

# Local Government **OMBUDSMAN**

Commission for Local  
Administration in England



## Annual Report 10/11

Delivering Public Value

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# **Commission for Local Administration in England**

## **Annual Report 1011**

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.

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

The LGO's jurisdiction now 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 schools<sup>1</sup>.

The three 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.

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 three Local Government Ombudsmen and the Parliamentary Ombudsman.

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

# Who we are



## Membership of the Commission

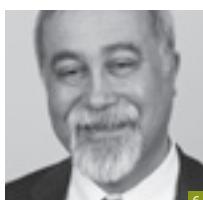
**Sir Anthony Redmond** Chairman  
(until 11 November 2010)

**Dr Jane Martin** Vice-chairman  
(and Acting Chairman from  
12 November 2010)

**Anne Seex** Member

**Ann Abraham** Member

**Sir Anthony** (until his retirement),  
**Dr Jane Martin and Anne Seex** are  
**Commissioners for Local**  
**Administration** (Local Government  
Ombudsmen). **Ann Abraham** 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 2010/11 were:

**Nigel Ellis** Deputy Ombudsman, London (from 7 June 2010)

**Neville Jones** Deputy Ombudsman, Coventry

**Nigel Karney** Deputy Chief Executive and Secretary

**Michael King** Deputy Ombudsman, York

**Peter MacMahon** Deputy Ombudsman, London (until 30 April 2010)

1 Sir Anthony Redmond

4 Nigel Ellis

2 Dr Jane Martin

5 Neville Jones

3 Anne Seex

6 Nigel Karney

7 Michael King

## Chairman's introduction



### **I am pleased to present this Annual Report for the year 2010/11 in my role as Acting Chairman of the Commission.**

In November 2010 the Chairman and Chief Executive, Sir Anthony Redmond, retired after nine years in office. As Vice-chairman of the Commission I took over his responsibilities, pending the appointment of his successor. The role of Accounting Officer, which had been part of his role, has been assigned for the same period to the Deputy Chief Executive and Secretary of the Commission, Nigel Karney. Local authority areas under Sir Anthony's jurisdiction have been reallocated to myself and my colleague Ombudsman, Anne Seex, until his successor is in post.

Sir Anthony made a significant contribution during his time with the Commission and I would like to take this opportunity to pay tribute to him with our thanks and best wishes for what I know will be a full and rewarding retirement. During this interregnum period I have facilitated a team approach to managing the Commission's business, which has included convening fortnightly meetings of a corporate management team attended by Ombudsmen and deputies. I am extremely grateful to all concerned for their support for these

arrangements. We look forward to welcoming the new Chairman during the Autumn.

Eugene Sullivan resigned as Chairman of the Commission's Audit Committee in September 2010 due to work commitments. He is also Acting Chief Executive of the Audit Commission. He will remain on the Committee as an independent member. I am extremely grateful to him for his continued support and would also like to thank Lucinda Bolton who has stepped up from independent member to Acting Chairman of the Committee pending the appointment of Eugene's successor.

### **A year of change**

Interregnum arrangements aside, 2010/11 has, of course, been a year of considerable change when we, like many other public bodies, have had to adapt to a new Government and respond to a full legislative programme going through Parliament. Working through our sponsor department, Communities and Local Government (CLG), we have been closely involved in advising on and informing the development of policy leading to draft legislation. This has included meeting with relevant ministers. We had discussions with Lord Young in preparation for his report for the

**"I wanted to thank you for your efficient investigation into our complaint. It was extremely stressful at some times during our long wait to get anything started and we are absolutely sure that without your involvement we would still be waiting."**

**Ms B**

LONDON

Prime Minister on health and safety regulation and in January put in place arrangements to fast-track complaints against local councils relating to urgent health and safety matters. We also met with the Secretary of State for Local Government, Eric Pickles, and the Local Government Minister, Grant Shapps, to discuss proposals in the Localism Bill, including the creation of a single Housing Ombudsman. We will continue to work with officials in CLG and with the Housing Ombudsman, Dr Mike Biles, and his colleagues to maintain a high quality cost-effective service to the public when new arrangements are introduced following legislation.

### Constructive dialogue

We have also continued to have a constructive dialogue throughout the year with other government departments, regulators and national bodies. Following discussions with the new Government about the future of the new schools complaints service, we were disappointed that the Secretary of State for Education asked us to reduce the capacity of the pilot scheme during 2010 and decided to put proposals to Parliament in the Education Bill not to proceed with a national scheme. This meant that we have had to scale down this area of work during

2010/11 which necessitated some redundancies. In the meantime, pending the outcome of legislation, we will continue to offer the service to parents and pupils of schools in the pilot areas and work with the Department for Education to leave a positive legacy and ensure a smooth transition when the service ends.

The Department of Health provides funding for an extension to our service to take complaints from adults who arrange or fund their own social care which complements our established role in handling local authority complaints about adult social care. This means that since October 2010 we have had jurisdiction over all registered care providers, amounting to some 13,000 organisations. We appreciate the particular public concern about the need for robust accountability across this sector and have agreed a protocol with the Care Quality Commission to ensure that information is shared appropriately. We also undertake to signal any safeguarding issues to the local authority immediately.

We have combined our reporting on these new areas and our local authority complaints handling role into this one Annual Report to provide a comprehensive picture of our work.

### Liaison with stakeholders

We do not underestimate the importance of being alert to the changing local government landscape and the value of listening to and learning from complaints from citizens. The LGO provides an increasingly significant mechanism for local public accountability and we have continued to develop our liaison with the Local Government Association, Citizens Advice, local councils and advocacy bodies to ensure that, as well as providing redress for individual citizens, lessons from complaints improve local public service delivery and benefit the wider community.

We recognise the unique challenges that members of the armed forces and veterans face in getting fair access to local services. We are committed to playing our part in rebuilding the armed forces covenant and in making sure that we are responsive to the needs of service families. We will take account of the distinctive nature of military service when we make judgements about individual cases, and also work with local authorities and care service providers to ensure that it is properly considered in service delivery and complaint resolution.

## Land

**Ms J asked the council to sell her a narrow strip of land alongside her home as she was building an extension and wanted to use it as a path. The council agreed to sell it for £2,950.**

After a visit to the house, the council decided that her extension was being built onto a small, triangular part of the strip it had agreed to sell to her, rather than just using it for a path, so it had greater value to Ms J. It said it now wanted £7,000 for the land – effectively valuing the small triangle, 7 inches at its widest point, at £4,000.

The Ombudsman said Ms J justifiably felt a strong sense of outrage that the council had exploited her situation to obtain an 'extortionate' price. She added that it was inconceivable that the council could have obtained any value for the land from anyone else.

The Ombudsman found that the council:

- > did not consider the widely-acknowledged margin of error on drawn plans
- > did not consider Ms J's means or the fact that the land had no value to anyone else, and so had not properly addressed what price could 'reasonably be obtained', and
- > fettered its discretion by rigidly applying its encroachment policy.

The Ombudsman recommended that the council should:

- > transfer the land to Ms J without cost, and
- > apologise and pay her £1,500 for her distress, plus costs arising from the delay in completing her extension.

**Failure to properly address what price could 'reasonably be obtained' for a strip of land**

Case reference 09 014 290

" May I conclude with a generous and appreciative thank you personally for all you have patiently and diligently done in my interest."

**Ms W**

HERTFORDSHIRE

### Increased demand

Complaint numbers have increased over the year and we expect this upward trend to continue. Our Advice Team, the initial point of contact, dealt with a 21 per cent increase in complaints and enquiries, resulting in 7.5 per cent more complaints being forwarded to investigative teams. Despite this increased activity, the Commission underspent by £1.2m on the 2010/11 budget.

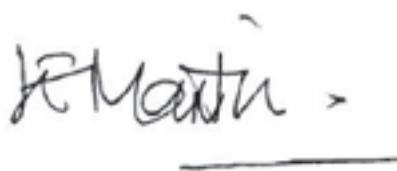
We anticipate that the pressures on public services in the current financial climate will lead to additional demand for our service. We will need to balance our response to this with the need to meet savings targets proposed by our sponsor department over the coming years. To prepare for this we have initiated an internal business review to consider where savings might be made whilst protecting the level and quality of service expected by the public, consistent with our statutory functions.

### Commitment and support

I cannot close without mentioning the pending retirement of Ann Abraham as Parliamentary and Health Service Ombudsman towards the end of 2011. Throughout her period in office Ann has also been an

*ex officio* member of the Commission and an independent member of both the Audit Committee and Remuneration Committee. She has provided an invaluable wider perspective on our work. On behalf of all of us at the Commission I would like to wish her a long and happy retirement with our thanks for her unstinting support and encouragement.

Last, but certainly not least, may I thank all those who work at the Commission for their unfailing commitment during an uncertain and challenging time.

A handwritten signature in black ink that reads "J. Martin". A short horizontal line is drawn to the right of the signature.

**Dr Jane Martin**  
Acting Chairman

## Planning

**Mr and Mrs B complained about the way a council granted planning permission to their neighbours to replace an existing bungalow with a larger, two-storey property in an area of outstanding natural beauty.**

The council considered the application twice because in the first instance it was only the action taken by the complainants and their legal team who identified errors in the process that prevented the council from issuing a decision notice thereby granting planning permission with maladministration.

