



The Commission for
Local Administration in England

Local Government Ombudsman

Annual Report 2002/03



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This year, the Annual Report is being published two months earlier than in previous years. As a consequence, the annual accounts will be presented in a separate publication.

The Commission and its role

The Commission for Local Administration in England was created by Part III of the Local Government Act 1974.

Membership

Chairman

Mr Tony Redmond

Vice-chairman

Mrs Patricia Thomas

Members

Mr Jerry White

Sir Michael Buckley
(until 4 November 2002)

Ms Ann Abraham
(from 4 November 2002)

Mr Redmond, Mrs Thomas and Mr White are Commissioners for Local Administration (Local Government Ombudsmen). Ms Abraham is the Parliamentary Commissioner for Administration (Parliamentary Ombudsman) and is a member *ex officio* of the Commission.

Senior staff

The senior staff of the Commission are:

Mr Richard Harrison,
Deputy Ombudsman, York
(until January 2003)

Mr Neville Jones,
Deputy Ombudsman, Coventry

Mr Nigel Karney,
Deputy Chief Executive and Secretary

Mr Peter MacMahon,
Deputy Ombudsman, London

The Local Government Ombudsmen's purpose and values

Our purpose is:

- to provide independent, impartial and prompt investigation and resolution of complaints of injustice caused through maladministration by the authorities listed below; and
- to offer guidance intended to promote fair and effective administration in local government.

Our values:

- We treat people with courtesy, consideration, openness and honesty; and respect their privacy.
- In the provision of our service we strive to:
 - be independent, fair and consistent; and take full account of what people tell us;
 - get to the truth and report accurately, promptly and in plain language;
 - explain fully the reasons for our decisions; and
 - treat people equally and not discriminate on any improper grounds.
- In employment we strive to:
 - train and develop individuals so that they make their best possible contribution;
 - encourage team work, work ownership, innovation and creativity; and recognise success;
 - provide good and safe working conditions; and
 - provide equal opportunities.

- As a responsible public organisation we strive to:
 - improve our work continuously;
 - provide value for money;
 - take account of the effect on the environment in the way we work; and
 - have good working relationships with our suppliers to maintain and improve our services.

Authorities within the jurisdiction of the Local Government Ombudsmen in 2002/03

- District, borough, city and county councils (but *not* town or parish councils).
- Education appeal panels.
- School governing bodies (admission matters only).
- School organisation committees.
- Housing action trusts (but *not* housing associations).
- Joint boards of local authorities.
- National park authorities.
- Fire authorities.
- Police authorities, (but *not* about the investigation or prevention of crime).

- The Greater London Authority.
- Transport for London.
- The London Transport Users' Committee.
- The London Development Agency.
- The Commission for New Towns (housing matters only).
- English Partnerships (some housing and planning matters only).
- The Norfolk and Suffolk Broads Authority.
- The Environment Agency (flood defence and land drainage matters only).

Equal opportunities

The Commission is committed to providing equal opportunities in employment and in the services it provides. The Commission seeks to ensure that no complainant, job applicant or Commission employee is treated any differently because of their: sex, colour, race, nationality, ethnic group, regional or national origin, age, marital status, disability, political or religious belief, trade union activity, sexuality or class.



Chapter 1

Chairman's introduction

This past year has marked a change in the Commission's approach to its business and the allocation of its resources.

I said in last year's report that more attention would be paid to the proactive role of the Ombudsman service, and significant progress has been made in this area. Whilst complaints and their resolution must remain our core business, we have now launched a number of new initiatives designed to improve information to would-be complainants and local authorities as well as disseminating good practice.

First and foremost, we have developed a Communications Strategy designed to increase awareness of our role and widen access to the service. Our work with the Audit Commission relating to the Comprehensive Performance Assessments for county and unitary authorities has proved useful, and this is now being developed for district councils.

At the time of this publication, a pilot is being launched with 120 local authorities for an annual letter containing an analysis of the types of complaints over the year, together with information about outcomes, examples of good practice and scope for improvement. We will listen carefully to feedback from the pilot authorities before rolling it out to all councils. Studies are also underway to improve access to the Ombudsmen, to forge closer and more effective links to the voluntary sector and advice agencies and to extend the training for local authority staff in complaints handling.

In the coming year, for the first time, a Special Report is to be issued focusing on

the funding of aftercare under mental health legislation. We see this as an opportunity of highlighting an issue of considerable public interest, and one which might be taken up by the relevant local authorities to correct their application of the 1983 Mental Health Act. Arrangements for co-operative working with the Audit Commission and the IDeA have been enhanced. A memorandum of understanding was established last year with the Standards Board, and this has been successfully applied in those cases where there may be involvement of both bodies because of the nature of the complaint.

But this change agenda has not distracted the Commission from its prime purpose of complaints handling. We have again seen an overall decline in the number of complaints received from 18,309 in 2001/02 to 17,610 last year. The fall can be attributed to a significant decrease in housing benefit complaints, and this must be, at least in part, to the credit of local authorities generally in improving administrative practices and local service delivery. There is no sign of any marked change in other complaints and there is some evidence that numbers will stabilise. Each Ombudsman's report provides a fuller account of the activity. So our challenge now is to strike an effective balance between robust, rigorous and efficient complaints handling and investigation, and advice and support to councils when reviewing administrative practice designed to improve service to the public.

I would like to say something about the possible merger of public sector

ombudsmen schemes. There is no immediate prospect of legislation to enable the Local Government Ombudsman (LGO), Parliamentary Commissioner for Administration (PCA) and Health Service Commissioner (HSC) to be merged. We remain concerned about our inability to carry out joint investigations of complaints arising in areas such as health and social care, benefits and regeneration. In the meantime, every effort is being made to work together, to pool resources and to facilitate information exchange. This has been helped by the co-location of PCA and HSC and the London office of the LGO from April this year at Millbank Tower. This is a positive move, but our ultimate objective is to offer one point of reference to our complainants where more than one of the current jurisdictions are involved.

Finally, on a very sad note, the Commission notes with great regret the passing on 21 October 2002 of Baroness Serota, who was the first Chairman of the Commission and the first Local Government Ombudsman for London and the South East. Bee Serota served with great distinction from 1974 until September 1982.

I hope you find this report to be informative and topical, but feedback on how it might be further developed would be welcome.



Tony Redmond
Chairman



Chapter 2

Business goals and performance

This chapter reports on our performance in the year ended 31 March 2003, and our progress towards achieving our business goals.

The Commission's goals

We review our business goals annually. We try to avoid making changes to the goals unless absolutely necessary. We decided that two of them should remain unchanged in 2002/03 but, because of our decision to increase our activity on promoting awareness, and guidance and advice, we amended the wording for business goals 2, 4 and 5, and we added a new sixth goal. Accordingly, our goals were:

- 1 To reduce the time taken to decide cases.
- 2 To provide customers with a service which is prompt, fair, courteous, open and honest.
- 3 To reduce the average cost per complaint.

4 To increase the number of cases decided per head of staff allocated to the investigative process.

5 To give guidance and advice, and so improve local authority services.

6 To increase awareness and understanding of our service.

Time taken to deal with complaints

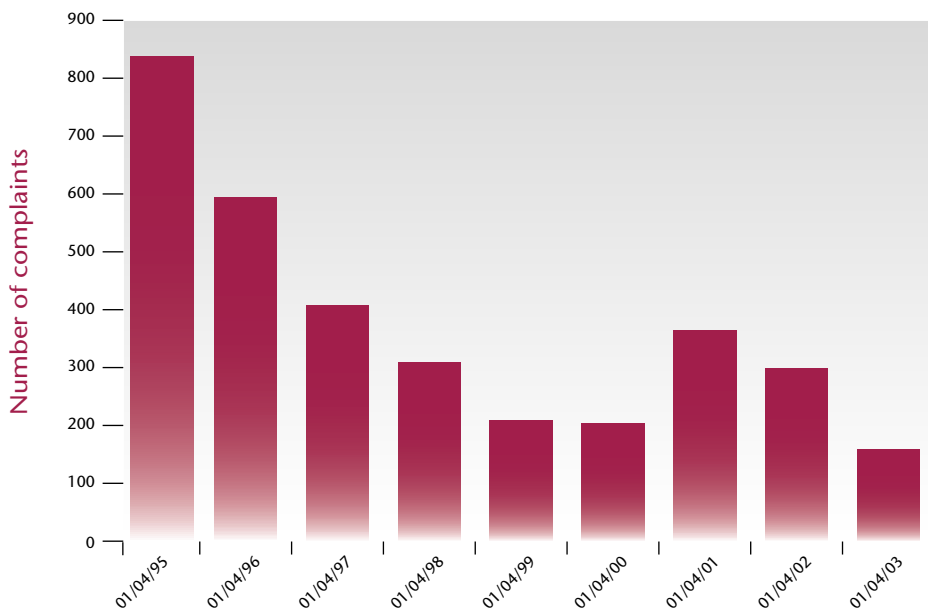
In 2002/03 we decided over 750 more complaints than we received, and times to make decisions decreased. We exceeded our targets for the percentage of complaints dealt with within 13 weeks and 26 weeks but, while we slightly improved on our target for the percentage dealt with within 52 weeks, we did not achieve our target.

