

Local Government  
**OMBUDSMAN**

Commission for Local  
Administration in England

**Annual Report & Accounts  
2012-13**



**Raising the standards**

Commission for  
Local Administration  
in England

**Local Government Ombudsman**

**Annual Report & Accounts 2012-13**

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.





# Contents

<b>Annual Report 2012-13</b>	
<b>Foreword</b>	<b>4</b>
<b>Who we are, what we do</b>	<b>6</b>
<b>Raising the standards...</b>	
of the Local Government Ombudsman	9
of the complaint system	12
of public services	16
preparing for the future	19
<b>Annual Accounts 2012-13</b>	<b>21</b>
Management Commentary	21
Remuneration Report	24
Governance Statement	31
Statement of Commission's & Accounting Officer's Responsibilities	39
Independent Auditor's Report	40
Statement of Comprehensive Net Expenditure	42
Statement of Financial Position	43
Statement of Cash Flows	44
Statement of Changes in Taxpayers' Equity	45
Notes to the Financial Statements	46

# Foreword



I am pleased to present the Annual Report and Accounts for the Commission for Local Administration in England for the year ended 31 March 2013.

It is no exaggeration to say that 2012-13 has been the most turbulent year in the history of the Local Government Ombudsman (LGO). A combination of financial pressures, transformational change and public scrutiny of our service has tested leadership and management at all levels and required the continued commitment of our staff in a period of great uncertainty.

In 2012-13 we continued to deliver a comprehensive LGO service, responding to over 90,000 contacts from the public and handling over 10,000 complaints with a reduction in funding of over £2 million, representing a real-terms cut of 13.5% in this year alone. We achieved an ambitious Transformation Plan to introduce a new business model, restructure management and consolidate corporate functions onto one site ahead of schedule and well within budget.

In April 2012 we attended our accountability hearing before the Communities and Local Government Select Committee and many of the issues they raised have now been addressed in our business plan for 2012-13 and others will be completed during 2013-14. This included an independent external evaluation of the service led by Richard Thomas CBE, which gave a positive reinforcement of the transformation we have undergone and confirmed our continued efforts to ensure impartiality and public accountability.

As Chair of the Commission I would like to thank my fellow Commission members for their support and welcome two new independent members of the Audit and Remuneration Committees, Sir Jon Shortridge and David Liggins. I would also thank outgoing members Lucinda Bolton and Eugene Sullivan.

Local Government Ombudsman Anne Seex has been absent due to ill health since November 2012. We have quickly adapted to working with a single Ombudsman and the

Commission has formally taken the view that this is the appropriate structure to operate with in the future. Our sponsor department, the Department for Communities and Local Government (DCLG), is conducting a review to enable us to develop our future governance arrangements.

The Annual Report focuses upon how we have raised and will continue to raise standards in the delivery of our work; in the way the wider complaints system responds to concerns from the public; and in the way that public services and social care provision are delivered.

Raising our own standards has meant a considerable change for our organisation and especially for the people that work in it. I want to express my thanks to our staff who have supported these changes and who have continued to provide the public with a high

quality service. We have said goodbye to a number of valued colleagues who between them have provided many years of service. A new generation is now stepping up to meet the further challenges ahead.

We can confidently say that the LGO is now fit for purpose and look forward, as we approach our 40th year, to continuing to give the public the service they deserve in future.



**Dr Jane Martin**  
Chair, Commission for Local  
Administration in England  
Local Government Ombudsman  
9 July 2013



# Who we are, what we do

## the Ombudsman for local public services & social care

**We are the Ombudsman for local public services, for social care and for public health.**

The Local Government Ombudsman helps to make sure that local public services are accountable to the people that use them by ensuring that local authorities put things right when they go wrong.

This could be where the local authority has failed to provide the level of service that the public can rightly expect to receive. Similarly, it could be where the council has not acted properly in carrying out their functions (which is referred to as maladministration).

We are also the social care Ombudsman, providing a one-stop-shop for complaints about the service provided by all registered social care providers. Our powers to investigate extend to complaints about both publicly and privately funded social care. This means the public has a clear route for redress and do not have to navigate complex processes in what is often a confusing social care system.