The Ombudsman found that the council's failure to ensure appropriate plans were submitted in accordance with earlier planning conditions, together with other administrative errors, caused Mr and Mrs B to lose confidence in the council's decision-making process and believe that the building may not have been built had the council properly considered the matter in the first place. Mr and Mrs B suffered avoidable cost and inconvenience.

A largely new planning committee undertook a site visit and considered the application afresh. This committee granted permission with all the relevant information, including the benefit of expert comments and Mr and Mrs B's objections. The Ombudsman concluded that the final decision to grant permission was made properly.

In accordance with the Ombudsman's recommendations, the council:

- > apologised to Mr and Mrs B, paid them £5,000 as a contribution to the costs they reasonably incurred and £500 for their time and trouble in pursuing their complaint, and
- > reviewed its procedures to prevent such a situation occurring again.

**Multiple errors in considering a planning application for a replacement building**



### PROFILE

#### Jane Martin

Local Government Ombudsman

**Dr Jane Martin** was appointed to the post of Local Government Ombudsman and Vice-chairman of the Commission for Local Administration in 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 LGO she was Deputy Chief Executive at the Local Better Regulation Office and a Non-executive Director of Coventry Primary Care Trust.

# Ombudsmen's report

## Delivering public value

**The year 2010/11 has been particularly eventful in both changes to the operation of our service and factors in the external environment that impact on our role and the citizens who can complain to us. During the year our powers to investigate complaints extended into two new areas giving more people access to a free and independent complaints service. The focus on localism and the financial pressures on council services will undoubtedly have an effect on the local government landscape. Our role in examining the experience of individual citizens and drawing on that knowledge and insight to identify issues of wider public benefit will take on greater significance.**

### Our role

Our new adult social care power came into force in October 2010. We can now investigate complaints about the actions of 13,000 or more care service organisations registered with the Care Quality Commission as providers of adult social care, as well as the 250 councils with adult social care responsibility already within our jurisdiction. It brings all complaints about adult social care services under our jurisdiction, 'plugging the gap' that had existed for the increasing number of people who arrange or fund their own care and had no route for redress. Many

of them are particularly vulnerable. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints.

We established specialist teams in each office to deal with the complexity of adult social care complaints across the full range of local authorities, private and voluntary sector care providers. In the six months from 1 October 2010 to 31 March 2011 we received 75 complaints under the new jurisdiction, concerning issues such as needs assessments, poor care quality, and fees and charges by care homes.

Legislation empowering us to consider complaints from pupils or their parents about schools also came into effect during 2010/11. The Apprenticeships, Skills, Children and Learning Act 2009 extended our jurisdiction in two pilot phases, and currently applies to schools in 14 council areas. Specialist teams in each office now deal with all complaints about children's services and education. The teams carried out a programme of awareness-raising activities in the 14 areas, covering local advice agencies and parent partnership organisations, and ran a series of workshops for schools and governing bodies on good practice in complaint handling. In the period 19 April 2010 to 31 March 2011

## Adult social care

**Mr C, a 43-year-old man with learning difficulties, died on a walk organised and supervised by the council. Mr C's family believed his death may have been precipitated by the strenuous nature of the walk, and considered that the way they were told of his death was insensitive.**

A post mortem found Mr C had an undiagnosed heart condition and that he had suffered a heart attack some 24 hours before he died. The coroner decided Mr C had died of natural causes and declined to hold an inquest.

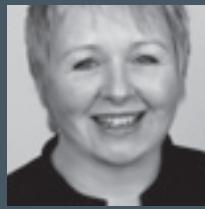
The Ombudsman said that in light of the coroner's conclusions there could be no suggestion that council fault caused Mr C's death. She considered that problems with the council's approach caused the family to suffer greater distress than they otherwise would.

The Ombudsman found that the council failed to identify some obvious risks that were on its own list of factors to be considered, such as the implications of any pre-existing medical conditions and the serious illness or incapacity of the group leader or group members on the walk. She also criticised the supervision arrangements for the walking group, including that the group leader was the only person who knew the route they were taking. She was concerned about the appropriateness of the route of the walk and found that communication with Mrs C was poor, including the way she was informed about Mr C's death.

The council improved its procedures to address the matters highlighted, and paid Mr C's family £2,000 in recognition of their additional distress.

**Flawed risk assessments and supervision arrangements for a council-organised walking group**

Case reference 09 000 266



## 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.

" I would like to thank you for all your help. You made a difficult process less stressful by your friendly manner and by keeping us up to date with what was happening."

Mr N

GREATER MANCHESTER

they had received 169 complaints about schools in the 14 areas mostly concerning bullying, teacher conduct and special educational needs. We also received 183 complaints about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind this power from July 2012.

Complaint numbers in both new areas of work have been lower than we anticipated. Our new powers coincided with the introduction of Treasury controls on expenditure, restricting our ability to inform care service users, pupils and parents about their new rights.

### Changes in complaints

Looking across the whole range of our work, we can report achievement of targets over the year.

The LGO Advice Team, which deals with all initial contacts, has seen a rising trend in workload. Our advisers received 21 per cent more complaints and enquiries in 2010/11 compared to the previous year, and experienced their busiest month ever in March 2011. The percentage of calls answered within one minute has increased and, at 95.2 per cent, exceeds the target set for the year.

The trained team of advisers plays an important role in helping citizens to

understand our powers and to make their complaints. The law requires that we should not investigate a complaint if the organisation that is the subject of the complaint has not had a 'reasonable opportunity' to investigate and respond. We generally expect a complaints procedure to have been completed before we accept a complaint. In over a quarter of initial contacts, advisers decided that the organisation had not had a reasonable opportunity to deal with the complaint. In these cases the adviser refers the complaint to the organisation. More than 8,000 complaints and enquiries were referred as 'premature' complaints in 2010/11.

A total of 11,249 complaints were dealt with by investigative teams, an increase of 7.5 per cent from last year. Education and children's services now form the largest category of complaints, increasing by 15 per cent from last year. Complaints about special educational needs also rose. Adult social care complaints concerning councils have increased by nearly 50 per cent from 667 to 974. Work undertaken to publicise the new adult social care jurisdiction could have brought attention to our role in the sector overall. A reduction in complaints about planning may reflect a reduction in planning applications.

## Public transport

**A council's concessionary travel scheme allowed people over 70 years old and eligible disabled people to choose between a bus pass, a train pass or travel tokens. After the introduction of the National Bus Pass Scheme, it decided to stop issuing travel tokens.**

Mr and Mrs W were directly affected by the change as they claimed travel tokens each year due to health and mobility problems. A local organisation representing the needs of older people also complained on behalf of local residents that the council's decision was made without proper consultation or a proper equality impact assessment.

The Ombudsman found that the council made its decision without adequate information about the impact on disabled people, and failed to consult voluntary groups. She said the council's statement that any alternative to the national bus pass was "purely discretionary" overlooked the need for it to properly consider its own duty towards disabled people when making changes to its arrangements. There was genuine uncertainty as to what the outcome might have been if the council had reached its decision properly.

The Ombudsman found maladministration causing injustice and the council:

- > ensured that, in future, it took account of its duties under the Disability Discrimination Act
- > apologised to the complainants, and
- > paid Mr and Mrs W £100.

A further recommendation, to revisit the decision about travel tokens, became inappropriate because responsibility passed to the county council.

**Failure to consider duty to disabled people when deciding to stop issuing travel tokens**

Case reference 08 020 845 & 09 000 561

"[We] would like you to know that we deeply appreciate the courtesy and help which you have given us and we would like to offer our most sincere thanks to you and all those at the LGO service with whom we have had contact."

**Mr & Mrs L**

GLOUCESTERSHIRE

We have key performance indicators for our investigative work covering the time taken to reach a decision. These cover the percentage of complaints determined within 13 weeks, 26 weeks and 52 weeks. All three indicators were met. Throughout the investigative process we apply our organisational values of being independent, fair and consistent.

When we complete an investigation on council complaints we generally issue a report that includes recommendations for a remedy for the complainant. In 2010/11 we issued reports on 28 council complaints finding maladministration causing injustice, and one finding no maladministration. More than a third of the reports concerned education matters, finding faults in areas such as school admission arrangements, the provision of school transport and special educational needs.



### Seeking customer **feedback**

We value feedback from people who complain to us and from the organisations under our jurisdiction. Last year we reported on the research then in progress to gain further insight into the experiences and expectations of people who complain to us. This study has been completed. It showed that many respondents were positive about the complaints process and the Ombudsmen's staff they encountered. They appreciated that our service is available to them, especially at no financial cost, but those who receive a negative decision are unlikely to express satisfaction with other elements of the service.

We are responding to the issues raised in the research through our business plan for 2011/12, including ways of increasing transparency, such as improving the clarity of our written materials and publishing more accessible information about our decisions.

### Shaping our **future service**

We expect the rising trend in complaints numbers to continue over the next year. This is linked to potential growth in demand for our service as a result of public spending reductions and an increase in complaints about privately funded or arranged adult social care. We also await the passage through Parliament of the Localism Bill and other legislation which will affect our work. Like other public sector bodies, we face budget reductions over the next three years.

