

WIRRAL COUNCIL

STANDARDS COMMITTEE

29 SEPTEMBER 2010

REPORT OF THE DIRECTOR OF FINANCE

LOCAL GOVERNMENT OMBUDSMAN – ANNUAL LETTER AND CURRENT PERFORMANCE

1. EXECUTIVE SUMMARY

- 1.1 The Local Government Ombudsman (LGO) produces an annual letter on the performance of each Local Authority. It sets out the number of complaints made to the LGO about the Authority, the outcomes, how they have been dealt with and response times. This report sets out the contents of the letter and the current performance in this financial year on response times.

2. BACKGROUND

- 2.1 The LGO's latest annual letter on Wirral was published in June 2010. A copy of the letter is attached as Appendix 1 to this report and is also available on the website.
- 2.2 The LGO Advice Team deal with all initial contacts and provide advice to potential complainants. A proportion of these contacts will be referred to the Investigative Team once it has been established the relevant authority has had the opportunity to consider the complaint through its own procedures and the LGO assesses the complaint as requiring further investigation.
- 2.3 The LGO's annual letter details the following statistical information:
- Total number of contacts *received* by the Advice Team and the proportion referred to the Investigative Team
 - Complaint decisions *reached* in the reporting period, which include contacts received in the previous year and so do not correspond directly to the number referred to the Investigative Team in the same year
 - Response times which are measured on the amount of time (in calendar days) the Council takes to respond to 'first enquiries' made in the reporting period
- 2.3 Members will recall that this Committee, at its meeting on 29 September 2009 (Min 13) considered the last Annual Letter of the LGO. This highlighted the high volume of contacts (218) received by the LGO Advice Team and the subsequent 150 complaints referred to the Investigative Team. The LGO noted that the figure was "...*considerably inflated by a large number of complaints about the proposal to close a number of libraries in the Council's area...*" which is in turn reflected in this year's report with 166 decisions reached in 2009/10, compared to 43 in 2008/09.

3. CONTACTS RECEIVED BY THE LGO

3.1 The LGO states in the annual letter:

The Advice Team recorded 70 enquiries about your Council in 2009/10, 51 of which were complaints for my office (Investigative Team) to consider. The Council had not had an opportunity to consider and respond to 13 complaints and these were referred to you, as premature.

3.2 This represents a significant reduction (68%) from last year's total of 218 contacts which was dominated by feedback received from the Strategic Asset Review.

4. COMPLAINT OUTCOMES

4.1 The LGO made these comments about how complaints were resolved:

We made decisions on 166 complaints during the year, the vast majority being about the proposed closure of library facilities within the Borough. Six complaints were found to be outside jurisdiction, and in 132 cases I exercised my powers to discontinue the investigation. The latter group included the library complaints, which I discontinued after the intervention of the Secretary of State. In 19 cases no evidence of maladministration was found.

4.2 The remaining nine complaint outcomes were decided by *local settlement*, in which the LGO is satisfied with the agreed action in response to a complaint and decides no further action is required.

4.3 The LGO in her letter detailed the most significant cases of which four were Adult Social Services, commenting specifically on the most significant Adult Social Services case:

The most serious of these (local settlements) involved a failure over four years to provide proper services for the complainant's disabled son. The council apologised to the complainant and paid £30,000 compensation.

4.5. A *local settlement* was agreed with the Planning Service (Technical Services) which also resulted in compensation being paid to the complainant:

The one complaint about planning matters that was settled was about the delay in realising that planning conditions had not been complied with, causing considerable injustice to a neighbour. A senior officer apologised in writing to the complainant, and a total of £4,100 compensation was offered.

4.6. Last year's report noted that the Council had drafted guidance to assist with planning applications, with changes to the procedures for preparing reports to the planning committee; ensuring potential impact on neighbours is considered. The intention is to ensure this type of situation is addressed in the future.

- 4.7 The LGO notes in relation to a Children and Young People's *local settlement* that "...the Council's general willingness to settle complaints where something has gone wrong is welcome..." and furthermore, in the annual letter's conclusion that:

I am pleased to see the positive response from the Council to a number of procedural recommendations from this office, even where maladministration causing injustice was not identified. This suggests a willingness to learn from complaints.

- 4.8 This is an indication that the increasing corporate emphasis on using wider customer feedback (complaints; councillor/MP contacts; suggestions and ombudsman enquiries) to '*put things right and learn from it*' is having a positive effect on complaint outcomes and informing organisational learning.

5. RESPONSE TIMES

- 5.1 The LGO states the following:

My office made enquiries of the Council on 29 occasions. The average time taken to respond was 26.8 days, as against my target of 28 days.

- 5.2. Although the Wirral average remains within the top 70% of metropolitan borough councils responding to LGO first enquiries within 28 days it is higher than the average of 16.2 calendar days reported for last year.
- 5.3 The LGO also notes that "...there is some discrepancy between my statistics here and those of the council..." and extensive communication has taken place between the Council and the LGO in response to the provisional report received in May 2010 to address this issue. A meeting was held with the Assistant Ombudsman in July 2010 to resolve these discrepancies and ensure future best practice to support improved performance.
- 5.4 It was agreed that the LGO needs to be more consistent in how contacts are made to the Council (via a generic email address wherever possible) and clearer in the category of contact being made and the level of response required.
- 5.5. The LGO recognised that some complaints can require extensive investigation, entailing historic research and can be delayed by staff availability and the need to corroborate certain complaint allegations. This is also reflected in the LGO's own statistics which show only 56.8% of cases during 2009/10 were determined within 13 weeks of being received by the LGO.
- 5.6 Council officers need to ensure all elements of individual LGO contacts are responded to fully to avoid follow-up enquiries which affect the reported average response times. The LGO has offered to provide training for Council officers responsible for responding to contacts in specific service areas such as Care Services (Adult Social Services) and it is hoped courses can be arranged in the immediate future.