Local authorities and social care providers should be able to resolve complaints directly without requiring the public to escalate their complaint to us.

For this reason we normally expect the complaint to be raised with the body concerned before we will look at it. However, the public can feel reassured that there is a fair and independent Ombudsman that they can turn to when their complaint is not resolved.

As a result of resolving complaints and providing a remedy for individual injustice, we gather significant evidence of wider failings in the delivery of public services. If they are not addressed then the public will face the same problems and need to raise the same concerns time and time again. We recognise our role in helping public services learn from complaints and we work closely with partners in the advice sector, in Parliament and in public services to share learning from our work.

The day-to-day management of the LGO is carried out by the Executive Management Team who are accountable to Local Government Ombudsman and Chair of the Commission Dr Jane Martin.

## Our 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.

## Our mission is to

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





## Membership of the Commission



**Dr Jane Martin - Chair**

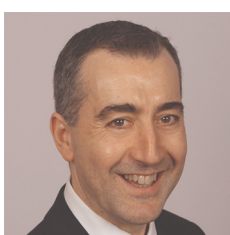
- > **Anne Seex**
- > **Dame Julie Mellor DBE**

Dr Jane Martin and Anne Seex are Commissioners for Local Government Administration (Local Government Ombudsmen). Dame Julie Mellor is the Parliamentary Commissioner for Administration and is a member *ex officio* of the Commission.

## The Executive Team



**Nigel Ellis**  
Executive  
Director



**Michael King**  
Executive  
Director



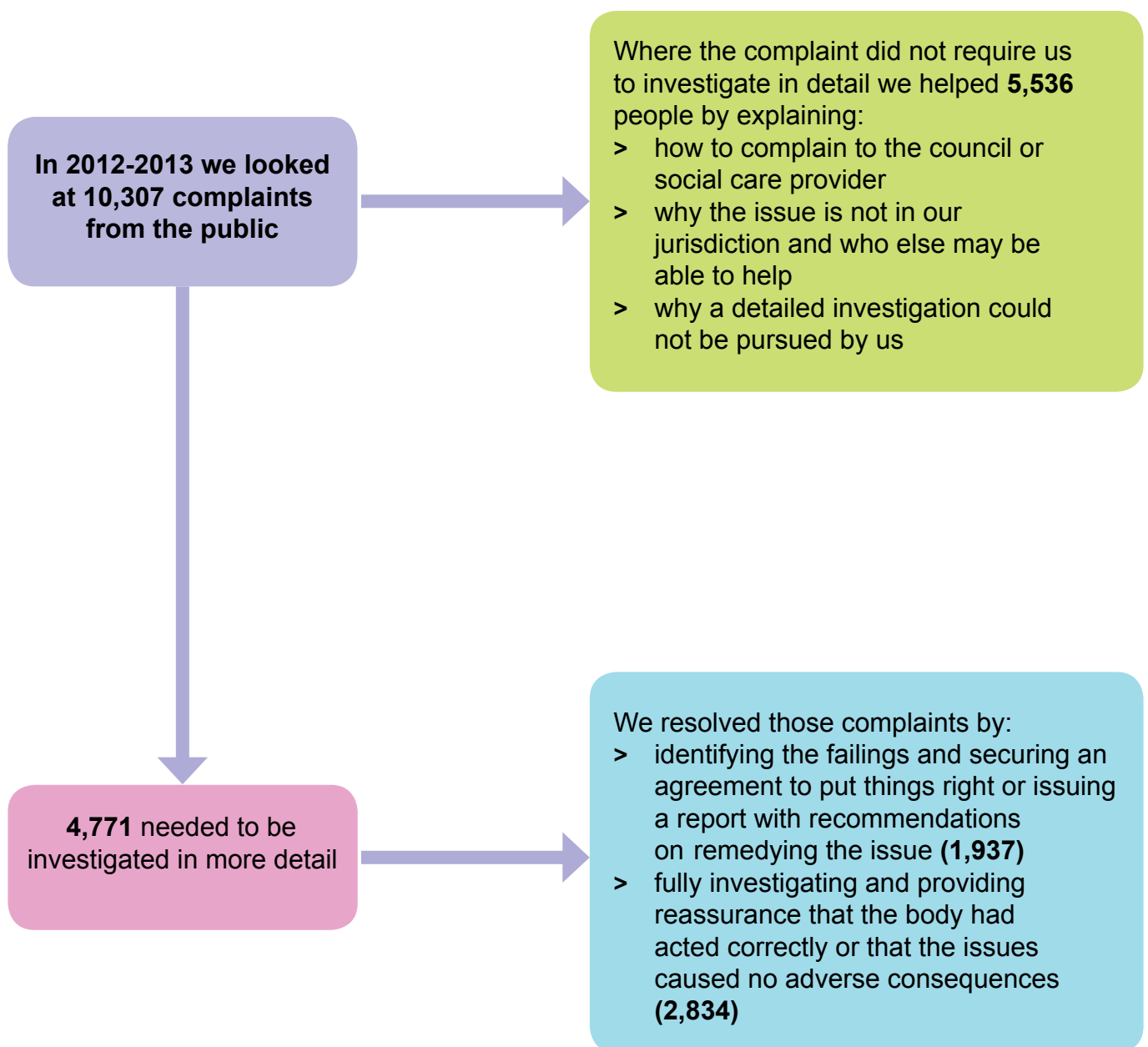
**Heather  
Lees**  
Commission  
Operating  
Officer



