

WIRRAL COUNCIL

STANDARDS COMMITTEE

29 SEPTEMBER 2009

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 reviewing each Local Authority. The letter sets out the number of complaints made to the LGO about the Authority, the outcomes, how they have been dealt with and response times. The LGO's latest annual letter on Wirral was published in June 2009. A copy of the letter is attached as Appendix 1 to this report. This report sets out the contents of the letter and the current performance in this financial year on response times.

2. BACKGROUND

- 2.1. Members will recall that this Committee, at its meeting on 30 September 2008 considered the last annual letter of the LGO. This highlighted an average response time of 26.8 days, which was a significant improvement on the 2006-07 average of 112 days. The target response time is 28 days for most complaints, but 14 days for complaints relating to schools admission appeals.
- 2.2. In the annual letter for 2008/09 the LGO notes that performance comparison with previous years could be 'misleading' due to changes in their working practices, specifically the creation of a LGO Advice Team to filter contacts before a full investigation is begun. As a consequence the report mainly focuses on the 2008-09 performance, rather than comparing directly with 2007/08.
- 2.3. As detailed in the 2008 report to this Committee, changes to the Council process for dealing with LGO contacts were made with the responsibility for liaison with the LGO passing from Legal and Member Services to Revenues, Benefits and Customer Services. The handover took place on 1 April 2009.

3. RESPONSE TIMES

- 3.1. After previous performance issues the LGO notes a continued improvement in response times in her annual letter with an average of 16.2 days taken to respond to enquiries.
- 3.2. This improved performance has been the result of a clear action plan, regular monitoring of performance and sustained effort on the part of many staff across all departments. The challenge will be to maintain this improving level of performance during the current year.

4. NUMBER OF COMPLAINTS

4.1. In her letter the LGO states:

During the year the Advice Team received 218 enquiries about your Council. 150 complaints were forwarded to the investigative team for investigation. 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.

5. COMPLAINT OUTCOMES

5.1. The LGO made the following comments about how complaints were resolved. She states:

43 complaints were determined during the year. 6 were found to be outside the jurisdiction and in another 9 cases discretion was exercised not to pursue the complaints further. In 16 cases there was no evidence of maladministration.

5.2. The LGO also referred to the following specific outcome:

A report of maladministration causing injustice to the claimant was issued as a result of the Council's failure to comply with a Special Educational Needs and Disability Tribunal's decision to place the complainant's child in a mainstream secondary school. The LGO states:

Although the Council agreed to my recommendations, I was gravely concerned with other aspects of the way that it dealt with my report. These concerns have been aired with the Chief Executive and other senior officers and I hope no further reference to these issues will be necessary in the next annual review.

5.3. Of the remaining 12 complaints determined in the reporting year, 11 were settled locally (action taken by the Council which the LGO considers a satisfactory resolution). Details are provided in the LGO's letter contained in Appendix 1.

5.4. Changes implemented as a result of these local settlements include:

- Amendments to the scheme of delegation to allow compensation payments (in cases of proven maladministration) without referral to the LGO, as agreed by this Committee on 30 September 2008.
- Guidance drafted to assist with planning applications, with changes to the procedures for preparing reports to the Planning Committee, ensuring that the potential impact on neighbours is considered.

6. CHANGES TO THE PROCESS FOR DEALING WITH LGO COMPLAINTS

6.1. Liaison with the LGO is now undertaken by the Revenues, Benefits and Customer Services section with further changes implemented to maintain the improving response times. Every contact with the LGO is now recorded and measured against the required timescale for resolution, reflected in the breakdown provided for current performance below. For all corporate complaints reaching a review by the LGO there should now be a complete record of the history of each stage in the process and what the Council did to offer resolution for the complainant. Such data will be invaluable in not only assessing how well the Council deals with complaints but also providing evidence to shape future service provision and support best practice in dealing with customers.

7. CURRENT PERFORMANCE

- 7.1. For the period 1 April – 31 July 2009 the Council received the following contacts, recorded through the Customer Relationship Management (CRM) system:

Dept/Service Area	Type of Contact			% Target Achieved	Average Days to Respond
	Request for Information	Follow-up Enquiry	Full Investigation		
Children & Young People-Schools	11	3		92.8	12.2
Children & Young People -Youth Service	2			50.0	22.0
Adult Social Services - Care Services	10	1	1	33.3	37.7
Finance-Benefits	1	1		50.0	17.5
Finance-Revenues	2	1		100.0	8.0
Regeneration - Licensing	1			0.0	44.0
Regeneration - Sport and Recreation	1			100.0	1.0
Technical Services- Planning	6		1	85.7	8.3
Technical Services - Residents Parking	1			100.0	8.0

- 7.2. 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. On average contacts were responded to within 15.3 calendar days, which maintains the improvements made over the previous reporting period.
- 7.3. The LGO can, if relevant, report a final decision made in the case of individual contacts. Of the 16 contacts where a decision has been communicated, seven were found to have no evidence of maladministration, seven were resolved with the Ombudsman's discretion (usually due to no/insufficient evidence of injustice found) and two were classed as premature applications which needed to be investigated through the Council's complaint procedure first.
- 7.4. The Council received 43 contacts from the LGO in this period with only two of these resulting in new investigations. Both of these investigations have been responded to within the timescale, with no evidence of maladministration found in the Department of Adult Social Services - Care Services case and a decision pending in the Technical Services - Planning case. Of the total contacts responded to, 71.4% were resolved within the required timescale.
- 7.5. Of the twelve contacts which were resolved outside the target date, Adult Social Services – Care Services accounted for seven of these with an average response of 44.6 days per contact. This is in part due to changes in the LGO's working practices (as detailed in paragraph 2.2) and the introduction of the 2009 Adult Social Services complaint regulations. As a consequence 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 contacts are dealt with in an efficient and proportionate manner.

8. CORPORATE OBJECTIVES

- 8.1. The manner in which the Council responds to the LGO contributes towards the objective to be an excellent council. The continuing improvement in response times is a 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 IMPLICATIONS

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

11. EQUAL OPPORTUNITY IMPLICATIONS

- 11.1. There are none arising directly from this report.

12. HUMAN RIGHT 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 Annual Letter – June 2009.

17. RECOMMENDATION

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

IAN COLEMAN
DIRECTOR OF FINANCE