There will always be a small minority of complaints that will take us more than 12 months to decide, either because of their complexity or because of external factors (such as the illness of the

Table 1: Cases decided within time bands

Key indicator	March 2001	March 2002	March 2003	
	Actual	Actual	Target	Actual
Percentage of all complaints (excluding prematures) determined within 13 weeks	51.3	49.9	50	53.9
Percentage of all complaints (excluding prematures) determined within 26 weeks	78.7	75.8	75	78.4
Percentage of all complaints (excluding prematures) determined within 52 weeks	95.1	93.0	95	93.5
Number of cases more than 52 weeks old	364	298	–	158

Graph 1: Complaints older than 12 months 1995 – 2003



complainant). As the number of housing benefit complaints has fallen, we have been able to resolve some of these cases and so reduce the total in this category by over a third.

Increasing customer satisfaction

Independently conducted surveys are the most reliable way to assess customer satisfaction. So, every four years, we commission a large customer satisfaction study from an independent consumer research company. The most recent survey was carried out by MORI in 1999; the results are on our website. The survey showed improvements in almost all areas.

We will run another survey in 2003/04, although we may take a different approach to concentrate on changes we might be able to make to our processes and procedures.

We also monitor customer satisfaction throughout the year by measuring:

- comebacks responded to within 28 days ('comebacks' are where complainants question our decisions on complaints¹); and
- justified complaints about our conduct ('customer complaints').

The proportion of comebacks is shown in table 2.

¹ See glossary at Appendix 5 for an explanation of 'comebacks'.

Table 2: Comebacks as a percentage of all decisions 1996/97 – 2002/03

	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
Comebacks as a percentage of all decisions	7.2	6.1	5.3	5.0	4.4	4.4	7.8
Number of comebacks	1,151	932	812	884	803	845	1,434
Percentage of these responded to within 28 days	56.0	59.4	62.6	63.5	57.0	58.6	72.3

Table 3: Customer complaints 1996/97 – 2002/03

	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
Not upheld	60	57	76	90	86	74	67
Upheld wholly or in part	18	24	38	35	31	40	27
Total	78	81	114	125	117	114	94

We recognise that complainants are generally disappointed when we find their complaint about the council is unjustified. A comeback is often the product of this disappointment rather than an indication of poor performance by us. So we are now analysing the outcome of comebacks to identify justified criticisms and to learn general lessons. Although the number of comebacks dealt with in 2002/03 appears to have increased significantly, this is because we have applied a consistent definition of a comeback, whereas previously the definition used in each of our three offices was slightly different. We decided in only 12 cases that our original decision was unsound and further investigation necessary.

Details of our 'customer complaints' monitoring are in table 3.

These are complaints about our treatment of the complainant, as distinct from the outcome of their complaint to us about the council. The number of customer complaints which we find are justified remains small and the majority of them are about delay. We analyse complaints that are upheld to learn lessons for improvement in our performance.

We usually monitor response times from our three office switchboards but, due to

a technical problem, we have had to suspend this activity. We will recommence monitoring in April 2003. We are unable to monitor pick-up times at desks because phones automatically switch to voicemail after five rings.

Cost of investigating complaints

The average cost per complaint in 2002/03 was £538¹. The average cost per complaint since 1993/94 is given in graph 2 over the page.

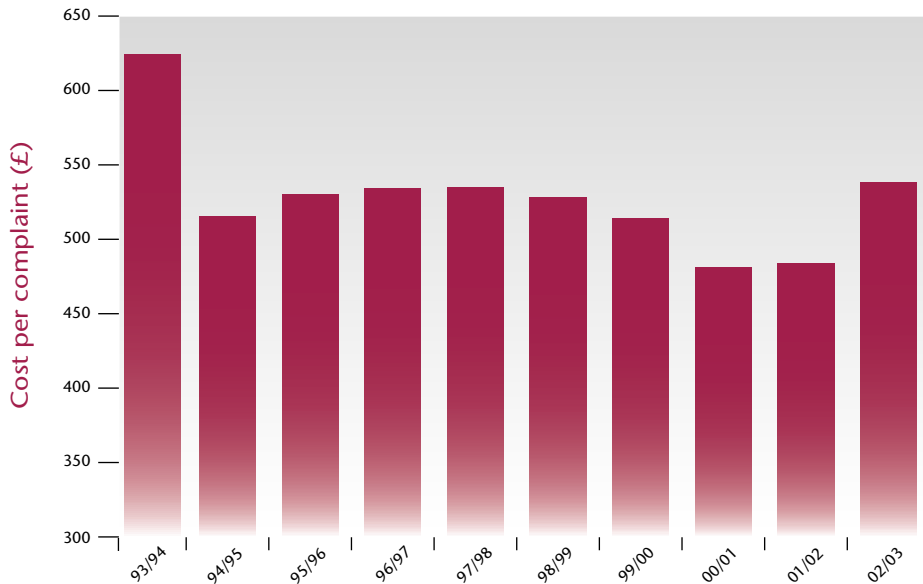
The cost is increasing as the number of relatively straightforward housing benefit cases becomes a smaller proportion of our overall workload. The costs will increase significantly in London due to our office move (costs would have increased anyway with rental revaluations).

Complaints determined per head of staff

As with cost per complaint, the reducing number of housing benefit cases as a proportion of our caseload has affected average productivity. But we are spending an increasing proportion of staff time on work associated with our 'Change Agenda'. These are projects designed to improve our operations and increase

¹ Pre-audit figure.

Graph 2: Average cost per complaint 1993/94 – 2002/03 (at 2002/03 prices)



advice and awareness. We estimate about five per cent of staff activity has been associated with the Change Agenda in 2002/03. Taking these two factors together, our average productivity in 2002/03 was 91.2 complaints determined per head of average number of staff in post, which compares with 89.4 complaints in 2001/02.

Guidance on good practice

In September we published our sixth annual *Digest of cases*. During the year, we also gave individual local authorities and other bodies large amounts of ad hoc advice on administrative practice at their request. Ombudsmen and staff gave talks at workshops, seminars and conferences.

In March 2003, we published a revised version of our *Guidance note 6: Remedies*.

Our five current *Guidance notes on good administrative practice* and the six *Digests* are available on our website, where they can be downloaded into a printed or electronic format.

Increasing public awareness

In 1995 we commissioned MORI to conduct a survey of public awareness of our service. MORI found that 47 per cent of a representative sample had heard of us: and that awareness is particularly low in some sectors of the community who are heavy users of council services. Information from the People's Panel sample in 1999, using a different method of questioning, indicated that awareness may be higher (73 per cent) but we have doubts that this is reliable. The feedback we received from our own 1999 public awareness project appeared to confirm the 1995 survey findings were still valid.

As 2002/03 drew to a close, we commissioned MORI jointly with the Parliamentary and Health Service Ombudsman's Office to carry out a national awareness survey of the public and of advice agencies. This exercise will both inform us about the current position and help us to develop methods we can put into practice to increase awareness. We will include a report on the results of this survey in our next annual report.

International activity

The year was notable for significant overseas activity on the part of Ombudsmen and some senior staff. The Commission has, in recent times, given priority to assisting in the development of ombudsman services in Central and Eastern Europe and we have worked with Estonia, Romania and the Czech Republic, receiving very positive feedback. Tony Redmond spoke at an American Ombudsman's Conference in Washington and received visits from the Republic of China, Peru and Papua and New Guinea to learn about our ways of working. Tony Redmond's election to the Executive Committee of the British and Irish Ombudsman Association helps to give the Commission an insight into public and private sector schemes, and Jerry White continues to serve on the Board of the European Ombudsmen Institute. This external focus, supported by the Foreign Office, is not and will not be at the expense of the Commission's core business of investigating complaints.

Access to information

The Commission's *Code of practice on access to information* came into effect on 1 November 1995¹.

During 2002/03, no charges were made for time spent on answering requests for information. All requests for information were met within the Commission's time targets, and no requests were refused other than those covered by exemption clauses in the Code.