# Raising the standards of the Local Government Ombudsman

## Our performance 2012-13

In 2012-13 there was a small decrease of 3.4% in the number of new complaints and enquiries being registered by us. However, we helped 20,186 people who registered a complaint or enquiry about local public services or adult social care. Of these, 10,307 required further consideration. We explain below how we were able to assist.



Our performance in resolving complaints and enquiries is measured by looking at:

- > the speed of our service;
- > our customers' satisfaction with what we do; and
- > the soundness of our decision making.

## Speed of service

When people bring their complaints to us they have already spent a considerable amount of time and energy trying to resolve their concerns locally. It is important that we provide a thorough consideration of their complaint in an efficient and timely manner.

Over the last 12 months:

- > 55% of our customers have been advised of the outcome of their complaint within 13 weeks;
- > 85% within 26 weeks; and
- > 97% within 52 weeks.

Whilst we want to complete investigations quickly, the complexity of some issues will mean a longer investigation is needed. During 2012-13 there were 286 cases that took more than 52 weeks to resolve. This figure was higher than we wanted. We have carried out an urgent review to identify and rectify causes of delay. As a result, by the end of the financial year we had just 79 cases that were older than 52 weeks. For 2013-14 we are aiming to have no more than 100 cases taking more than a year to complete.

**Strategic objective:**

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

## Satisfaction with service

The true measure of the quality of our service to the public is direct feedback. Over the last 12 months we received 63 complaints about our service, down from 101 in the preceding 12 months. Each of those complaints was considered fully by us and in 13 cases we agreed that we had not provided an appropriate level of service. We will continue to work to bring that number down even further but are pleased that the public can feel reassured that, in the vast majority of cases, we provided the highest levels of service.

In March we published a new methodology for measuring customer satisfaction based upon research that compared best practice across other UK Ombudsman schemes. We will seek feedback from the public on every complaint we conclude to understand their views on the decisions we reach. In addition we will also survey a sample of ongoing cases to understand whether we are providing the service that the public want. The work on collecting this information will begin during 2013 and will help us to continually adapt our service to meet the public's needs. The results of this research, along with actions we will take as a result will be published on our website.

## Sound decision making

Sound and well reasoned decisions are at the heart of what we do. The public and bodies in our jurisdiction can feel confident that a complaint has been resolved fairly. We carry out our own internal checks to ensure the quality of our decisions. We have also continued to monitor and learn from challenges that the public made about our decisions. Where someone expresses dissatisfaction, the case is reviewed by a senior member of staff with no previous involvement in the complaint.

In the last year we considered 877 reviews about our decisions, a drop of 19% compared to the previous year. We found that the decision making was not of the standard we would expect in just over 4% of those reviews, representing just 0.3% of all complaints and enquiries.