We recognise the need to shape our service to reflect this changing environment. During the year we reassessed our mission and objectives so they are fit for the period ahead. We have agreed a new mission statement and four strategic objectives to guide our work from 2011 onwards. We are now working to deliver a business plan this year to achieve these objectives.

We are grateful for the commitment and achievements of our staff during this very challenging year. We will face more challenges and uncertainties in the year ahead but we are determined to ensure that our service is effective and continues to deliver public value.

**Jane Martin  
Anne Seex**

# Our performance

**In this section we present figures on our work during the year ended 31 March 2011, including how these compared to our business plan assumptions, and what progress we have made towards achieving our business goals in the year.**

## 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 received a total of 21,840 complaints and enquiries in 2010/11, compared with 18,020 in 2009/10 – an increase of more than 21 per cent.

The figures include telephone enquiries that were not pursued any further at the time beyond giving the caller advice; complaints taken down over the telephone and forwarded to one of the investigative teams; and complaints received in writing – either via the complaint form on our website, or through the post. There was a 7.5 per cent increase in the number of complaints forwarded to the investigative teams.

The subjects of complaints and enquiries received during the year are shown in table 1 overleaf, along with the way they were handled.

Premature complaints and enquiries are where the citizen has not already complained to the organisation first. After they have done so, the citizen may resubmit their complaint to the Ombudsman if they remain unsatisfied after the organisation has considered it. These will be forwarded

to an investigative team as a 'resubmitted premature' complaint.

A total of 8,303 premature complaints and enquiries were received during 2010/11. The 11,249 complaints forwarded to the investigative teams, combining resubmitted premature complaints and new complaints, accounted for just over half of all complaints and enquiries received.

The number where advice was given indicates where people have telephoned the LGO Advice Team and have been told that it is unlikely the Ombudsman can deal with their complaint and that they should try another organisation, go to an advice agency, or that their complaint is outside the Ombudsman's jurisdiction. The figure also includes cases where the citizen has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

**" I would like to thank you once again for your commitment to a fair and amicable outcome for the issue."**

**Ms H**

DORSET

**Table 1: Subjects of complaints and enquiries received 2010/11 (with 2009/10 in *italics*)**

	Adult social care	Education and children's services	Housing	Planning and development	Benefits and tax	Highways and transport	Environmental services, public protection and regulation	Corporate and other services	Other**	Total
Premature complaints and enquiries	370 216	600 374	1,540 1,187	887 703	1,163 862	566 412	857 –	257 –	– 799	6,240 4,553
Advice given (excluding premature advice)	401 169	899 460	805 559	490 353	493 391	445 358	383 –	435 –	– 712	4,351 3,002
Forwarded to investigative team (resubmitted premature)*	101 81	118 116	513 422	486 467	255 230	191 172	290 –	109 –	– 378	2,063 1,866
Forwarded to investigative team (new)	948 586	2,538 2,187	1,521 1,526	1,361 1,484	630 640	897 825	712 –	579 –	– 1,351	9,186 8,599
<b>Total</b>	<b>1,820 1,052</b>	<b>4,155 3,137</b>	<b>4,379 3,694</b>	<b>3,224 3,007</b>	<b>2,541 2,123</b>	<b>2,099 1,767</b>	<b>2,242 –</b>	<b>1,380 –</b>	<b>– 3,240</b>	<b>21,840 18,020</b>

\* 'Resubmitted premature' complaints will previously have been a 'premature complaint or enquiry' so these two figures would need to be added together to get the total number of premature complaints and enquiries made.

\*\*In 2009/10, 'Other' covered subjects now shown in 'Environmental services, public protection and regulation' and in 'Corporate and other services'.



The number of complaints and enquiries in each subject category for 2010/11 is shown in chart 1 opposite.

This compares with the subject breakdown of complaints and enquiries received in 2009/10 shown in chart 2 opposite. Housing remains the largest category while education and children's services complaints and enquiries have gone up by

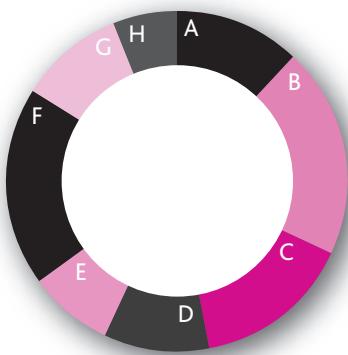
32 per cent overall from 2009/10, making it the second largest category in 2010/11. Adult social care complaints and enquiries have gone up by 73 per cent overall from 2009/10 to 2010/11.

" After near enough two years of seeking help, only you managed to do something about our case. About a week ago, we moved into our OWN flat thanks to you and your help. Thanks to your involvement my daughter has an amazing room to herself. Just wanted to thank you for everything you have done for us and let you know how much we appreciate it."

**Ms S**

LONDON

**Chart 1: Complaints and enquiries received by category 2010/11**



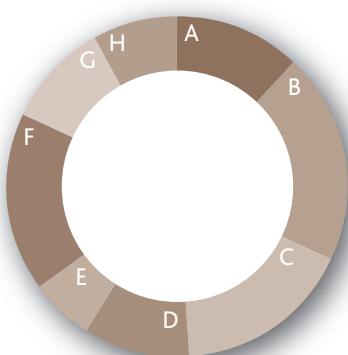
A Benefits and tax	12%
B Housing	20%
C Planning and development	15%
D Highways and transport	10%
E Adult social care	8%
F Education and children's services	19%
G Environmental services, public protection and regulation	10%
H Corporate and other services	6%

Chart 3 overleaf shows that the proportions of each subject change to a small degree for the complaints that get forwarded to the investigative teams.

### Complaints investigated

Just over half of the complaints and enquiries received by the Advice Team were forwarded to the investigative teams. Of the complaints forwarded, education and children's services now forms the largest category, with an increase of 15 per cent from the previous year. It is followed by housing and then planning and development.

**Chart 2: Complaints and enquiries received by category 2009/10**

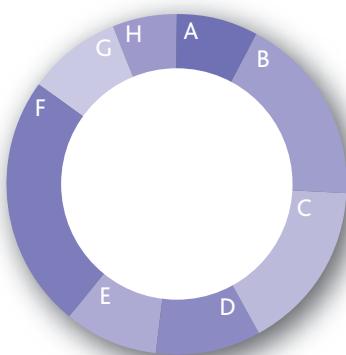


A Benefits and tax	12%
B Housing	20%
C Planning and development	17%
D Highways and transport	10%
E Adult social care	6%
F Education and children's services	17%
G Environmental services, public protection and regulation	10%
H Corporate and other services	8%

Within the education category, school admission complaints forwarded to the investigative teams have reduced slightly, by around two per cent. There has been an increase of around a third in the number of complaints forwarded about special educational needs, however.

Looking specifically at the complaints from pupils or their parents about schools (included within the education and children's services category), by the end of 2010/11 we had received 169 complaints about schools in the pilot areas. Across the 14 pilot areas, the biggest complaint categories were bullying (34 per cent), teacher conduct (27 per cent) and special educational needs (21 per cent).

**Chart 3: Complaints forwarded to investigative teams by category 2010/11**



A Benefits and tax	8%
B Housing	18%
C Planning and development	16%
D Highways and transport	10%
E Adult care services	9%
F Education and children's services	24%
G Environmental services, public protection and regulation	9%
H Corporate and other services	6%

Adult social care complaints forwarded to the investigative teams increased by 57 per cent from 2009/10 to 2010/11. This is in part explained by the new area of jurisdiction coming in to force during the year, but is mostly due to a significant increase in complaints about care arranged or funded by councils.

On adult social care complaints covered by the new jurisdiction, a total of 141 complaints and enquiries were received, with 58 people receiving advice, and 75 complaints being forwarded to the investigative teams, since October 2010.

Complaints forwarded to the investigative teams about planning applications have fallen by around 10 per cent and follows the pattern of reduction in planning applications

made and the impact of permitted development. There has been a fall of around 5 per cent in the whole planning and development category.

A more detailed breakdown of the subjects of complaints and enquiries received is available on our website.

### Outcome of complaints

We decided 10,792 complaints forwarded to the investigative teams during the year, compared to 10,309 in 2009/10, an increase of 4.7 per cent. A breakdown of the outcomes of these complaints is shown in the following three tables – we have split them in this way because of changes to our jurisdiction during the year, and the subsequent introduction of new decision reasons (see the *Glossary of terminology* for an explanation of these).

"Please may I take this opportunity to thank you for the manner in which you have handled this complaint and for working in such a patient, respectful and professional manner. I have absolutely no doubt that as the investigating officer, you have been fair-minded and thorough."

#### **Ms B**

NORTHAMPTONSHIRE

Table 2 summarises the decisions made on complaints forwarded to the investigative teams, excluding decisions on adult social care (ASC) complaints and complaints from pupils or their parents about schools. Table 3 summarises the decisions on schools complaints, and table 4 summarises decisions on all adult social care complaints. In addition, table 5 shows the decisions for adult social care complaints covered by the new jurisdiction (Part 3A).