Results of our equal opportunities monitoring

We ask complainants to complete a form telling us about their age, ethnic background, gender and whether they have a disability. The sixth full year of

monitoring (2002/03) showed the following:

- Complainants from ethnic minorities formed 15 per cent of all complainants who completed a monitoring form – compared with 16 per cent in the previous year. Around 8 per cent of the total population of the UK are from ethnic minorities.
- Just under three quarters of the complainants who responded to the question on age were aged 25-59 (71 per cent). Around 3 per cent were under 25.
- Around 29 per cent of complainants who completed a monitoring form said that they were disabled in some way, the same proportion as in the previous year. The most recent Census data available recorded a figure of 18.5 per cent of people in the UK with a 'limiting long-term illness'.
- More people with disabilities complained about housing or social services than average, and fewer people with disabilities complained about planning and education than average.
- A slightly higher proportion of men (55 per cent) than women made complaints to the Ombudsmen.

We also monitored how complainants found out about the Local Government Ombudsman service. Nearly a quarter of respondents said they found out about us from a council or councillor. The next most frequently cited sources were neighbour/friend/relative and Citizens Advice Bureaux. The proportion of people citing 'website' as their source of information on the Ombudsman went up to 6 per cent from 4 per cent in 2001/02, making it the sixth most frequently cited source, above the media, MPs, law centres, libraries and telephone directories.

¹ Copies of the *Code of practice on access to information* are available from the Secretary of the Commission, Millbank Tower, Millbank, London SW1P 4QP. Tel 020 7217 4683.

'Black' people, people of 'mixed race' and people from 'other' ethnic groups are less likely to cite a council or councillor than other groups. More 'black' and 'other' complainants cited a solicitor as their source of information than 'white' complainants.

Equal opportunities initiatives

We continue to be active in our commitment to equal opportunities¹. Although not subject to the Act, we have agreed to operate in accordance with the spirit of the Race Relations (Amendment) Act 2000.

We are keen to increase the proportion of our investigators who have a minority ethnic background. We reviewed our arrangements for selection of investigative staff with external advisers, TMS, and introduced changes in our person specification and recruitment materials. We recently completed a validation of our selection tests and will be implementing improvements in the next recruitment round. In early 2002 we completed the programme of equal opportunities and diversity training for all staff; we collated staff views and suggestions from this exercise and agreed a programme of follow-up activity over the next 12 months.

We continued our practice of training all new staff in disability awareness, following the exercise in 2000/01 when we trained all current staff. We do this by using the self-managed learning materials from Grassroots and conducting telephone tests.

Our Equal Opportunities Standing Group continued to be active in monitoring our

work and suggesting changes to procedures and practices.

Sustainable development

We have an environmental policy which is the special responsibility of one of our Deputy Ombudsmen. We continued to pursue a range of measures in 2002/03. We encourage staff to cycle, car share or use public transport when travelling to and from, or in the course of, work. We monitor our paper usage and encourage use of e-mail. We continue to use chlorine-free paper from sustainable sources, and the paper used for our leaflets is 75 per cent recycled. We recycle waste, and in particular, waste paper and some IT consumables. We have an intranet which reduces the need for staff to have policies, procedures and guidance material in hard copy. We purchase environmentally friendly goods where possible, and seek information on the environmental policies of suppliers of goods and services.

Code of Conduct for Commission Members

The Commission's *Code of Conduct for Commission Members* came into effect on 3 October 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 will be supplied on request². The Code of Conduct was revised in December 1999 in the light of guidance issued by the Cabinet Office.

¹ See equal opportunities statement on page 2.

² 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.



Chapter 3

Analysis of complaints

This chapter provides an analysis of all the complaints we received and determined in the year ended 31 March 2003. The terminology is explained in the glossary in Appendix 5. More detailed statistics are given in Appendix 1.

Complaints received

We received a total of 17,610 complaints in the year ended 31 March 2003, compared with 18,309 in the previous year. This is a fall of 4 per cent.

We decided 18,376 complaints. The numbers of complaints received and complaints determined since 1993/94 are set out in graph 3 below.

Subjects of complaints

The subjects of complaints are shown in chart 1 over the page. A more detailed breakdown is given in Appendix 1(a).

Outcome of complaints

Table 4 summarises the decisions made on the complaints. The total number of complaints where redress was obtained was 3,857 – 32 per cent of all complaints determined (excluding premature complaints and those outside jurisdiction) and 2.3 percentage points lower than the previous year.

Graph 3: Complaints received and determined 1993/94 – 2002/03

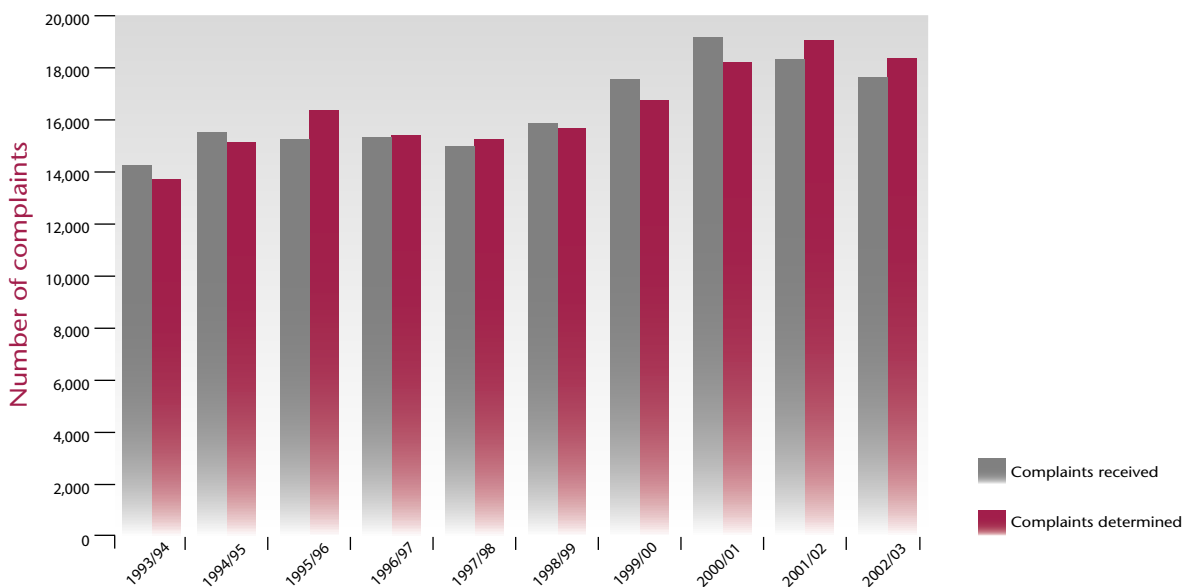


Chart 1: Complaints received by category 2002/03

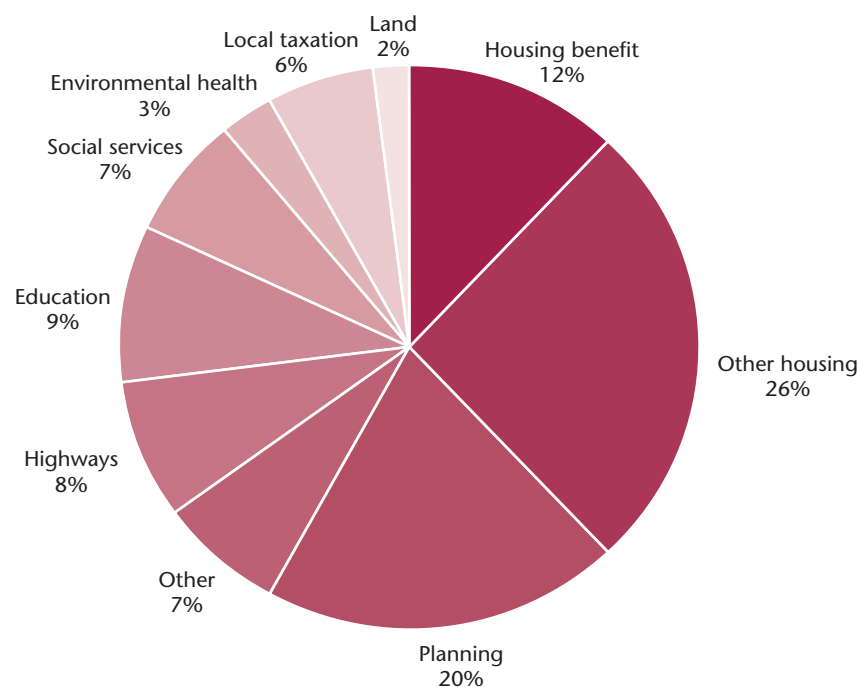


Table 4: Analysis of outcome of complaints 2002/03

	Number of complaints	Percentage of total (excluding premature complaints and those outside jurisdiction)
Local settlements (without report)	3,651	30.3%
Local settlement report	84	0.7%
Maladministration causing injustice (issued report)	122	1.0%
Maladministration, no injustice (issued report)	23	0.2%
No maladministration (issued report)	42	0.3%
No or insufficient evidence of maladministration (without report)	5,518	45.8%
Ombudsman's discretion not to pursue complaint	2,617	21.7%
Premature complaints	4,106	
Outside jurisdiction	2,213	
Total	18,376	

See the glossary at Appendix 5 for an explanation of terminology.