Our decisions are also subject to judicial review. In 2012-13 we received 19 pre-action protocol letters, a requirement before proceedings are issued. That represented less than 0.1% of all complaints and enquiries received during the course of the year. Only two were granted permission by the court and neither of those cases found against us.

**Strategic objective:**  
**Ensure sound decisions and appropriate redress based on impartial, rigorous, and proportionate investigations.**



# Raising the standards of the complaint system

**Our role is to ensure that the public's voice is heard - to humanise the bureaucracy. In 51 published reports we drew wider attention to the impact on the individual and ensured that their experiences were heard and acted upon.**

## **Real people, real experiences**

The public find themselves navigating an increasingly confusing array of providers of public services. The greater involvement of private companies and the third sector in delivering council services and social care provision means it is ever more challenging for the public to understand where they should turn when things go wrong. This confusion is further exacerbated by the changes in public service from central government delivery bodies to local authorities. Within this maze it can be difficult for the public's voice to be heard and for their experiences to drive service improvements.

In the last five years we have adapted to provide a more comprehensive and consistent service which reflects changes in local provision. We are now the Ombudsman for all regulated social care providers and public health.

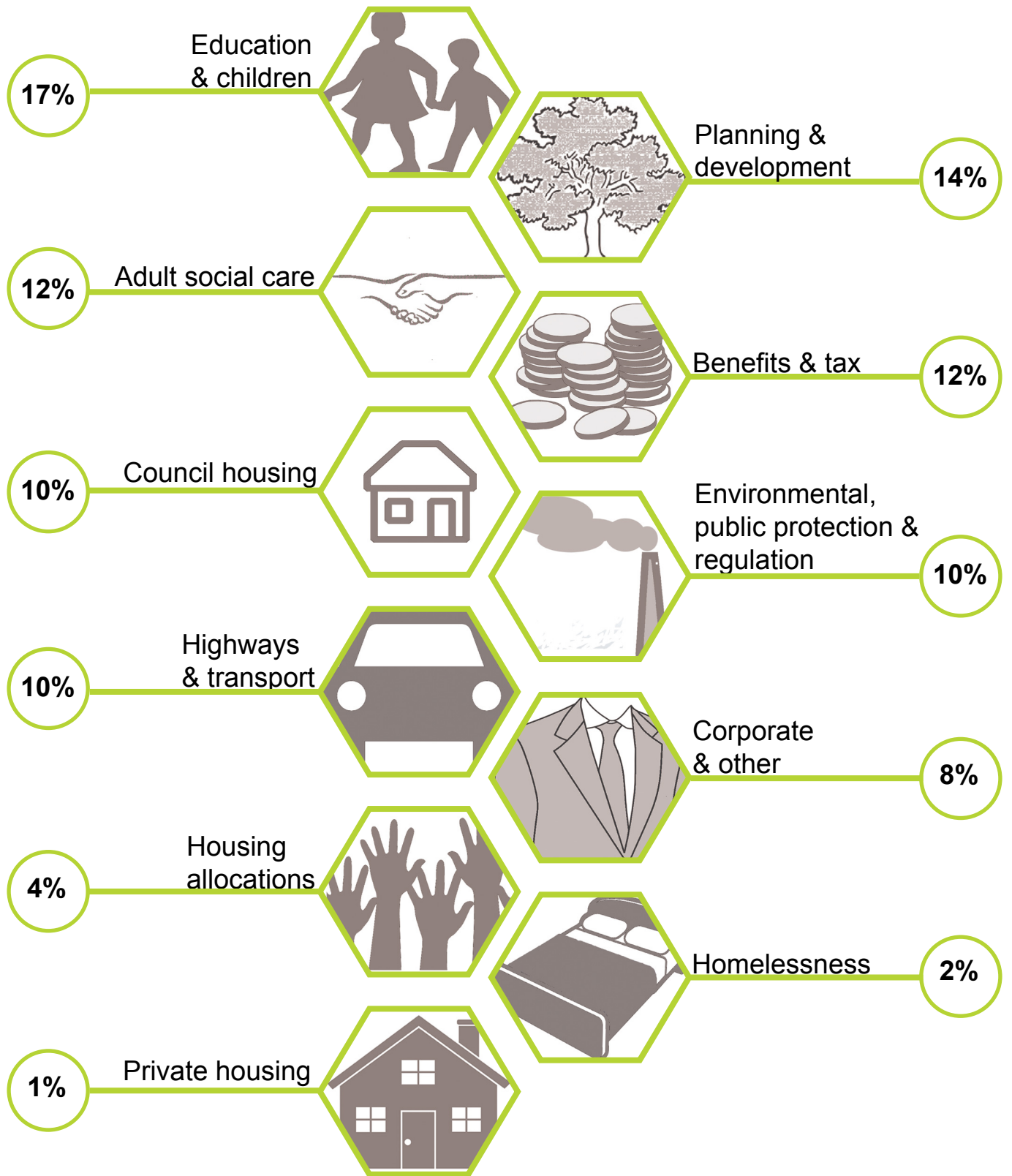
As a result the complaints and enquiries we receive cover a wide range of different areas with education and children's services, planning and development and adult social care representing the most common subjects for complaint.

