operating expenditure accounted for in 2010/11 included a significant gain arising from the revaluation of pension assets, incorporating the impact of recognising liabilities based on the Consumer Price Index (CPI) as opposed to the Retail Price Index (RPI).

Table 13: Summary financial position		
	2011/12	2010/11
	(£'000s)	Restated (£'000s)
Non current assets	934	1,276
Current assets	2,872	2,830
Total assets	3,806	4,106
Current liabilities	1,434	407
Total assets less current liabilities	2,372	3,699
Non current liabilities		
– trade and other payables	195	229
– provision for dilapidations	1,111	1,111
– pension scheme liability	26,809	14,966
Assets less liabilities	-25,743	-12,607
Pension reserve	-26,809	-14,966
Other reserves	1,066	2,359
Tax payers' equity	-25,743	-12,607

Table 14: Summary net expenditure statement		
	2011/12	2010/11
	(£'000s)	(£'000s)
Revenue	-286	-303
Operating expenditure		
– Staffing	12,063	11,707
– Accommodation	1,901	1,793
– Other	2,049	2,383
Net costs	15,727	15,580
Pension gain recognised	-156	-5,253
Net operating expenditure accounted for	15,571	10,327

Staffing in 2011/12

The total employee payroll bill for the year was £12.063 million. The number of Ombudsmen and their staff whose salary at 31 March exceeded £30,000 is shown in table 15.

(The salary of the Chairman and Chief Executive of the Commission was linked to that of a High Court Judge, and those of the other Local Government Ombudsmen were linked to the salaries of circuit judges; the salaries of staff are based on local and national government scales.)

Table 15: Salaries exceeding £30,000

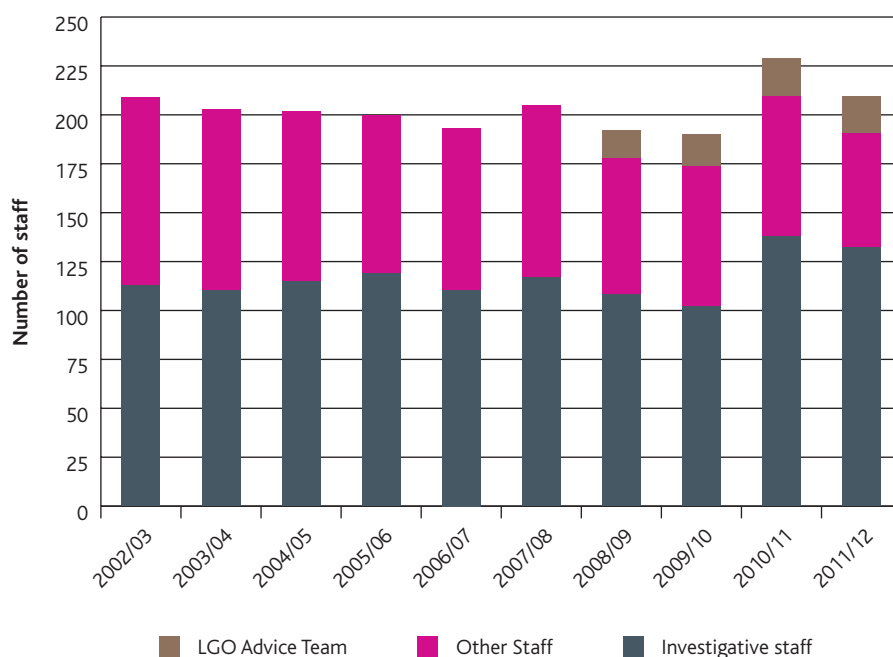
	2011	2012
£30,001 – £40,000	73	75
£40,001 – £50,000	44	44
£50,001 – £60,000	14	14
£60,001 – £70,000	1	0
£70,001 – £80,000	1	0
£80,001 – £90,000	2	3
£90,001 – £100,000	1	1
£100,001 – £110,000	0	0
£110,001 – £120,000	1	0
£120,001 – £130,000	2	2
Total	139	139

Other employee issues

The Commission supports employees and monitors sickness absence. During 2011/12, 1,133 working days were lost through sickness absence, of which 382 were due to long-term absence (ie over 20 days). This equates to 2 per cent of working time lost and is the same as the previous year. This compares to a public sector average of 4.1 per cent and national average of 3.5 per cent (2011 figures).

The Commission values its place in the larger community and encourages and supports all employees in involvement in a range of valuable social, community and charitable activities.

Graph 3: Commission staff 2001/02 to 2011/12



Privately funded adult social care

Mr C was an elderly man who lived in his own home and paid for a private care provider to help him. His family arranged to increase the care package to include the emptying of his catheter bag, but no-one added this information to his care plan.

One day Mr C's carer thought he looked unwell and wasn't eating properly. She rang the agency and was told to call the GP and let a neighbour know. She contacted the neighbour but not the GP, and no-one noted the event on the daily log sheet. The next day, a visiting health care assistant found Mr C's catheter and leg bag missing, and he had to be taken into hospital.

Mr C's daughter-in-law was concerned that there were some days when he went without food and care altogether.

The Ombudsman found that the care from the provider was poor and inconsistent, and there were at least five days when no care was provided at all. It did not appear that Mr C's catheter was ever checked.