The total number of complaints where redress was obtained or recommended for the complainant was 2,474 – 27.1 per cent of all complaints determined (excluding the complaints that were outside our jurisdiction). This is very similar to the previous year (when it was 27.7 per cent).

Decisions in the 14 school pilot areas can be summarised as follows:

- > In 47 per cent of cases we initiated an investigation.
- > In 48 per cent of cases the complaint was referred back to the school for it to consider using its own procedures as it had not had the opportunity to do so.
- > In 5 per cent of cases we were unable to consider the complaint as it was not within our jurisdiction.

**Table 2: Analysis of outcome of complaints 2010/11  
(excluding ASC and schools complaints)**

Outcome	Number of complaints	Percentage of total (excluding those outside jurisdiction)
Local settlements	2,215	26.34
Maladministration causing injustice (issued report)	25	0.30
Maladministration, no injustice (issued report)	0	0.00
No maladministration (issued report)	1	0.01
No or insufficient evidence of maladministration (without report)	4,012	47.71
Ombudsman's discretion	2,156	25.64
Outside jurisdiction	1,574	
<b>Total</b>	<b>9,983</b>	

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

**Table 3: Outcome of schools complaints 2010/11**

Outcome	Number of complaints	Percentage of total (excluding those outside jurisdiction)
Investigation complete	0	0.0
Discontinued: injustice remedied	19	39.6
Discontinued: other	25	52.1
Investigation not initiated	4	8.3
Outside jurisdiction	11	
<b>Total</b>	<b>59</b>	

**"Thank you very much for providing me with an easy to read report and for making this complaint process as stress-free as possible."**

**Ms J**

WEST MIDLANDS

**Table 4: Outcome of adult social care complaints 2010/11**

Outcome	Number of complaints	Percentage of total (excluding those outside jurisdiction)
Discontinued: injustice remedied/local settlements	212	30.8
Maladministration causing injustice (issued report)	3	0.4
Investigation complete: no service failure or injustice	1	0.1
No or insufficient evidence of maladministration (without report)	205	29.8
Discontinued: other/Ombudsman's discretion	196	28.4
Investigation not initiated	72	10.5
Outside jurisdiction	61	
<b>Total</b>	<b>750</b>	

The outcome of the 47 per cent of schools cases where we initiated an investigation was:

- > A satisfactory resolution was reached between the parties in 25 per cent of cases following the Ombudsman's involvement (and the investigation was discontinued).
- > We secured a remedy and/or agreement for action to prevent similar problems recurring in 13 per cent of the cases.
- > In 9 per cent we found that there was no fault in the actions of the school or there was no substance to the complaint.

**Table 5: Outcome of Part 3A adult social care complaints (October 2010 – 31 March 2011)**

Outcome	Number of complaints
Discontinued: injustice remedied	0
Discontinued: other	1
Investigation not initiated	6
Outside jurisdiction	1
<b>Total</b>	<b>8</b>

## Putting things right

We seek to achieve redress for injustice caused by maladministration or service failure.

When we reach a decision on a complaint, the complainant and the body in jurisdiction are sent a statement of reasons covering all the substantive issues and the decision. This approach was introduced during the year for our local government jurisdiction and the new areas of work. Every statement of reasons is anonymised and the Ombudsman can also publish all or part of the statement if it is considered to be appropriate. There will be a publications policy setting out when and how we will publish statements in due course.

We will often discontinue enquiries into a complaint when we consider that a satisfactory response has been reached during the course of the investigation. We have previously called these 'local settlements' but from April 2011 the term is no longer being used. For 2010/11 local settlements were agreed in 2,418 cases – 26.8 per cent of all decisions (excluding outside jurisdiction complaints and adult social care complaints received since October 2010). This is a similar proportion to the previous year (26.9 per cent of all decisions, excluding outside jurisdiction complaints).

**Table 6: Type of remedy obtained (excluding adult social care complaints received since October 2010)**

Type of remedy	2008/09	2009/10	2010/11
<b>Apology</b>	640	585	<b>631</b>
<b>Take action:</b>			
New hearing/appeal	170	223	<b>198</b>
Offer of new accommodation	24	15	<b>18</b>
Revise publication/published information	24	38	<b>29</b>
Consider others in similar situation	15	5	<b>9</b>
Make inspection and take appropriate action	99	57	<b>59</b>
Other	1,507	1,224	<b>1,217</b>
<b>Review policies and/or procedures</b>	272	220	<b>288</b>
<b>Make payment:</b>			
'Before and after' valuation	17	18	<b>6</b>
Other payment	1,577	1,379	<b>1,342</b>
<b>Total number of remedies recorded*</b>	<b>4,345</b>	<b>3,764</b>	<b>3,797</b>
<b>Total number of complaints where a remedy was recorded</b>	<b>2,857</b>	<b>2,435</b>	<b>2,414</b>

\* Some complaints have more than one remedy description recorded against them so the number of remedies recorded is greater than the number of complaints remedied.

When we complete a council investigation and find maladministration causing injustice, we issue a report that includes recommendations for a remedy for the complainant. In 2010/11 we issued reports on 29 complaints, compared with reports on 74 complaints in 2009/10. Education matters formed the largest

proportion of reports issued (38 per cent of all reports issued) finding fault in areas such as school admission arrangements, the provision of school transport and special educational needs. Housing formed the second largest (14 per cent) proportion on matters concerning homelessness, applications for disabled facilities

**" I would just like to take this opportunity to say a huge thank you to you for all your help and effort put in on my behalf, I do not believe I would have got anywhere near sorting this without your invaluable help."**

**Mr M**

WEST YORKSHIRE



grants and housing repairs. Planning and transport and highways formed the third biggest categories of reports issued (10 per cent)<sup>1</sup>.

Table 6 (on page 23) sets out the number of remedies obtained in the year, showing the type of outcome reached. (It does not include any remedies on adult social care complaints received since October 2010<sup>2</sup>.) Where the remedies resulted in a payment being made, the amounts obtained or recommended came to a total of over £1.2m compared with £1.3m in 2009/10. This figure represents the minimum we have achieved as there are currently cases where an authority has agreed to undertake a 'before and after' valuation,<sup>3</sup> and to pay the difference in value to the complainant, but we do not yet know the amount. Many of the individual settlements are relatively small amounts but may be linked to other actions to provide fair redress.

- 2 To provide customers with a service that meets their needs and reasonable expectations.
- 3 To promote awareness, understanding and use of our services.
- 4 To influence the improvement of local government through guidance and advice.
- 5 To increase our efficient use of resources.

The Business Plan for 2010/11 set out medium term objectives relating to these goals, and specified assumptions and targets for planned outputs to deliver these objectives in the year. The remainder of this chapter reports on our performance against meeting these objectives, which are grouped around three themes – 'dealing with complaints from the public', 'adding public value' and 'improving our organisation'.

### Performance against business goals

Our Strategic Corporate Plan 2009-2012 set out five business goals reflecting the operational principles around which we base our development and assess our business performance. They were:

### Dealing with complaints from the public

We make planning assumptions about the number of complaints and enquiries we will deal with during the year, and set targets on how quickly we will deal with them.

Our planning assumption for the LGO Advice Team was that we would deal with 50,000 telephone enquiries

1 A table giving a breakdown of the subjects of reports issued, and a full list of reports issued, is available on our website.

2 During the year, we introduced a new complaint management system. Adult social care complaints were recorded on the new system from October, while other complaints continued to be recorded on the old system. Some figures in this chapter could only be obtained from the old system, as reporting on the new system is not yet fully operational.

3 That is, the valuation of a property that has been adversely affected by neighbouring development before and after that development took place.

## School transport

**Mrs B complained that a council acted unreasonably in not providing home-to-school transport for her six-year-old grandson who was on the school's special educational needs register. She argued that the council had not properly considered the medical and other evidence which showed he was unable to make the journey unaccompanied and the evidence that neither she nor her daughter were able to take him because of their health issues.**

Initially the council failed to consider whether there was an exceptional need for school transport to be awarded. When the council did, it did not consider the evidence properly or keep proper records of the evidence it relied on in support of its decisions. It failed to explain the reasons for its decision and failed to properly consider its duties under the Disability Discrimination Act (DDA).

The Ombudsman said there appeared to be compelling evidence that the medical issues affecting Mrs B and her daughter were covered by the provisions of the DDA, and he would have expected to see explicit consideration of whether the provision of school transport was a reasonable adjustment to meet needs.

As a result of the council's fault and delay, the family was caused considerable distress and inconvenience.

"I do not believe the council has ever explained exactly how it expected [the boy] to get to school if transport was not provided," said the Ombudsman.

The Ombudsman welcomed the procedural improvements the council agreed to make as a result of the investigation. The council agreed to pay Mrs B £2,000 in recognition of the injustice caused and her significant unnecessary time and trouble.