Within those numbers are the experiences of thousands of individual members of the public. A mother caring for two young children with autism failing to receive the support they need for over a year; a family forced to live in overcrowded accommodation for more than two years; an entire community losing their talking books service without the impact on people with visual impairments being properly assessed.

These are all people who needed to turn to us to seek a remedy for the individual injustice that they have suffered. As an independent Ombudsman we were able to use our experience and authority to clearly recommend how the local council or social care provider could put things right.

However, their stories also provided an opportunity to understand the wider impact that is felt when public services fail to deliver. Our role is to ensure that the public's voice is heard - to humanise the bureaucracy. In cases such as these we drew wider attention to the impact on the individual and ensured that their experiences were heard and acted upon. Last year we issued 51 such public reports - details of which are listed on page 14.

# Areas of complaint



# Raising the standards

Of the 4,771 complaints which we investigated in more detail, 51 of these became published reports. We publish reports to draw attention to the wider impact that is felt when public services fail and to make sure that the public's voice is heard. Details of these cases are shown below.

April	May	June	July	August	September
Hambleton District Council - planning enforcement	Wolverhampton City Council - land	Leicestershire County Council - planning applications	Kent County Council - adult social care	London Borough of Haringay - special educational needs	Teignbridge District Council - highway adoption
	Essex County Council - planning enforcement		Walsall Borough Council - adult social care	London Borough of Lambeth - children's services	Devon County Council - highway adoption
London Borough of Hillingdon - education	London Borough of Southwark - adult social care		Kent County Council - adult social care	Essex County Council - adult social care	Plymouth City Council - land
	London Borough of Lambeth - special educational needs		Blaby District Council - council tax	Kent County Council - homelessness	Birmingham City Council - adult social care
				Dover District Council - homelessness	
Bolton Borough Council - planning applications	Surrey County Council - special educational needs		Castle Point Borough Council - licensing	City of Bradford District Council - adult social care	London Borough of Hounslow - homelessness



# hearing the public's voice through published reports

October	November	December	January	February	March
Wiltshire Council - adult social care	Bristol City Council - planning applications	London Borough of Croydon - homelessness	Kettering Borough Council - housing allocations	City of York Council - private housing improvements	London Borough of Redbridge - bailiffs
Shropshire Council - planning applications					
City of York Council - housing allocations					
Latymer School, Enfield - school admissions	London Borough of Croydon - education	Isle of Wight Council - planning enforcement			
Suffolk County Council - adult social care				Bolton Borough Council - planning applications	Walsall Borough Council - planning applications
Kent County Council - adult social care					
Birmingham City Council - adult social care	Isle of Wight Council - children's services	Buckinghamshire County Council - special educational needs			
London Borough of Bromley - special educational needs					
Southampton City Council - adult social care					
Leicestershire County Council - school transport	London Borough of Newham - homelessness	London Borough of Newham - homelessness		Transport for London - highways & transport	Birmingham City Council - adult social care



# Raising the standards of public services

**By sharing knowledge, supporting local complaint handling, informing policy and working in partnership with others we have sought to raise the standards of public services.**

**Strategic objective:**

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

## **Tackling systemic failure**

Many people that seek the help of the LGO tell us that they are doing so because they want to ensure that other people do not experience the same problems that they have faced. We use the knowledge and insight that we have gained through helping individuals to tackle systemic failings in public services.