- 5.7 The improved communication between individual officers and ombudsmen was commented upon, as was the liaison point of contact provided by the team coordinating LGO contacts across the Council.
- 5.8 Analysis of the LGO contacts that took longer than the average of 26.8 days showed three responses in excess of 80 days, two Adult Social Service replies and one from Housing Benefits. These reflected the level of detail requested by the LGO and the overall complexity of the cases requiring significant resources to investigate fully.

6. CURRENT PERFORMANCE

- 6.1 For the period 1 April 2010 to 31 August 2010 the Council has resolved 23 contacts (out of a total of 29 received), recorded through the Customer Relationship Management (CRM) system:

Department / Service Area	Type of Contact			Average Days to Respond
	Request for Information	Follow-up Enquiry	Full Investigation	
<i>Corporate Services- Strategic Development</i>	1			1
<i>Children & Young People-Anti Social Behaviour</i>	1			26
<i>Children & Young People - Childrens Social Care</i>	1			10
<i>Children & Young People – Schools</i>	4		1	29.4
<i>Adult Social Services - Care Services</i>	7		1	23.5
<i>Finance - Miscellaneous Income</i>	1			6
<i>Regeneration - Environmental Health</i>	1			1
<i>Regeneration - Sport & Recreation</i>	1			17
<i>Technical Services - Enforcement</i>			1	2
<i>Technical Services – Planning</i>	2			11.5
<i>Technical Services - Trees</i>	1			1
Totals	20		3	11.7

- 6.2 The LGO contacts are split between preliminary requests for information, full investigations and follow-up enquiries (to a preliminary request or full investigation). Standard response times are 28 calendar days (14 calendar days for schools appeals), unless the LGO sets a specific target date for response.
- 6.3. On average contacts were responded to within 11.7 calendar days, which currently represents a significant improvement to the previous reporting period.
- 6.4 To ensure consistency is maintained between the LGO and the Council it has been agreed that half-yearly statistics (1 April 2010 – 30 September 2010) from the CRM will be provided to the LGO for comparison with their records and any discrepancies addressed.
- 6.5 Despite the overall reduced average time taken to respond to LGO contacts, there were still three responses (out of the 23 in total) that were sent out missing the 28 calendar day target. These related to a single Care Services (Adult Social Services) contact taking 40 calendar days to resolve and 2 School Appeals (Children and Young Peoples) contacts taking 59 and 75 calendar days to resolve.
- 6.6. As previously detailed the LGO is requesting more detailed information before deciding how to proceed with an investigation, if at all. This increased workload has to be balanced with operational demands, with the service committed to liaising fully with the LGO to ensure their contacts are dealt with in an efficient and proportionate manner. Efforts continue to be made to improve performance in the service areas that respond outside of the 28 calendar day target.

7. WIRRAL PERFORMANCE COMPARED TO OTHER MERSEYSIDE AUTHORITIES

- 7.1 Analysis of other local council's performance in comparison to Wirral is displayed in the table below:

01/04/09 - 31/03/10	Contacts received		Decisions reached				Maladministration found	Response Times	
	Advice Team	Investigative Team	Local Settlement	No evidence of maladministration	LGO discretion	Outside of jurisdiction		First Enquiries received	Average calendar days to respond
Halton	7	19	3	8	1	4	0	9	20.2
Knowsley	14	14	2	3	2	4	0	5	26
Liverpool	84	58	17	17	11	11	2	38	17.5
Sefton	25	28	10	9	3	3	0	11	23.1
St Helens	9	14	1	8	5	1	0	8	23.6
Wirral	19	51	9	19	132	6	0	29	26.8

- 7.2 As can be seen in the table, the Wirral performance of 26.8 calendar days for 2009/10 does not compare favourably to the other authorities, with a combined average across all authorities listed in the table of 22.9 calendar days. As mentioned previously in this report action is being taken to address the

underlying issues and liaison with the LGO has already taken place to support performance improvements.

8. CORPORATE OBJECTIVES

- 8.1 The manner in which the Council responds to the LGO contributes towards the Council objective to be an Excellent Council. The effort made to improve response times this year is a significant step towards that objective. The ability to effectively review LGO contacts and make informed decisions based on this data also supports this objective.

9. FINANCIAL AND STAFFING IMPLICATIONS

- 9.1 There are none arising directly from this report.

10. LOCAL MEMBER SUPPORT

- 10.1 There are no implications for individual wards arising from this report.

11. EQUAL OPPORTUNITY IMPLICATIONS

- 11.1 There are none arising directly from this report.

12. HUMAN RIGHTS IMPLICATIONS

- 12.1 There are none arising directly from this report.

13. LOCAL AGENDA 21 IMPLICATIONS

- 13.1 There are none arising directly from this report.

14. COMMUNITY SAFETY IMPLICATIONS

- 14.1 There are none arising directly from this report.

15. PLANNING IMPLICATIONS

- 15.1 There are none arising directly from this report.

16. BACKGROUND PAPERS

- 16.1 Local Government Ombudsman's Annual Report for the year ended 31 March 2010.

17. RECOMMENDATION

- 17.1 That the Committee notes the contents of this report.

IAN COLEMAN
DIRECTOR OF FINANCE