**Failure to consider disability issues properly when refusing to provide transport to school**

Case reference 09 010 645

**Table 7: Advice Team activity 2008/09 – 2010/11**

	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>
Total telephone calls received	40,392	40,204	<b>43,917</b>
Total telephone calls answered	38,558	39,575	<b>43,186</b>
Average time to answer call (seconds)	33	23	<b>18</b>
Number of text messages received	88 <sup>#</sup>	137	<b>194</b>
All post, including written complaints	15,000*	12,836	<b>13,397</b>
Complaints made via website form	774**	3,607	<b>3,715</b>
Total emails received	19,471	30,443	<b>38,229</b>

\* This is the figure for the second six months of the year.  
\* This figure is an estimate based on collected data over six months.  
\*\*This is the figure from 12 January, when the website was launched.

in 2010/11. The number of calls received fell slightly short of this figure, but the number of calls answered has gone up by 9 per cent over the previous year. The average time taken to answer calls has improved by five seconds and is two seconds quicker than our target of 20. We also met the target of answering 95 per cent of calls within one minute, with the actual figure of 95.2 per cent (compared with 89.1 per cent in 2009/10). The improvement is due in part to further refining of the workflow process, introduced during the previous year, which ensures an even distribution of calls to Advisers; and the recruitment of a further three Advisers.

Table 7 above summarises the LGO Advice Team's performance during the last three years.

The total contacts in the table show an increase from 82,991 in 2009/10 to 95,006 in 2010/11 – an increase of 14.5 per cent. Over the last three years, the number of contacts by phone, email and text has increased while post has reduced. The number of calls received and answered differ as some calls are always lost because the caller hangs up before the call is answered.

We continue to seek customer feedback on the Advice Team's service. A postal survey was conducted throughout the year in

2010/11. The results show continued high levels of customer satisfaction. A total of 97 per cent of respondents either strongly agreed or agreed that staff dealt with them in a polite, sensitive and helpful way. Ninety-five per cent strongly agreed or agreed that they knew how to proceed with their complaint by the end of the call.

On complaints, our planning for the year 2010/11 was based on the investigative teams taking decisions on 10,500 local government complaints, 500 decisions on school complaints and 450 decisions on adult social care complaints. They made decisions on 10,725 local government complaints. Fifty-nine decisions were taken on school complaints. We dealt with 750 adult social care complaints in all, with eight of these being on complaints in the new area of jurisdiction. The lower number of complaints dealt with in the new areas of jurisdiction was affected by the constraints in our ability to publicise the new areas as a result of the spending controls introduced by the Treasury for its public expenditure reduction programme. On the new schools complaints service we reduced the capacity of the pilot scheme during 2010 following the Government's decision to repeal the service as announced in the Education Bill.

**" I am very impressed with your report, it is precise, well balanced, to the point and arrived very much quicker than I expected."**

**Mr P**  
DEVON

**Table 8: Cases decided within time bands**

Key indicator	March 2009	March 2010	March 2011 <sup>4</sup>	
	Actual	Actual	Target	Actual
Percentage of all complaints (excluding prematures) determined within 13 weeks	53.4	56.8	50.0	<b>54.2</b>
Percentage of all complaints (excluding prematures) determined within 26 weeks	82.3	85.2	80.0	<b>83.4</b>
Percentage of all complaints (excluding prematures) determined within 52 weeks	96.2	96.9	96.0	<b>97.0</b>
Number of cases more than 52 weeks old	122	122	–	<b>133</b>

Our performance is also affected by the response times from complainants and local authorities. We ask local authorities to respond to our enquiries within 28 days. Table 9 below shows the percentage of authorities that have responded within this timescale.

We monitor output levels of individual staff. The number of complaints decided per head of staff allocated to the investigative process (excluding premature complaint decisions) was 112.1 in 2010/11. This is against a target of 120 per year in local government and 100 in adult social care. This compares to 122.2 and 130.6 in 2008/09 and 2009/10 respectively, when there was a single target of 120 per year. As previously stated, the flow of complaints in the new areas of jurisdiction was not as high as we had anticipated.

**Table 9: Average local authority response times 2010/11  
(Figures for 2009/10 in brackets)**

Authorities (number)	< 28 days (%)	29-35 days (%)	> 36 days (%)
District councils (198)	65 (60)	23 (22)	12 (18)
Unitary authorities (54)	59 (65)	28 (26)	13 (9)
Metropolitan authorities (36)	64 (53)	19 (39)	17 (8)
County councils (30)	66 (58)	17 (32)	17 (10)
London boroughs (33)	64 (52)	30 (36)	6 (12)

The time we spend handling cases is an important factor in customer satisfaction. We monitor our overall performance against three time bands as shown in table 8 above.

All our targets for time taken were met and exceeded.

We also monitor the overall number of older cases. A small minority of complaints take us more than 12 months to decide, either because of their complexity or because of external factors (such as the illness of the complainant).

<sup>4</sup> During the year, we introduced a new complaint management system. Adult social care complaints were recorded on the new system from October, while other complaints continued to be recorded on the old system. Some figures in this chapter could only be obtained from the old system, as reporting on the new system is not yet fully operational.



We measure the level of complaints about us, dealt with in accordance with our complaints procedure. We categorise complaints as either review requests, when a complainant challenges the decision made, or service complaints, where the complainant is unhappy with our service. Table 10 shows a breakdown of the outcome of these complaints over the past three years. Totals are higher than the actual number of complaints made, as one complaint can have more than one review outcome.

<sup>5</sup> During the year, we introduced a new complaint management system. Adult social care complaints were recorded on the new system from October, while other complaints continued to be recorded on the old system. Some figures in this chapter could only be obtained from the old system, as reporting on the new system is not yet fully operational.

**Table 10: Customer complaints in 2008/09 – 2010/11  
(excluding adult social care complaints received since October 2010)<sup>5</sup>**

	2008/09	2009/10	2010/11
Review request: decision confirmed	1,108	977	<b>1,015</b>
Review request: decision correct, but wrongly justified	14	3	<b>5</b>
Review request: decision correct, but further explanation provided	47	30	<b>22</b>
Review request: investigation relaunched because of new information	50	27	<b>34</b>
Review request: investigation relaunched because of procedural error	23	20	<b>23</b>
Non-substantive response sent*	22	23	<b>32</b>
Service complaint: not upheld	24	37	<b>27</b>
Service complaint: upheld in part or in full	34	18	<b>19</b>
Total	<b>1,322</b>	<b>1,135</b>	<b>1,177</b>

\* These are 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).

Cases questioning our decisions on complaints are reviewed by a senior member of staff not previously involved in the case to see if the concerns are justified. In 2010/11, we relaunched the investigation because of procedural error on 23 review requests. Our target is that less than three per cent of the complaints made about our decisions are found to be justified following a rigorous internal review. The figure for 2010/11 is two per cent.

We analyse all those service complaints that are upheld to learn lessons for improvement in our performance. The substantial decrease in the number of service complaints upheld in part or in full between 2008/09 and 2009/10 has been sustained in 2010/11.

**"Once again, I remain very grateful for the time and significant effort applied to this investigation as the knock-on effect will serve to help others in my position, hopefully providing greater protection than our terrible experience."**

**Ms T**

WARWICKSHIRE

We recognise that there could be errors that do not get picked up because the complainant does not request a review of our decision, so we also check a sample of files from each investigator as part of our quality control process. We pass on any learning points from the file examination back to our staff – both individually and, where there are general lessons, to use them in staff workshops and written guidance.

We monitor compliments as well as service complaints about our conduct. Examples of the compliments we have received are included throughout the main text of this report.

The only challenge to the Ombudsmen's decisions is through the courts by way of judicial review. Our aim is that any judicial reviews will not find legal 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 is there 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.

**Table 11: Judicial review applications 2008/09 – 2010/11**

	2008/09	2009/10	2010/11
<b>Applications for permission for JR</b>	<b>9</b>	<b>13</b>	<b>7</b>
Applications for permission refused	7	11	5
Applications for permission withdrawn	2	0	1
Applications for permission awaiting the court's decision	0	0	1
<b>Applications granted permission by the court</b>	<b>0</b>	<b>2</b>	<b>0</b>
Awaiting JR hearing in the Administrative Court	0	1	0
JR proceedings withdrawn	0	1	0

### Adding public value

An important part of the public value agenda is to promote the Local Government Ombudsman service and the impact of our work.

Ombudsmen and staff gave a wide range of presentations to local and national advice organisations during the year. These give their staff and volunteers a better understanding of the role of the Ombudsman and the complaints we can investigate, and encourage appropriate use of our service. Two seminars for advisers, organised with the Public Law Project, took place in November 2010 in Manchester and London.



**"Thank you for the work you have put into this investigation on our behalf. After dealing with the council and the police without any satisfactory results it was a relief to finally find someone who had a genuine concern about what had happened."**

**Mr B**

NORTHUMBERLAND

We sent annual reviews to every local authority summarising the complaints we had dealt with over the year, and visited a number of individual local authorities.

Anne Seex spoke at the Institute of Revenues, Ratings, and Valuations' Collection and Enforcement Conference in May 2010 on the subject of revenues collection and the Ombudsman. Sir Anthony Redmond also spoke at their national conference in September.

We ran a spotlight session at the Chartered Institute of Housing's annual conference in June, jointly with the Housing Ombudsman, on the theme of the two services working together following agreement on a protocol between our two offices.