By looking at many thousands of complaints every year we build up a picture of what is going wrong more broadly in public services. We use that knowledge to ensure that public services and social care providers learn from their own and others' complaints and use them to improve the service they provide. By sharing knowledge, supporting local complaint handling, informing policy and working in partnership with others we have sought to raise the standards of public services.

## **Sharing knowledge**

In 2012-13 we published focus reports on:

- > **Adult social care:**  
LGO – single point of contact for complaints – lessons from complaints about adult social care providers. We explained our new role as the Ombudsman for social care and the role we have as a single point of contact for all social care complaints. The report was well received across the health and social care landscape and was highlighted by key players such as The King's Fund.
- > **Taking possession: council's use of bailiffs for local debt collection** – analysis of complaints made to us as a result of local authorities' use of bailiffs. The report drew upon case examples to illustrate the problems that the public were facing when local authorities were instructing bailiffs. Our report was shared with the Government

and has been used by them to help inform the Ministry of Justice's approach to the future regulation of the bailiff industry.

## Supporting local complaint handling

We highlight where councils and social care providers have got things wrong and support them in improving their response to complaints and providing an effective local resolution. Each year we write to every local authority chief executive to provide a summary of the complaints we have received about them and to highlight areas where their complaints handling needs to improve. These letters provide an independent overview of their performance in responding to complaints and support them in improving local complaint handling. We will be developing these further, and later this year will be consulting local authorities so that we can provide information that will best drive local improvements.

We work with complaint liaison officers in local authorities to share best practice and to highlight complaint trends. A quarterly e-newsletter is sent to every local authority in England and contains guidance for better complaint handling, with examples from our casework. In January of this year we

supplemented this information by running a series of seven seminars around the country to explain our processes to local authorities. These seminars allowed us to directly reach a large number of local authorities with around 280 people attending.

In 2012-13 we delivered 61 training courses to councils across England on effective complaint handling, with more than 1,000 front-line complaints staff attending. The success of these courses was evident with:

- > 87% of respondents saying they had improved their complaint handling systems as a result; and
- > 83% sharing their new skills with colleagues.

We also shared information to support good complaints handling amongst social care providers. A regular e-newsletter, ASC Matters, is distributed to nearly 750 providers and other stakeholders. We highlight examples of service failings and appropriate remedies so that providers can learn from our experiences to improve their own complaints handling.

## Informing policy

Over the last 12 months there have been a number of developments in both Parliament and Government that could impact upon the way services are delivered to the public or the way users seek access to redress. We shared information and insights gained from resolving complaints to inform these developments.

In Parliament we provided evidence to:

- > Committees scrutinising the Children and Families Bill and the Draft Care and Support Bill;
- > The Communities and Local Government Select Committee's inquiry on the implementation of welfare reforms by local authorities;
- > The Justice Select Committee's inquiry on the abolition of the Administrative Justice and Tribunals Council.

We also provided shared learning from complaints when responding to a number of Government consultations on:

- > Open Public Services;
- > Judicial Review;
- > A Bill of Rights.

## Working in partnership

Despite receiving over 20,000 complaints and enquiries last year we believe that this represents just a small proportion of people who have an unremedied complaint about local public services or social care providers. We continued to raise our profile to ensure that the public know how to bring a complaint to us. However, we recognise that this is most effective when we work with others.

We consulted a range of organisations during the year including:

- > Local Government Association;
- > Equality and Human Rights Commission;
- > Children's Commissioner;
- > Children's Rights Director for England; and
- > London Councils.

Since Healthwatch England was formed as the independent consumer champion for health and social care, we have been working in partnership with them, the Care Quality Commission and the Parliamentary and Health Service Ombudsman to develop joint information for the public. The aim of this work is to provide the public with clear, user-friendly information that will help them understand who can help when they have complaints or concerns about social care and health provision. This close working also allows us to share knowledge and information about gaps or problems in public services and to work together to drive improvements.