1 Copies of the individual investigation reports can be obtained from the Secretary of the Commission, Millbank Tower, Millbank, London SW1P 4QP. Tel 020 7217 4683.

A breakdown by category of reports issued in the year is given in Appendix 1(c). As with complaints received, housing matters still formed the largest percentage of reports issued and

planning matters formed the second largest percentage. A list of all formal reports issued during the year and their findings is given in Appendix 3¹.



Chapter 4

Local settlements

Our aim is to obtain redress for people who have suffered an injustice as a result of maladministration. The sooner redress can be achieved, the better. If a council is willing to accept fault, to provide a fair remedy for it and make any administrative improvements that are necessary, the investigation may be discontinued.

In 2002/03, 3,651 complaints ended in local settlements¹. Local settlements represented 30 per cent of the complaints we determined, excluding premature complaints and those outside our jurisdiction; in 2001/02 the percentage was 33.

¹ See glossary in Appendix 5 for a full explanation of 'local settlements'.

Table 5: Local settlements by category 2002/03⁵

Subject	Mr Redmond			Mr White			Mrs Thomas			Commission		
	Total ¹	LS ²	% ³	Total ¹	LS ²	% ³	Total ¹	LS ²	% ³	Total ¹	LS ²	% ³
Council housing management	445	113	25.4	476	89	18.7	412	102	24.8	1,333	304	22.8
Council housing repairs	224	113	50.4	249	115	46.2	300	169	56.3	773	397	51.4
Housing benefit	789	547	69.3	748	565	75.5	496	299	60.3	2,033	1,411	69.4
Planning	492	53	10.8	1,033	83	8.0	874	71	8.1	2,399	207	8.6
Education	391	123	31.5	422	70	16.6	573	106	18.5	1,386	299	21.6
Land	44	7	15.9	63	10	15.9	92	24	26.1	199	41	20.6
Highways	274	55	20.1	289	43	14.9	274	56	20.4	837	154	18.4
Environmental health	82	15	18.3	180	31	17.2	156	37	23.7	418	83	19.9
Local taxation	189	72	38.1	321	183	57.0	185	70	37.8	695	325	46.8
Social services	168	38	22.6	212	46	21.7	296	86	29.1	676	170	25.1
Drainage	21	3	14.3	44	6	13.6	51	16	31.4	116	25	21.6
Leisure and recreation	35	7	20.0	38	7	18.4	61	7	11.5	134	21	15.7
Total⁴	3,450	1,214	35.2	4,426	1,315	29.7	4,181	1,122	26.8	12,057	3,651	30.3

¹ The total complaints determined in each category, excluding premature complaints and complaints outside the Ombudsmen's jurisdiction.

² The total number of local settlements in each category.

³ The figure in column 2 as a percentage of the figure in column 1.

⁴ These figures are not the totals of each column because some categories of complaint are not shown.

⁵ This table does not include local settlement reports.

Case study: Education admissions

Two mothers complained about the Governors' refusal to admit their children to Year 7 of the school from September 2001, and about the way in which the Admissions Appeal Panel heard their unsuccessful appeals against the Governors' refusals.

The Ombudsman's investigation showed that the Governors and the Panel did not comply with the statutory Codes of Practice on School Admissions and School Admission Appeals. The Ombudsman cannot be satisfied whether or not, but for the administrative faults, the appeals on behalf of the two children would have succeeded. He found the Governors and the panel acted with maladministration causing injustice to the two women, and recommended that the Governors should:

- (a) apologise to the complainants fully and pay them £350 each to recognise their time and trouble in complaining to the Ombudsman;
- (b) treat their interest in admissions as applications for their children to enter Year 8 and tell them the outcome in accordance with the Appeals Code;
- (c) in the event of an unsuccessful outcome, arrange the early rehearing of an appeal by a Panel with a different clerk and members;
- (d) if unable to arrange the matters set out in (b) and (c) above within a short time, offer any affected child an immediate place in the school;
- (e) review their procedures (including their criteria) and those of the panel to eliminate the faults identified in his report and tell him the outcome within three months; and
- (f) provide training for Governors, panel members, their clerks and other staff on admissions and appeals.

22 October 2002

Local settlements can occur at various stages of the investigation. For example, councils sometimes volunteer settlements in response to our first enquiries about a complaint. Often, however, our staff, having considered the information collected from the council and the complainant, identify what appears to be maladministration and a consequent injustice and propose a settlement.

Table 5 sets out the number of local settlements by category of complaint for each of our areas and for the Commission as a whole. It also shows the number of local settlements as a percentage of all complaints determined in each category, excluding premature complaints and those outside our jurisdiction.



Mr Redmond joined the Commission as Chairman on 12 November 2001. In 2002/03 he dealt with complaints against London boroughs north of the Thames (except Harrow and Tower Hamlets), the Greater London Authority, and authorities in Essex, Kent, Suffolk, Surrey, East Sussex, West Sussex, Berkshire, Buckinghamshire and Hertfordshire. Before becoming a Local Government Ombudsman, Mr Redmond was chief executive of the London Borough of Harrow. Prior to that he served as treasurer and deputy chief executive of Knowsley Metropolitan Borough Council and also treasurer to the Merseyside Police Authority. He has also held senior posts in Wigan Metropolitan Borough Council and Liverpool City Council.

Chapter 5

Report of Tony Redmond

Last year my office experienced a small increase in the number of complaints received although the complaints determined in the year fell slightly, whilst the overall numbers handled by the Commission revealed a further decline compared with the previous 12 months. The increase in complaints received by my office arises following a reallocation of areas between the three offices¹.

I commented last year on the significant improvement in the management and processing of housing and council tax benefit, and I am pleased to be able to say that this has continued. Although delays continue to occur in the assessment, determination and payment of benefit, the vast majority of local authorities in my area have strengthened the organisation and application of the regulations as well as enhancing the customer care and complaints handling aspects of the service. Some have allocated additional resources to clear the backlog of cases whilst others have reconfigured the service including, in some cases, reverting to an in-house provision from an external provider. Among those who have made continuing progress in this area is the London Borough of Hackney, but there is scope for still further improvement.

There is little overall change in the remaining service areas from which complaints derive, although planning numbers have risen, primarily in the area of complaint about consideration/ neighbour amenity where numbers have increased from 315 to 519. Nevertheless, there are two areas where the type of

complaint received is a symptom of difficulties being experienced by councils and related bodies in fulfilling their service responsibilities.

Education admissions have presented problems for both LEAs and governing bodies in recent years. Many complaints arise because there is a sense of injustice through the way in which policies, procedures and codes of practice are applied. This can be a sensitive, and sometimes highly contentious, area for both admissions authorities and parents alike.

Where selection by examination exists, the appeals process is not always rigorously applied. Failure to follow the code as laid down can lead to inconsistency and unfairness in the appeal process. Members of the appeal panel should have proper training and have a clear understanding of the rules to be followed at each hearing. It is to the credit of most admissions authorities that they are readily willing to agree a rehearing of the appeal where there are any flaws in the proceedings, but regular reviews of admission arrangements and their application is strongly advocated.

Complaints also come to me in respect of the practices followed by some governing bodies of voluntary aided schools when validating religious worship where it is part of the admissions criteria. I remain concerned that such criteria are sometimes loosely worded, with variable interpretation, and applied inconsistently. The weightings attached to the criteria are often unclear and the evidence provided of say, church attendance, is less

¹ See Appendix 1 for detailed statistics.

Case study: Housing benefit

A solicitor, acting for 97 residents and former residents of a hostel for the single homeless, complained that there was unreasonable delay by a council's Benefits Service in dealing with her clients' requests for a review, and a further review, of its decision to restrict the amount of housing benefit paid to the residents. She also complained about further delay and drift by officers in reviewing the cases following the decision of the Housing Benefit Review Board to adjourn the cases pending re-determination of the rent by a rent officer.