We exhibited at the Local Government Association's conference in July, and Sir Anthony Redmond also spoke at a fringe session. In September we exhibited at the Citizens Advice national annual conference.

To promote the new adult social care service, we exhibited at the International Carers Conference in July and at the National Children and Adult Services annual conference in November. We presented a workshop at the Action on Elder Abuse annual conference. We participated in a

workshop at the National Care Association annual seminar in October, and a number of regional speaking opportunities were organised through the National Care Association.

We ran six information sessions to inform providers of adult social care services about the changes to our jurisdiction. More than 200 people attended across the six sessions. Feedback was extremely positive and the providers who attended said the day was informative and engaging.

The new children and schools teams have carried out a range of visits to schools in the 14 school pilot areas and relevant youth/parent groups. These included awareness raising events and a series of training workshops for governing bodies, schools, parent partnerships and CABs, among others. We provided information for councils' newsletters



for residents and websites in the pilot areas.

We continued to develop our website, launched in January 2009, including new sections on the two new areas of work – adult social care and schools.

**Table 12: Website statistics 2009/10 – 2010/11**

Period	Visits	Page views	Home page views	Complaints made via web
2009/10	226,143	970,797	167,313	3,607
<b>2010/11</b>	<b>240,680</b>	<b>921,416</b>	<b>152,154</b>	<b>3,715</b>

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.

## Internal management of schools

A mother complained that a school failed to put in place adequate health care support for her son who has asthma. She said he was left to sit in wet clothes and, on another occasion, was let out to play several times during the day without his inhaler.

The Ombudsman has the power under the Apprenticeships, Skills, Learning and Children Act 2009 to consider complaints of injustice made by a pupil or parent.

Usually the Ombudsman would not have investigated the complaint as the school's governing body had not had the opportunity to respond. However, as the health and safety of a child was involved the complaint was accepted.

After the Ombudsman contacted the head teacher, she readily agreed to:

- > meet the mother to discuss her complaint and try and resolve the issues
- > arrange an appointment with the school nurse and agree how the school needed to manage the child's condition
- > advise the mother of the school's complaints policy and her right to complain to the school governors and then the Ombudsman if she is still not satisfied, and
- > investigate the two incidents and let the mother know the outcome.

The Ombudsman discontinued her involvement and the mother was satisfied with the school's response.

**"Thank you so very much for listening to me and taking my complaint seriously. I'm sorry to be over dramatic but I have to say there really is justice in the world. I felt very let down by the council but am of course now very pleased with this outcome."**

**Ms P**

HAMPSHIRE

The range of subject-specific fact sheets has been further expanded, including topics in the new areas of work. These are made available on the website, as well as being sent out by our Advice Team in response to specific enquiries.

Media coverage, focused on investigation reports and the annual reviews that we send to every council, helps to increase understanding of the Ombudsman's service by demonstrating the impact of our work. We issued 22 press releases on reports over the year and secured 158 items of press coverage as a result. We also had 288 items of press coverage arising from publication of the annual reviews to councils. The Ombudsmen were interviewed for several BBC and independent regional radio stations and one regional TV news programme. We also provided articles for a range of specialist press.

Our programme of training in complaints handling and investigation for all levels of local authority staff continued, and we delivered 103 courses in 2010/11 against a target of 120 for the year. This compares to 118 and 128 in 2009/10 and 2008/09 respectively. The courses continue to get excellent feedback – 96 per cent of delegates were satisfied with the training. The overall number included four open courses for groups of staff from smaller authorities held at our offices at Millbank Tower and at

venues in Manchester, Peterborough and Taunton. We aim to run more regional courses in 2011/12 in different locations.

We work with partner organisations across various areas of our work. During the year, memoranda of understanding were agreed with OFSTED and the Care Quality Commission covering work in the new areas of jurisdiction.

We played an active part in the work of a number of groups and forums set up to review the mechanisms for dealing with complaints about councils and bodies covered by the LGO's extended jurisdiction. These included:

- > The Department for Community and Local Government's Housing Transition Working Group and Steering Group.
- > Liaison meetings with the Department for Education (DfE) in relation to internal school complaint matters and the proposals in the Education Bill 2010/11.
- > The Ministry of Justice's and Equality and Human Rights Commission's joint Regulators, Inspectorates and Ombudsmen Forum on human rights.
- > A DfE consultation group on revising the School Admission and School Admission Appeal Codes. We responded to a number of consultation exercises, sometimes jointly with other ombudsmen schemes. These included:
  - > The Committee on Standards in Public Life's survey of regulators to ascertain the impact of the Ethical Framework.
  - > The Law Commission's consultation on reform of Adult Social Care legislation (jointly with the Health Service Ombudsman).
  - > The Department for Transport's consultation on reforming the blue badge scheme.
  - > Informing the Care Quality Commission's *Assessments of Quality*.
  - > The Department of Health's *Equity and Excellence: Liberating the NHS*.
  - > The Department of Health's consultation *Increasing Democratic Legitimacy in Health*.
  - > A joint response with other Public Sector Ombudsmen operating in England and Wales to the Law Commission's review of the law in relation to Public Service Ombudsmen.

## **Improving our organisation**

We are continuously improving our service drawing on feedback from complainants and the wider public. Ipsos MORI conducted qualitative customer satisfaction research for us in 2010, following on from the quantitative survey they conducted in 2007. Their report, published in October 2010, is available on our website.

Despite the introduction of subject-specific fact sheets to better explain our service, it is clear from the research that we need to do more to manage complainant expectations. So we are looking at ways of making it clearer to people from the outset how likely it is that their case will be successful, and what powers the Ombudsmen have. We are also looking at ways to make our investigations more transparent, including improving the clarity of our written materials.

The Advice Team received specific subject training to equip them with the knowledge they needed to handle enquiries on the new areas of jurisdiction. Some processes and procedures were also changed to better suit the requirements of these new areas.

A review of the first 18 months of operation of the Advice Team was

carried out. Some points arising from the review were:

- > To change the management structure from having one supervisor to two. This was implemented before the end of the year.
- > To make sure quality monitoring (QM) takes place: so a new QM framework was designed and implemented.
- > To get more feedback from investigators about the work of the Advice Team: an investigator feedback form was piloted in the second half of the year.
- > A workflow plan was implemented.

During 2010/11 we particularly focused on establishing consultation arrangements with bodies in jurisdiction and users of the new services to inform how best to meet their needs. We recognised the importance of opening a dialogue with a new sector of social care providers who were brought into our jurisdiction in October 2010, and held six regional events across the country. We hope to continue this engagement as the new service develops. Further examples of consultation with stakeholders during the schools pilot are also

noted above under 'Adding public value' on page 29.

Each of our office business plans for 2010/11 included programmes of targeted activity to raise awareness in areas where there are particular problems of service access and disadvantage. These programmes included meetings with a youth homelessness project, MIND, and local advice agencies such as Citizens Advice Bureaux.

We aim to ensure all our offices have a common and proactive approach to the identification of maladministration arising from failures by the bodies we investigate relating to their equality duties and responsibilities under the Human Rights Act. In 2010/11, staff in the Coventry office have been trained on the new Equality Act, and there are plans to roll out this training to staff in the other offices.



"[We] are grateful for the thoroughness of your investigation and for the eventual findings in the report. Will you please pass our collective and sincere thanks to [the investigator] for her diligence in looking into every facet of our complaint."

**Mr W**

CHESHIRE

We have continued to implement our knowledge management strategy in order to improve knowledge sharing, collaboration and the spread of good practice. The new staff intranet, developed during 2009/10, was launched fully in November 2010. It is being used to improve access to information and expertise and make it easier for staff to share knowledge. Subject-specific forums are being established to increase collaboration between the three offices.

Our quality and customer service standards are embodied in the competency framework we use to assess the performance of our investigators and managers. The revised investigator framework and performance-related pay arrangements are with our sponsor department (DCLG) for approval prior to implementation.

Improvements have been made to our use of energy – see 'Sustainable development' section in Chapter 5.

## Financial accounts

for the year ended 31 March 2011

**For the period of these accounts the arrangements agreed between our sponsor department, Department for Communities and Local Government, and the Commission, with the consent of the Treasury, for the use of grant are described in a Grant Memorandum, which was brought into effect on 1 September 1999. This can be viewed on the Commission's website, on the page [www.lgo.org.uk/about-us/governance](http://www.lgo.org.uk/about-us/governance).**

For the year ended 31 March 2011, operational expenditure totalled £15.882 million after capitalisation for the year.

The National Audit Office will audit the financial statements and issue their certificate in July 2011.

The tables which follow show the summarised financial statements for the year ended 31 March 2011. The figures have been extracted from the unaudited accounts. The audited accounts, prepared in the form agreed with the Department for Communities and Local Government, and the statement of accounting policies and the notes to the accounts will be published separately. They will be 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](http://www.lgo.org.uk) in August 2011.