The care provider acknowledged these failings, apologised to Mr C and his family, paid £1,500 for the cost of the lost provision and distress caused, dismissed the carers responsible, and put new procedures in place to reduce the risk of similar things happening again. In particular, it agreed that information relating to clients' care should always be confirmed in writing.

Glossary of terminology

Complaints and enquiries handled by the **LGO Advice Team**

Advice given

These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider a complaint, other than that the complaint is premature. For example, the complaint may clearly be one that the Ombudsman has no power to investigate.

Premature complaints

The Ombudsman does not normally consider a complaint unless the organisation concerned has first had a reasonable opportunity to deal with that complaint itself. So if someone complains to the Ombudsman without having taken the matter up with the organisation concerned, the Ombudsman will either refer it back to the organisation as a 'premature complaint' to see if it can itself resolve the matter, or advise the enquirer.

Allocated to investigative teams

These are complaints that the Advice Team pass through to the investigative teams for further consideration, having checked that the complaints are not premature.

Complaints handled by the **investigative teams**

Not investigated

These are cases where the Ombudsman has decided not to investigate for one of the following reasons:

No power to investigate

There are some things the law does not allow them to investigate, such as personnel matters, and matters that affect all or most of the people living in a council's area.

No reason to use exceptional power to investigate

For some matters, while the law says the Ombudsmen should generally not investigate, it gives an exceptional power to do so.

Investigation not justified and other

In addition to the law not allowing the Ombudsmen to investigate certain matters, there will be some complaints where the Ombudsmen use their general power not to pursue the complaint. This can be for a variety of reasons, including that the injustice claimed does not warrant the public expense of the Ombudsman's involvement or that another organisation could deal with the matter better.

Investigated

These are cases where we have discontinued an investigation for one of the following reasons:

Not enough evidence of fault

Decisions where the Ombudsman found insufficient evidence that the body complained against was at fault.

Injustice remedied during enquiries

Decisions where, during the course of the investigation, the body complained against remedied or agreed to remedy any injustice caused, and the Ombudsman was satisfied with the action taken or agreed.

No or minor injustice and other

Decisions where the Ombudsmen used their general power to discontinue the investigation. This can be for a variety of reasons, but the most common is that any injustice caused does not justify the public expense of pursuing the matter further.

“ Thanks very much for a clear and unambiguous piece of work. It is not often that I see such a clear official paper – and I see a lot!!”

Mr Z

DERBYSHIRE

Report issued

For complaints against councils³, if an investigation is completed, the Ombudsman issues a report. If this finds maladministration by the council which has caused injustice, then the report will include recommendations for a remedy.

Remedy

When a report is issued finding injustice caused by a council, the Ombudsman will recommend what the council should do to put matters right (the remedy).

Further report

If a council does not respond satisfactorily to the Ombudsman's recommendations in a report within a given time limit, the Ombudsman must issue a further report, which must be considered by the full council.

³ In this context 'councils' is shorthand for all authorities within the Ombudsman's jurisdiction, excluding schools for the purposes of the internal management of schools jurisdiction, and non-council adult social care providers.

Who we cover

Bodies within jurisdiction

- > District, borough, city and county councils (but not town or parish councils)
- > School admission and exclusion appeal panels
- > Schools (the internal management of)⁴
- > School governing bodies (about admissions only)
- > Adult social care providers
- > Joint boards of local authorities
- > Internal drainage boards
- > National park authorities
- > Fire and rescue authorities
- > The London Fire and Emergency Planning Authority
- > Police authorities (but not about the investigation or prevention of crime)
- > The Greater London Authority
- > Transport for London
- > London TravelWatch
- > The London Development Agency
- > Urban development corporations
- > Homes and Communities Agency (town and country planning matters only)
- > The Norfolk and Suffolk Broads Authority
- > The Environment Agency (flood defence and land drainage matters only)

⁴ Only when complaints relate to schools maintained by any one of the following authorities: the London Boroughs of Barking and Dagenham, Hammersmith and Fulham, Hillingdon, Kensington and Chelsea; Cambridgeshire County Council; Medway Council; Sefton Council; Bristol City Council; Dorset County Council; Kent County Council; Lincolnshire County Council; Portsmouth City Council; Sheffield City Council and Wolverhampton City Council.

Where to contact the Local Government Ombudsmen

website: www.lgo.org.uk

LGO Advice Team: 0300 061 0614
text 'call back' on 0762 480 3014

All new complaints should be sent to:
PO Box 4771, Coventry CV4 0EH

Jane Martin's office is at:

The Oaks, No 2
Westwood Way
Westwood Business Park
Coventry CV4 8JB

T: 024 7682 0000
F: 024 7682 0001

Anne Seex' office is at:

Beverley House
17 Shipton Road
York YO30 5FZ

T: 01904 380200
F: 01904 380269

The office of the **Secretary of the
Commission** are at:

10th Floor
Millbank Tower
Millbank
London SW1P 4QP

T: 020 7217 4620
F: 020 7217 4621

All photos, other than those of the Ombudsmen and senior staff, do not depict real Ombudsman cases and are posed by models. Courtesy of www.third-avenue.co.uk.

**Commission for Local
Administration in England**

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