The Ombudsman found maladministration causing injustice and recommended the council to pay compensation based on a monthly rate of £15 for periods of unreasonable delay in conducting the first stage officer reviews and the further reviews by the Review Board, together with compensation for further delay in reaching the decision to lift the rent restriction following the Review Board hearing. Compensation was to be awarded to all residents and former residents who were affected by the rent restriction.

On 14 November 2000 the council agreed to implement the Ombudsman's recommendations for compensation. Implementation of the settlement was put on hold pending the outcome of judicial review proceedings.

7 October 2002

than clear and consistent. I have conveyed my view, in this respect, to admissions authorities that decisions on appeals must have full regard to the admissions criteria in respect of religious worship, be clearly evidenced and transparent, and be communicated to the complainant with full reasons for the decision taken.

The second area which I wish to highlight relates to neighbour nuisance. Complaints are not large in number but can be amongst the most difficult to resolve. Such nuisance tends to arise from excessive noise, harassment or threats of violence. Local authorities, understandably, can have difficulty investigating and resolving these issues because firm evidence is often lacking. Given the nature of such problems, the solution may involve a number of agencies including housing, environmental health, social services as well as health, police and the Commission for Racial Equality. Efforts have been made to rehouse or remove offending tenants but this cannot always be the solution. I look forward to the increased development of multi-agency work as well as more active out-of-hours noise monitoring, but I do not underestimate the difficulties in reaching a satisfactory outcome in many instances of alleged neighbour nuisance.

Partnership working has increased significantly in recent years particularly as a result of the launch of local strategic partnerships. Complaints that come to me where a partnership is involved are

gradually but slowly increasing. The investigation of such a complaint can be complex if the governance arrangements underpinning the partnership project have not been properly established. I look to the partners to make clear the commissioning arrangements, joint financing protocol and the specific accountability. Given the intricate nature of many such ventures being established between the public, private and voluntary organisations, it can be frustrating for the would-be complainant not to be able to identify the accountable body with which the complaint should be registered.

I should say a few words about our London office. In keeping with the commitment to create an effective dialogue between the Ombudsman's office and local councils, I will be looking for meaningful contact between the bodies. We will organise a training seminar for complaints managers later this year, and more regular liaison in respect of particular problem areas that may arise. This proactive role on the part of the Commission is a key part of its drive to improve its profile, prominence and accessibility to the benefit of both complainants and councils.

Finally, my thanks to the staff for the quality of output that has been achieved over the last 12 months and for the support given to me in progressing the change agenda.

Tony Redmond



Mrs Thomas has been a Local Government Ombudsman since October 1985 and Vice-chairman of the Commission since November 1993. In 2002/03, Mrs Thomas dealt with complaints against the London Borough of Tower Hamlets and Birmingham City, and authorities in Cheshire, Derbyshire, Lincolnshire, Nottinghamshire, and the north of England (except the cities of Lancaster and York). Before becoming an Ombudsman, Mrs Thomas was a lecturer in law, first at the University of Leeds and then at Lancashire Polytechnic (now the University of Central Lancashire), where she became professor and head of the School of Law. She was also president of the Greater Manchester and Lancashire Rent Assessment Panel and a chairman of the Blackpool Supplementary Benefit Appeal Tribunal.

Chapter 6

Report of Patricia Thomas

Introduction

It could have taken 65 years before all footpaths in its area could be walked, if a council had continued at its then rate of amending the rights of way map. Following my intervention, the council put more resources into dealing with footpaths.

This is one example of the complaints dealt with by me and my staff during the last year. The year saw some relief from the unrelenting pressure of ever-increasing numbers of complaints. The number of complaints received, although still high at 6,208, was 7.6 per cent lower than the previous year. This was, in part, because the Coventry office again dealt with complaints against local authorities in Staffordshire, Shropshire and the West Midlands (except Birmingham City Council). Complaints against the London Borough of Tower Hamlets were, however, transferred to York.

Performance remains well ahead of the Commission time targets with 63 per cent of complaints decided within 13 weeks, 86 per cent within 26 weeks and 97.5 per cent within 52 weeks. The number of complaints determined was 6,429 (around 198 per investigator) and 221 more than the number of complaints received. At the end of the year the number of complaints over 52 weeks old was 28, down from 42 the previous year.

The number of investigation reports I have published has continued to fall. In total last year I issued 75 reports, 10 against London authorities (arising from the assistance given by my office to the London office in previous years, and

my acting as Chairman for a period following the retirement of Sir Edward Osmotherly). I am pleased to report that I did not need to issue any further reports, nor did I require any council to publish a statement. Most of the councils whose complaints I investigated have co-operated with my staff and have been willing to provide remedies where their maladministration has resulted in injustice to the complainants. This has meant that it has not always been necessary to conduct full investigations when things have gone wrong (27 per cent of complaints within jurisdiction resulted in local settlements). I have, however, completed investigations resulting in reports, despite the council concerned being willing to provide an appropriate remedy, when I have felt that the public interest required it.

Co-operation

Improved handling of complaints by councils must be to the benefit of complainants, whose justified complaints may then be resolved without the need to come to me. Increasingly, councils have been concerned to improve the way they investigate and resolve complaints, and my staff are always willing and have been enthusiastic to help them. Since 1998 a team of investigators has led training seminars for councils' complaints officers. Courses were held last year for Leeds City, Sunderland City and Kirklees Councils and the Northwest Complaints Officers Group. It is hoped that with the increasingly proactive role of the Ombudsman service (*see Chapter 1*) we will be able to increase the number of courses we are able to hold.

Legal issues

I have received complaints from council tax payers in two different council areas whose properties had been incorrectly banded for several years. When it had been corrected, they had both overpaid a considerable amount of council tax which the two councils repaid. It would appear that the law does not allow for the payment of interest on any overpayment of council tax resulting from a change in the banding of a property. The law does, however, allow for the payment of interest on sums overpaid for non-domestic rates. I could not say that either council had acted with maladministration in not paying interest, but I have to agree with the complainants that the law does not seem to be fair.

Housing benefit

Housing benefit complaints continue to fall both in number and as a percentage of the total. Last year, at 697 complaints out of 6,208, it represents 11 per cent, down from 13 per cent in 2001/02 and 15 per cent in 2000/01. As in the previous year, over half of the housing benefit complaints in my area came from only three authorities.

A strategy agreed between Sheffield City Council and members of my staff had reduced complaints from 361 in 2000/01 to 152 in 2001/02 and to 40 such complaints last year. After highlighting the problems in past reports, it is only fair that I take the opportunity here to commend the Council and officers concerned for this considerable improvement.

In last year's report I also mentioned the increase in housing benefit complaints against Birmingham City Council, which rose to 210 from the 131 the previous year. The downward trend noted then has continued, and this year I received 122. I hope that this downwards trend continues next year.

Unfortunately there has been a large increase in the number of complaints which I am now receiving against Liverpool City Council. Four years ago I received only 18 housing benefit complaints. This has risen dramatically to 40 in 2000/01 then 77 in 2001/02 and 216 last year. This now represents 31 per cent of the total housing benefit complaints received by my office.

Following the change in the system of appealing against housing benefit decisions, whereby the Tribunal Service took over from Housing Benefit Review Boards which had been administered by councils themselves, I received complaints about delay in remitting appeals. I issued four reports last year on investigations into complaints against Liverpool City Council who had taken an unacceptable amount of time in remitting appeals to the Tribunal Service. I am pleased that the Council has made great strides in reducing its backlog and now has a dedicated team to deal with appeals. I am also pleased to see that the Council has set itself the target of submitting appeals to the Appeals Service within 28 days. I see no reason why that should not be accepted as the target by all councils, and have been pleased that a number of authorities have adopted it. Those in receipt of housing benefit should not have to wait a long time for a decision which may put them at risk of losing their home.

Case study: Homelessness

A council failed to consider whether the complainant and her daughter should, exceptionally, be allowed to remain in their home; of which the complainant's mother had been the tenant and in which the complainant had lived for 32 years. The Ombudsman's investigation found that the possession order which the council secured for their eviction was founded on inaccurate information. The council failed to apply the housing legislation properly and sensitively; it did not offer the complainant advice and assistance to help her find suitable accommodation, either before or after her eviction, nor did it consider properly whether she might be in priority need. In addition, it failed to give her proper reasons for most of its decisions, failed to review them when she asked, and failed to give her information to which she was entitled. By unlawfully removing the complainant's name from its housing register and refusing to reinstate it, the council deliberately avoided its responsibilities to her.

The Ombudsman commended the council for its eventual acceptance that it had caused the complainant and her daughter grave injustice. The council agreed to pay the complainant £5,000 compensation, carry out a thorough review of its procedures, and introduce an eviction panel to ensure that in future all necessary procedures are carried out properly before an application is made to court.