**" May I thank you for the prompt and courteous way in which the Ombudsman's office have dealt with our complaint."**

**Mr H**

NORTH YORKSHIRE

**Table 13: Statement of financial position at 31 March 2011**

Liabilities	Balances at	Balances at	Assets	Balances at	Balances at
	31.3.11	31.03.10		31.3.11	31.3.10
	£'000	£'000		£'000	£'000
			Non-current assets	1,275	1,633
Creditors	636	685	Cash and bank deposits	2,172	1,699
Pension Fund liability	14,966	32,753	Pension Fund reserve	14,966	32,753
Working balance	3,470	3,761	Debtors and prepayments	659	1,114
	19,072	37,199		19,072	37,199

**Table 14: Income statement for year ended 31 March 2011**

Expenditure	2010/11	2009/10	Income	2010/11	2009/10
	£'000	£'000		£'000	£'000
Staffing	11,707	9,584	Grant in Aid	15,261	16,145
Accommodation	2,269	2,318	Rents and service charges	180	627
Office expenses	1,080	960	Training income	111	139
Professional costs	555	723	Interest on deposits	26	17
Travel and subsistence	271	208	Other receipts	12	17
Total expenditure	15,882	13,793	Total income	15,590	16,945
			Surplus (deficit) charged to working balance	292	-3,152
	15,882	13,793		15,882	13,793

## Care in a private nursing home

**Mr M stayed at a nursing home for respite care several times over the period of a year. When his health deteriorated he moved there permanently until his death several weeks later.**

His family were told that Mr M had died in his sleep, but later learned that he had been found on the floor. They were told staff had initially tried to spare their feelings by not telling them he had been found on the floor. The family complained to the home but were not satisfied with the response.

His daughter complained to the Ombudsman about the care given to her father at the home and specifically that:

- > the family was not notified of a fall the day before his death
- > his body was moved after he had died and before a doctor was called
- > he suffered unexplained injuries around the time of his death, and
- > questions raised by the family had not been answered.

The Ombudsman investigated this complaint under powers introduced by Part 3A of the Local Government Act 1974 that came into force during October 2010.

The Ombudsman found that the home had:

- > made a prompt and thorough investigation of the family's complaint and had been open with them about its findings
- > been sensitive and courteous in all its written communications and answered the family's questions
- > fully accepted and apologised for the failure to notify the family of Mr M's fall and for his body having been moved before the doctor attended
- > instigated disciplinary action against two members of staff
- > begun to formulate a policy on staff and residents paying their respects in the event of a death, and
- > asked manufacturers to test why a pressure mat had failed to work and discovered that there had been a faulty component.

The Ombudsman said: "While I understand the daughter's ongoing distress, I do not believe that anything further could be achieved by pursuing this complaint. I am satisfied with the action that the home has taken and propose to discontinue my involvement in this case."

Case reference confidential

"Thank you for your painstaking intervention, which has had such a satisfactory result ... It has been a pleasure to work with someone who reads what we actually write, not what he or she thinks at a quick glance what we might have written; and we wish you well in the future."

**Mrs K**

LANCASHIRE

## Staffing in 2010/11

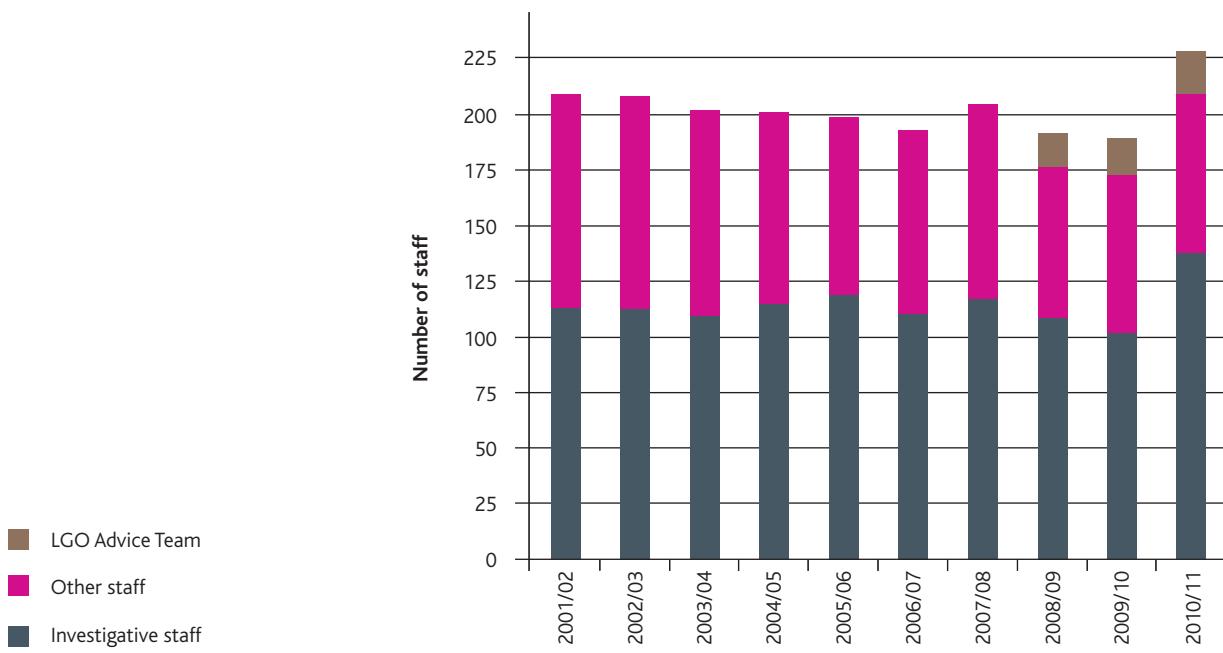
The total employee payroll bill for the year was £10.8 million. The number of Ombudsmen and their staff whose salary at 31 March exceeded £30,000 is shown in Table 15. The new teams created to deal with the two new areas of jurisdiction are reflected in the increased number of staff for 2010/11 in Graph 1.

(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**

	2010	2011
£30,001 – £40,000	46	73
£40,001 – £50,000	36	44
£50,001 – £60,000	12	14
£60,001 – £70,000	2	1
£70,001 – £80,000	0	1
£80,001 – £90,000	3	2
£90,001 – £100,000	1	1
£100,001 – £110,000	0	0
£110,001 – £120,000	0	1
£120,001 – £130,000	1	2
£130,001 – £140,000	0	0
£140,001 – £150,000	0	0
£150,001 – £160,000	0	0
over £160,001	1	0
<b>Total</b>	<b>102</b>	<b>139</b>

**Graph 1: Commission staff 2000/01 to 2010/11**



### Monitoring equality and diversity

**Ensuring that the complaints service that we deliver is open and accessible is integral to the mission of the Local Government Ombudsman and reflected in our Corporate Plan 2009–12 as well as our Business Plan for 2010/11.**

Equality monitoring forms an essential activity in evidencing progress in terms of this objective in relation to accessibility. Our forms currently collect data on age, ethnicity, disability and sex, but from 2011/12 we will additionally ask questions about religion, belief and sexual orientation, in line with new equalities legislation (Equality Act 2010) and best practice.

In 2010/11 we received 2,409 returned forms, which was an increase of over a third from the previous year. The figures in table 16 overleaf show the broad 'equality profile', on a sample basis, of citizens who have a complaint registered with the Ombudsman. In interpreting the results, as mentioned last year, it is important to keep in mind that the 2001 census data is now a decade out of date, so judging how representative the profile of our users is by using this data can be misleading. In addition, the users of many public services provided by local authorities, such as social

housing or adult social care have a different 'equality profile' from the general population. The results in the last year show that, as in previous years, our complainants are most likely to be white, male and aged between 25 and 59 years of age.

### Ethnicity

Table 16 overleaf shows that the ethnic composition of citizens who registered a complaint with the LGO has remained largely static over the last three years. Citizens from a black ethnic group constitute a larger proportion of complainants than their number in the population according to 2001 census data. However, black households are more likely to live in social housing at 43 per cent (J Hills: 2007<sup>1</sup>), and housing constitutes one of the largest categories of LGO complaints overall.

### Sex

The male to female ratio of complainants remains the same as the previous year. Men still seem to be more likely to register a complaint than women.

<sup>1</sup> J Hills, (2007) *Ends and Means: The Future Roles of Social Housing in England*, p3 <http://sticerd.lse.ac.uk/dps/case/cr/CASEreport34.pdf>. (It should be noted that these figures relate to occupants of local authority social housing and registered provider social housing.)

" I'd like to thank you for your co-operation and for dealing with my case in a very professional manner. I am extremely pleased with the way you have dealt with my complaint."

**Ms Z**

WEST MIDLANDS

**Table 16: Equality monitoring data of complainants 2008/09 – 2010/11**

Area monitored	2008/09 %	2009/10 %	2010/11 %	2001 census % of population
<b><i>Ethnic group</i></b>				
White	85	86	86	91
Black	6	6	7	2
Asian	5	5	5	5
Mixed race	2	1	1	1
Other ethnic group	2	2	1	1
<b>Total number</b>	<b>4,562</b>	<b>1,757</b>	<b>2,409</b>	<b>49,138,831</b>
<b><i>Sex</i></b>				
Male	56	55	55	49
Female	44	45	45	51
<b>Total number</b>	<b>4,837</b>	<b>1,841</b>	<b>2,396</b>	<b>49,138,831</b>
<b><i>Age</i></b>				
24 or under	3	3	3	31
25-59	65	57	58	48
60-64	–	–	13	–
65 and over**	32	40	27	21
<b>Total number</b>	<b>4,448</b>	<b>1,734</b>	<b>2,415</b>	<b>49,138,831</b>
<b><i>Disability</i></b>				
With disability	25	26	31	34*
<b>Total number</b>	<b>4,384</b>	<b>1,698</b>	<b>2,370</b>	<b>20,451,427*</b>
Note: This data excludes 'unspecified' responses.				
* This percentage and number relates to the number of households that include a person with a disability.				
**This category was 60 and over until 2010/11.				

## Age

In 2010/11 we expanded our older age range categories which makes historical comparisons slightly more difficult. However, from table 16 it is possible to see that our age profile remains unchanged from last year. The shift towards more elderly complainants remains.

## Disability

The major shift in the profile of complainants in 2010/11 is a 5 per cent increase to 31 per cent of people who regard themselves as being disabled.

## Freedom of Information

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 17 below.

In 2010, there was an increase in requests over 2009 of nearly 7 per cent, but this was considerably smaller than the 16 per cent increase the previous year. There were increases in both the general requests and in requests from complainants about their individual complaint. A large number of general requests came from a small number of individuals.



**Table 17: Analysis of requests in 2005 – 2010**

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
2005	241	52	146	43	11	31	8	9
2006	168	57	74	37	6	19	6	8
2007	185	77	62	45	4	11	6	12
2008	253	109	75	69	4	20	9	15
2009	294	124	100	65	8	25	6	32
2010	314	165	76	71	4	23	3	31

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) three files were closed without a decision notice being issued (although some procedural deficiencies were noted on one of them). Five decision notices were issued, with the complaints not being upheld, although in two decision notices the Ombudsman was criticised for failing to specify

the exemption applied in the initial responses to the FOI requests. In one of the cases resulting in a decision notice, the requester applied to the Information Tribunal for the case to go before them, and this case is still ongoing.

In the case that was before the Information Tribunal at the end of 2010, the requester eventually withdrew his application to the Tribunal.

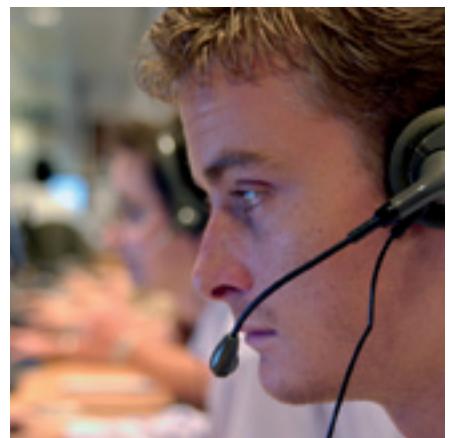
Our Publication Scheme<sup>2</sup> is available on the website, in the publications section. There is also a section on Access to Information from where the Guide to Information can be accessed.

### Sustainable development

The focus for 2010/11 was to achieve local and national targets in two areas: the reduction in CO<sub>2</sub> production and the reduction in landfill volumes.

The main contributors for CO<sub>2</sub> are through energy consumption in the office and travel for business and commuting purposes.

The most recent Display Energy Certificates (October 2010) indicated that the London and Coventry offices have reduced CO<sub>2</sub> generation by some 20 per cent over the previous three years. York had



reduced by 5 per cent, hitting the local target. The DCLG target for CO<sub>2</sub> reduction is 10 per cent over the coming year, and each office will be looking at how energy is used in the buildings and how consumption can be further reduced.

With regard to travel, a new contract with our travel supplier will provide management information on how much CO<sub>2</sub> each office generates through travel for work purposes.

New cleaning and waste management contracts were negotiated in each office during the year, which take effect in 2011/12. By the late summer 2011, all offices will have available an increased range of materials that can be recycled, and management information on volumes diverted from landfill will be available in order to benchmark our performance against other organisations and national averages.

<sup>2</sup> Copies of the Publication Scheme are available from the Secretary of the Commission, 10th Floor, Millbank Tower, Millbank, London SW1P 4QP.  
Tel 020 7217 4683.

**" Thank you so much for your carefully balanced work on this case."**

**Ms R**

GREATER MANCHESTER

## Good governance

For the period of this report the arrangements agreed between our sponsor department, the Department for Communities and Local Government, and the Commission, with the consent of the Treasury, for the use of grant are described in a Grant Memorandum.

The Commission is responsible for the provision of accommodation, staff and other support services for the Local Commissioners. It met seven times during 2010/11. Open papers and minutes of the meetings are available on our website at: [www.lgo.org.uk/about-us/governance/](http://www.lgo.org.uk/about-us/governance/).

The Commission has had a *Code of Conduct for Commission Members* since 1995. There is a *Register of the Interests of Commission Members* which is open to public inspection at the Commission's office in London. A copy of the information in the register can be supplied on request<sup>3</sup>. Both the Code and the Register are available on our website on the page noted above.

We have an Audit Committee that considers reports from our internal and external auditors, and oversees our risk management arrangements. It comprises an independent Chairman, the Parliamentary Ombudsman, another independent

member, and the Commission Chairman.

At the end of 2010/11, the Acting Chairman was Lucinda Bolton. She was recruited as an independent member during 2008, and took up her post as Acting Chairman in September 2010. Lucinda is 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.

The other non-Commissioner on the Committee is Eugene Sullivan. He is Acting Chief Executive of the Audit Commission. Previously he was employed as Partner and Head of Public Sector Services at RSM Robson Rhodes LLP.

We also have a Remuneration Committee, which met three times during 2010/11. The Committee is made up of three members appointed by the Commission. In the year in question they were:

Sir Anthony Redmond (until November 2010), Dr Jane Martin (from November 2010), Ann Abraham, Eugene Sullivan (until February 2011), Lucinda Bolton

(from February 2011). Sir Anthony Redmond was Chairman of the Committee until 11 November; his successor is Dr Jane Martin.

<sup>3</sup> Copies of the *Code of Conduct for Commission Members* are available from the Secretary of the Commission, Millbank Tower, Millbank, London SW1P 4QP. Tel 020 7217 4683. Requests for information from the *Register of Interests* should also be addressed to the Secretary.

# Glossary of terminology

## Complaints and enquiries handled by the LGO Advice Team

### Premature complaints and enquiries

The Ombudsman does not normally consider a complaint unless the organisation concerned has first had an opportunity to deal with the 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 give advice to the enquirer that their complaint is premature.

### 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 that is not premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction.

### Forwarded to the investigative team (resubmitted prematures)

These are cases where a premature complaint has been resubmitted to the Ombudsman when the person complaining is not satisfied with the

response from the organisation they are complaining about.

### Forwarded to the investigative team (new)

These are complaints that have been forwarded from the LGO Advice Team to the Investigative Team, for further consideration. They are from people who have not been in touch with us before (on the matter in hand) but who have already had their complaint considered by the organisation concerned.

### Complaints handled by the Investigative Teams

Some terminology was changed towards the end of 2010/11. In future we will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

### Outside jurisdiction

The Ombudsmen can investigate most types of complaints against local authorities, private adult social care providers and schools in 14 local authority areas. But there are some things the law does not allow them to investigate, such as personnel matters, and matters which affect all or most of the people living in a council's area. Such complaints,

when they are decided, are described as being outside jurisdiction.

### Local settlements

The term local settlement is used to describe the outcome of a complaint where, during the course of our consideration of the complaint, the organisation concerned takes, or agrees to take, some action that the Ombudsman considers is a satisfactory response to the complaint and the investigation is discontinued. This may occur, for example, in any of the following circumstances:

- > a council on its own initiative says that there was fault that caused injustice, and proposes a remedy which the Ombudsman accepts is satisfactory
- > an organisation accepts the suggestion by the Ombudsman that there was fault which caused injustice, and agrees a remedy which the Ombudsman accepts is satisfactory
- > an organisation and the person complaining themselves agree upon a course of action and the Ombudsman sees no reason to suggest any different outcome.

Local settlements will in future be described as 'Discontinued investigation: injustice remedied'.

" Many thanks for the time and effort you have spent with me in considering our complaint. The professional manner in which your investigation was conducted was greatly appreciated."

**Mr M**

CAMBRIDGESHIRE

## Ombudsman's discretion

Complaints described as closed by Ombudsman's discretion are those that have been discontinued because, for example:

- > the complainant wishes to withdraw his or her complaint, or
- > the Ombudsman considers that there is insufficient injustice to warrant the public expense of further investigation.

Ombudsman's discretion will in future be described as either 'Discontinued investigation' or 'Not to initiate an investigation' depending on at what stage the decision was taken not to pursue the complaint any further.

## 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).

## First report

When an Ombudsman issues a report after completing an investigation into a complaint about a council, this is referred to as the first report on the complaint.

## Further report

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

# 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)\*
- > 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)

\* Only where 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](http://www.lgo.org.uk)

**LGO Advice Team: 0300 061 0614**  
text 'call back' on 0762 480 4299

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

E: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

**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 Chairman's** office and 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

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and senior staff, do not depict real Ombudsman  
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