14 January 2003

I was disappointed to have to issue another report in November against Scarborough Borough Council on the Council's delay in remitting appeals, despite my having issued a report about the same matter last March. The Council had told me it had put in extra resources to reduce its backlog and hence the time taken. That clearly did not happen.

Remedies

The remedies I generally seek for complainants are designed to put them back into the position where they should have been had the maladministration not occurred.

Remedies can include financial compensation for the injustice that occurred as a result of the maladministration. Payments can also be

recommended for the time and trouble taken pursuing a complaint. The sum of the payments made by councils following complaints to me during the year totalled around £300,000.

And finally ...

I must again record my thanks to all the staff in my office who have continued to work hard to achieve just outcomes for complainants where maladministration has occurred. In particular, I should like to thank my Deputy, Richard Harrison, who retired in February after 25 years of valued service to the Commission. We will all miss his contributions to the life and work of our office.

Patricia Thomas



In 2002/03, Mr White dealt with complaints about authorities in all of southern England (except Essex, Kent, Surrey, East Sussex, West Sussex, Berkshire, Buckinghamshire, Hertfordshire and London boroughs north of the Thames, but including Harrow), East Anglia (except Suffolk), the south-west and most of central England, and the cities of Lancaster and York. Before becoming a Local Government Ombudsman on 1 March 1995, Mr White was chief executive of the London Borough of Hackney. He has served in local government since 1967, including senior positions in the environmental health and housing departments of the London Boroughs of Islington, Haringey and Hackney. He is Visiting Professor in the School of History and Politics at Middlesex University and Associate Fellow at the Department of History at the University of Warwick.

Chapter 7

Report of Jerry White

Performance

Last year proved a difficult year, mainly due to the slowdown in council response times from South London authorities that I referred to in my last annual report, and due to a significant backlog of old complaints in respect of housing benefit administration in the London Borough of Lambeth. All time targets were regrettably missed, with 47 per cent of complaints determined in 13 weeks (target 50 per cent), 74 in 26 weeks (target 80 per cent), and 92 in 52 weeks (target 95 per cent). The number of complaints over a year old at the end of the year rose from 80 on 31 March 2002 to 89; but this represented a considerable improvement over the middle of the year when the figure had reached 136.

By the end of the year the picture respecting old Lambeth complaints had much improved, and I am confident that performance will be restored to previous levels during 2003/04.

I would like once more to pay tribute to my excellent staff who have worked hard under stressful circumstances to deliver 6,159 decisions in the year.

Enforcement

The Ombudsman's recommendations to councils are not enforceable in law. This is quite often considered a disadvantage of the Ombudsman system by organisations which represent complainants. In general though, the Ombudsmen consider this to be a valuable feature facilitating an informal and non-adversarial approach to

investigations. The capacity for a council finally to disagree with the Ombudsman's findings generally means that councils are open, co-operative and not defensive while the investigation is being carried out.

It is now relatively rare for my recommendations to be rejected by councils. So it is disappointing to state that this year I had to issue five further reports where councils had rejected the recommendations I had made in my first reports. One of these, against Castle Point District Council, led to a change of heart by the Council and another, against North Norfolk District Council, was still being considered at the end of the year.

A third, against Portsmouth City Council, was rejected. I had criticised the Council for making what I considered to be oppressive enquiries of a charity applying for a street collections permit, and for defects in the way it sought police checks in respect of the same application. I felt there was no basis in law for the enquiries the Council had made, and that the police check was not carried out with due regard to relevant case law. The Council was supported by the Charity Commission in the action it had taken. And I recognised that the only way of determining the question definitively was by clarification of the law or through a judicial challenge of my decision. I wrote to the Home Secretary to explain what I considered to be an unfortunate gap in the law as presently enacted, and he replied to the effect that the law was currently under review by the Cabinet

Office. I hope that this will lead to an early clarification of the rights and duties of local authorities in matters of this kind.

It was most unfortunate for the charity concerned that the City Council did not comply with my recommendation to pay compensation of £1,000 and revise its practice in this area. However, I did not proceed to take the only further action open to me and order that the Council publish a statement relating to this case in the local press. I continue to believe that the Council acted wrongly here. But I can see why the Council felt it had a reasonable basis for holding to its view while the law remains silent on crucial points, and while its actions receive the support of the Charity Commission.

I cannot, though, understand the actions of Chichester District Council who rejected the recommendations of two separate reports to pay compensation of £500 and £1,000 to complainants whose grievances I had upheld. Here the Council advertises the Ombudsman as the third and final stage of its complaints procedure. Yet its citizens should be aware that the Council seems to have no compunction in rejecting any decision it chooses not to like. This is a council that apparently finds it very hard to admit that it has made a mistake. In my view, its actions do no credit to local government or the people of Chichester.

Local settlements

On a much more positive note, the proportion of complaints within jurisdiction that resulted in a local settlement¹ rose to a record level for my

team, substantially due to the change in my area to include South London. Nearly one in three complaints (30 per cent of all complaints determined, excluding premature complaints and those outside jurisdiction) were thus upheld, in whole or in part, in that I identified fault and recommended a remedy for the injustice caused. This was the case in 1,315 complaints, compared with 1,056 (25 per cent) in the previous year. In virtually all these cases the council accepted the need to remedy the complaint before I had concluded my investigation. This is a very welcome outcome, because it means that injustice is remedied quickly and without the need for an expensive public report which must be advertised in the local press.

In some of these cases, however, I completed my investigation and issued a report even where the council concerned had agreed to remedy the injustice I identified. There might be a number of factors that persuade me this is the appropriate course to take. For instance, other people may have suffered in a similar way from the same maladministration that I have identified, and so a public report might alert them to the fact. Sometimes the fault itself is a matter of public interest, for instance where gross errors in council administration still continue despite new arrangements which should have put things right. And sometimes the remedy is so expensive that local tax payers should be made aware of the cost to them of errors in the council's systems.

But issuing a public report in such circumstances is not all bad news. After

¹ See glossary in Appendix 5 for a full explanation of 'local settlements'.

Case study: Planning consideration/ neighbour amenity

A couple live in a cottage which abuts the site of a new block of flats. When considering the reserved matters planning application for the flats, a council failed to take proper account of the couple's amenity. The flats as built are overly dominant, are excessively close to their home, and overlook their garden. The council accepted that more should have been done to safeguard the couple's amenity. The Ombudsman found maladministration causing the couple injustice.

The council agreed to a 'before and after' valuation exercise. An independent valuer assessed the value of the couple's home as it is now, and also assessed its value with a notional scheme, more acceptable in planning terms, on the neighbouring site. The council agreed to pay the couple the difference between the two valuations, amounting to £37,500, plus £250 for their time and trouble in pursuing the complaint.

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all, the council concerned has stood up to its responsibilities. It has acknowledged its mistake, said sorry and acted as far as possible to put things right. To that extent it should be congratulated.

And finally ...

I owe Northamptonshire County Council an apology. In our report for 1998/99, we included details of the average times it takes councils to respond to our enquiries (Appendix 4). In this, I made a mistake in citing the average time for Northamptonshire. I said there had been eight enquiries with an average response

time of 13.4 weeks, when it should have been seven enquiries with an average of 4.9 weeks. The Council objected and I said I would correct it when we produced these figures again. We produced a similar table in our report for 2001/02 and compared figures for 2001/02 with those for 1998/99. But I forgot to correct the earlier figures. So this year, at last, I have managed to put things right, and I'm sorry it's taken me such a very long time to do it.

Jerry White



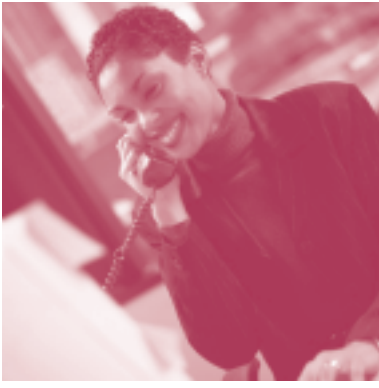
Appendix 1(a)

Subjects of complaints received 2002/03

	Mr Redmond	Mr White	Mrs Thomas	Totals
Housing:				
Housing register/allocations	130	95	145	370
Housing transfers	230	224	133	587
Neighbour nuisance	218	186	196	600
Council housing management, other	186	108	117	411
Homelessness	147	86	59	292
Council housing repairs	412	386	476	1,274
Regeneration/improvement	7	19	34	60
Housing sales/leaseholds	176	139	110	425
Housing benefit	799	557	697	2,053
Housing grants	37	38	97	172
Private housing notices	11	24	10	45
Harassment/unlawful eviction	6	2	6	14
Rent accounts	48	41	42	131
Other	24	22	116	162
Total housing	2,431	1,927	2,238	6,596

Planning:				
Publicity for planning applications	30	66	52	148
Enforcement	168	203	206	577
Consideration/neighbour amenity	519	802	687	2,008
Development plans	9	22	9	40
Conservation areas/listed buildings	20	74	8	102
Refusal of planning permission	49	78	52	179
Other	102	199	138	439
Total planning	897	1,444	1,152	3,493

	Mr Redmond	Mr White	Mrs Thomas	Totals
Education:				
Special educational needs	71	73	77	221
Admissions	347	281	456	1,084
Exclusions	6	15	20	41
Education grants	13	9	16	38
Education transport	31	24	40	95
Other	45	36	65	146
Total education	513	438	674	1,625
Social services:				
Services for adults	174	172	247	593
Services for children	113	138	238	489
Registered homes	2	11	1	14
Other	35	41	29	105
Total social services	324	362	515	1,201
Land	89	103	133	325
Environmental health	168	212	236	616
Highways	531	462	379	1,372
Local taxation	345	437	313	1,095
Drainage	45	90	73	208
Leisure and recreation	61	49	95	205
Building control	9	27	27	63
Commercial	40	62	60	162
Personnel	43	39	58	140
Consumer protection	17	19	18	54
Transport	12	5	21	38
Fire	1	1	1	3
Police	3	3	3	9
Miscellaneous	87	106	212	405
Overall totals	5,616	5,786	6,208	17,610



Appendix 1(b)

Analysis of outcome of complaints 2002/03

	Mr Redmond	Mr White	Mrs Thomas	Totals
Local settlements (without report)	1,214	1,315	1,122	3,651
Local settlement report	1	29	54	84
Maladministration causing injustice (issued report)	23	74	25	122
Maladministration, no injustice (issued report)	0	12	11	23
No maladministration (issued report)	0	37	5	42
No or insufficient evidence of maladministration (without report)	1,259	2,288	1,971	5,518
Ombudsman's discretion not to pursue complaint	953	671	993	2,617
Premature complaints	1,553	1,054	1,499	4,106
Outside jurisdiction	785	679	749	2,213
Totals	5,788	6,159	6,429	18,376

See the glossary at Appendix 5 for an explanation of terminology.



Appendix 1(c)

Subjects of investigation reports 2002/03

	Mr Redmond	Mr White	Mrs Thomas	Totals
Housing:				
Housing register/allocations	1	–	1	2
Housing transfers	1	–	1	2
Neighbour nuisance	–	1	3	4
Council housing management, other	–	12	–	12
Homelessness	1	2	1	4
Council housing repairs	1	4	1	6
Regeneration/improvement	–	1	–	1
Housing sales/leaseholds	1	12	1	14
Housing benefit	5	19	11	35
Housing grants	–	3	–	3
Private housing notices	–	–	–	–
Harassment/unlawful eviction	–	–	–	–
Rent accounts	–	–	–	–
Total housing	10	54	19	83

	Mr Redmond	Mr White	Mrs Thomas	Totals
Planning:				
Publicity for planning applications	1	2	3	6
Enforcement	1	19	3	23
Consideration/neighbour amenity	1	11	16	28
Development plans	–	–	–	–
Conservation areas/listed buildings	–	–	–	–
Refusal of planning permission	–	–	1	1
Planning, other	–	1	–	1
Total planning	3	33	23	59

	Mr Redmond	Mr White	Mrs Thomas	Totals
Education:				
Special educational needs	2	1	6	9
Admissions	4	12	11	27
Exclusions	–	–	–	–
Education grants	–	–	–	–
Education transport	–	1	–	1
Education other	–	34	–	34
Total education	6	48	17	71
Social services:				
Services for adults	–	3	1	4
Services for children	1	1	13	15
Registered homes	–	–	–	–
Other	–	–	1	1
Total social services	1	4	15	20
Land	–	–	5	5
Environmental health	1	9	2	12
Highways	–	1	6	7
Local taxation	3	–	1	4
Drainage	–	–	2	2
Leisure and recreation	–	2	1	3
Building control	–	–	–	–
Commercial	–	1	4	5
Overall totals	24	152	95	271

Note: This table shows the number of complaints subject to report, not the number of reports.



Appendix 1(d)

Compliance with recommendations

The table below shows the outcome of 3,217 reports issued since 1 April 1990 where injustice was found. The first column shows the number of reports¹ issued in each year where maladministration causing injustice was found. The second column shows how many of these cases were not satisfactorily settled. The third column

shows how many of the reports issued in each year are still awaiting a final outcome. The reason 49 cases for 2002/03 are still awaiting remedy is because many of them were issued in the latter part of the year and so are within the six months allowed for a council to provide a remedy.

Year	Reports ¹ finding maladministration causing injustice	Unsatisfactory outcome	Awaiting remedy
1990/91	216	13	–
1991/92	291	15	–
1992/93	339	9	–
1993/94	330	17	–
1994/95	337	11	–
1995/96	329	14	–
1996/97	236	4	–
1997/98	218	1	–
1998/99	235	2	1
1999/00	224	3	4
2000/01	165	2	2
2001/02	152	1	4
2002/03	145	–	49
Totals	3,217	92	60

¹ This table shows numbers of reports issued, not the number of complaints subject to report. So the numbers shown in the first column are less than the number of complaints where maladministration and injustice were found (as shown in Appendix 1(b)) for each year.



Appendix 2

Review of the operation of Part III of the Local Government Act 1974

1. Introduction

1.1 Section 23(12) of the Local Government Act 1974 (as amended by the Local Government Act 1988) requires the Commission every three years to review the operation of the provisions of Part III of the Act concerning the investigation of complaints.

1.2 This paper sets out the Commission's conclusions and recommendations following the review it has conducted in 2002/03. Some of the recommendations have featured in previous reviews and have already been accepted by Government but action has not yet been taken on them.

2. Consultation

2.1 In addition to the Welsh Commission for Local Administration, the Commission decided to consult a wide range of interested bodies, including the Local Government Association (LGA), Society of Local Authority Chief Executives (SOLACE), Association of Council Secretaries and Solicitors (ACSeS) and representatives of voluntary organisations and advice agencies.

2.2 Particular concerns were expressed by SOLACE about the Commission's proposals on:

2.2.1 Local authority functions and services delivered by partnerships/ companies etc (see paragraph 5).

2.2.2 Amending paragraph 3(3) of Schedule 5 of the 1974 Act to give the Local Government Ombudsmen (LGOs) discretion to investigate complaints about the way local authority functions have been carried out (see paragraph 7.3).

2.3 When the Commission considered the results of the consultation exercise, it decided to reaffirm the proposals set out in paragraphs 5 and 7.3 (although the Commission did agree to review the wording of paragraph 5.3). However, in view of SOLACE's concerns, the Commission suggests that the Office of the Deputy Prime Minister (ODPM) might wish to invite representatives of the Association to any discussions the ODPM may subsequently have with the Commission about these proposals.

3. Merger of the public sector ombudsmen service in England

3.1 The Cabinet Office undertook a review of the public sector ombudsmen in England in April 2000. Its main recommendation was for the creation of a new, independent body to carry out the responsibilities currently fulfilled by the ombudsmen for central government, local government and the health service.

In the light of consultations on the review, the Government announced in July 2001 that it accepted the Cabinet Office's recommendation (although no timetable for the legislation was given). The Government also stated that it would develop:

"...proposals for the precise powers and accountability of the new body and on whether its jurisdiction should be extended beyond the bodies subject to the jurisdiction of existing ombudsmen."

- 3.2 Since July 2001, there have been extensive discussions involving the Commission; the Parliamentary/Health Service Commissioner (PCA/HSC); the Cabinet Office and other interested government departments and bodies (eg the ODPM). It is understood that hopes of a draft Bill featuring in the 2003/04 parliamentary timetable (with implementation of the merger in 2005) are receding.
- 3.3 The Commission wishes to emphasise that this paper fulfils the narrow requirement of the 1974 Act to review every three years the operation of the provisions of Part III of the Act concerning the investigation of complaints. If the points made to Government regarding possible merger (together and in consultation with the PCA/HSC) were not to be adopted, the Commission will wish to explore with Government ways in which it can work as closely as possible with the PCA/HSC within the constraints of the current legislation. And, in the meantime, every effort is being made by the two organisations to work together, to pool resources and to facilitate information exchange.

4. Decisions by letter and local settlements

- 4.1 Section 30(1) requires that, in any case where a LGO conducts an investigation, a report on the results of that investigation shall be issued. In practice, however, on many occasions during the course of investigating a complaint, the local authority may take, or agree to take, some action which the LGO considers to be a satisfactory response to the complaint (this is known as a 'local settlement'). In other cases, during the course of the investigation it may become clear that there was no maladministration, or no consequential injustice, or insufficient injustice to justify continuing the investigation. In such cases, the LGO decides to discontinue the investigation by letter and without publishing a report.
- 4.2 The Commission has Counsel's advice that it is proper for LGOs to do this because Section 26(10) gives them discretion to initiate, continue or discontinue an investigation. However, the Commission recommends that the 1974 Act should be amended to give express statutory recognition to the current practice of discontinuing investigations by letter as outlined in paragraph 4.1.
- 4.3 The Commission's proposal would be in the spirit of one of the recommendations of the KPMG report¹, which was that the focus should be changed from the production of reports to resolving disputes.

¹ The KPMG Efficiency Study of the Commission carried out in 2001.

5. Partnerships

- 5.1 In April 2001, the Department of the Environment, Transport and Regions (DETR) issued a consultation paper about how to achieve Best Value through a change to the law to facilitate partnerships between councils, or between them and other public bodies and the private and voluntary sectors. The Commission pointed out in its response to the Consultation Paper that it was concerned that, “Under the new arrangements, there should be no reduction in the ability of members of the public to obtain redress for injustices caused by maladministration. ... It seems to us essential that members of the public should know whether they can or cannot complain if they are aggrieved by the way they have been treated. There should be no uncertainty in law about the jurisdiction of the Ombudsmen under the new arrangements.”
- 5.2 To illustrate this point, a partnership may include both representatives of local authorities and others. It would not be an ‘authority’ mentioned in Section 25 of the 1974 Act as being subject to investigation. The constituent local authorities would be within jurisdiction insofar as they are taking decisions in their capacity as a local authority (and not as the partnership). If the complaint is about a decision taken by one or more local authorities, the decision would be within jurisdiction. However, if the decision was taken by the partnership, it would be outside the LGOs’ jurisdiction.
- 5.3 The concerns the Commission expressed to the Department in 2001 have been borne out in practice. It can be difficult for the LGOs to be certain that they have jurisdiction over a complaint about some local authority functions, because of the complex and diverse nature of the arrangements that may be entered into by local authorities to deliver them. And members of the public with a complaint about the provision of a local authority service may not have recourse to an ombudsman for a remedy. The Commission therefore recommends that the Government reviews the legal framework of the new arrangements to remove these uncertainties about the LGOs’ jurisdiction.

6. Jurisdiction

- 6.1 The School Standards and Framework Act 1998 brought within the LGOs’ jurisdiction from 1 April 1999 the actions of all admission authorities in respect of their admission functions (but not **exclusions**). The Commission can see no sufficient reason why the other actions of governors of all publicly-funded schools should not be brought within the LGOs’ jurisdiction, subject to the provisions of paragraph 5 of Schedule 5.
- 6.2 Paragraph 5(2) of Schedule 5 of the 1974 Act excludes from the LGOs’ jurisdiction “any action concerning” **internal matters in schools** such as the giving of instruction. The Commission proposes that the words “any action concerning” should be deleted, because they might leave the LGOs open to challenge in the investigation of certain complaints. For example, when

investigating a complaint, the LGOs may need to consider whether the actual provision being made by a school complies with a child's statement of special educational needs. This might be argued to be about action concerning the giving of instruction. Similarly, the investigation by the LGOs of exclusion appeals (by education appeal panels which are within jurisdiction) might be argued to be action concerning discipline in a school. It is important to remove any scope for argument about this.

- 6.3 At present, the LGOs have jurisdiction over complaints about the internal management of a children's home managed by a local authority as a social services authority, but they do not have jurisdiction over a complaint about the internal management of a local authority-run residential special school. The Commission believes that this is anomalous and proposes that the LGOs should have jurisdiction over the internal management of all schools and children's homes insofar as **child protection issues** are concerned.
- 6.4 The Commission is concerned about the lack of clarity in the LGOs' jurisdiction over complaints about the actions or inactions of Child Protection Conferences (CPCs) and Area Child Protection Committees (ACPCs). In particular, the Commission considers it unsatisfactory that a complainant might have to go to the Police Complaints Authority, the Health Service Ombudsman and the Local Government Ombudsman to complain about the actions of several members of one of these bodies. The Commission expressed its concern about this when it commented in 1998 on the Department of Health consultation paper *Working Together to Safeguard Children*.

The Commission recommends that the current uncertainties about the LGOs' jurisdiction over complaints about the actions or inactions of CPCs and ACPCs should be removed by amending the 1974 Act to bring these bodies within their jurisdiction.

- 6.5 Schedule 5.1 excludes from the LGOs' jurisdiction complaints about the **commencement or conduct of civil or criminal proceedings** before any court of law. This exclusion can cause both the Ombudsman and the complainant difficulties. The Commission therefore proposes that Schedule 5.1 should be amended by deleting the words "commencement or". The FMPR¹ reviewer made this recommendation in 1996. The Government accepted that there was a case for it, and said that it intended to consult interested parties on proposals to give effect to this change in jurisdiction.

7. Bodies within jurisdiction

- 7.1 Section 25(1) of the 1974 Act was amended to bring the **London Transport Users' Committee** (LTUC) within the LGOs' jurisdiction. The Commission recommends a consequential amendment to paragraph 3(2) of Schedule 5 of the 1974 Act (which prohibits the LGOs investigating "all transactions of an authority ... relating to the operation of public passenger transport") to allow

¹ The Financial Management and Policy Review of the Commission carried out in 1996.

them to consider a remedy for the substantive complaint, as well as the way in which the LTUC had handled the complaint.

- 7.2 Section 26(1) of the 1974 Act specifies that complaints must be about “maladministration in connection with action taken by or on behalf of an authority ... being action taken in the exercise of administrative actions of that authority.” The Commission suggests that the position of staff employed by Superintendent Registrars, Rent Officers and Coroners is clarified for the following reasons.
- 7.2.1 **Superintendent Registrars** are appointed by councils, but they hold office at the pleasure of the Registrar General – they are not employed by the council. The general responsibility for the service falls on the Registrar General, an officer of the Crown. But it is a function of the council in respect of registration services to set them up, provide premises and fund and monitor them. It is unclear, when considering a complaint about a member of the Superintendent Registrar’s staff, whether (a) that person is employed by the council or the Superintendent Registrar, and (b) the complaint is within the LGOs’ jurisdiction. (Note: The Registrar General is not in the PCA’s jurisdiction, but even if they were, this would not bring Superintendent Registrars or their staff within the PCA’s jurisdiction because the Registrar General has no powers of supervision over them – the office holder’s function is restricted to the making of regulations.)
- 7.2.2 The appointment, remuneration and administration of **Rent Officers** is a function of the ODPM. Complaints about their actions are therefore within the jurisdiction of the PCA. But staff employed by Rent Officers are appointed and paid by councils. It is unclear, when considering a complaint about a member of the Rent Officer’s staff, whether it should be considered by the PCA or the LGOs.
- 7.2.3 **Coroners** and Coroners’ officers are not within the PCA’s jurisdiction. But they may have staff carrying out work on their behalf, eg police officers, who are currently not within an ombudsman’s jurisdiction. (Police authorities are currently within the LGOs’ jurisdiction, but not the actions of individual police officers.) Here again this is unclear.
- 7.3 Paragraph 3(3) of Schedule 5 of the 1974 Act provides that certain kinds of contractual and commercial transactions are within jurisdiction. But transactions under a Public General Act which are for **procurement** by the council of goods and services necessary to discharge these functions are outside jurisdiction. When the 1974 Act was passed many Public General Act functions were carried out by councils. The growth in procurement by councils in the intervening years has had the effect of removing from the LGOs’ jurisdiction complaints about the way functions have been contracted out. The Commission suggests that this part of the Schedule should be amended so that the LGOs have discretion whether to investigate these complaints, taking into account factors such as the resources at

the complainant's disposal (whether an individual or organisation) to seek a legal remedy for their complaint.

- 7.4 The Commission has confirmed in recent correspondence with the ODPM that the elected **regional assemblies**, when these are established in the future, will be within the LGOs' jurisdiction.
- 7.5 There is no statutory authority for social services complaints from qualifying individuals to be dealt with other than through the social services statutory complaints procedure. But the Commission understands that **Care Trusts** do not always use the statutory procedure, but use the NHS complaints procedure instead. This position may be further complicated if Care Trusts are given delegated powers to charge for providing residential care services under new Government proposals. The Commission considers that there are uncertainties about the position on complaints about the social services component of services provided by Care Trusts which need to be clarified by the Government.

8. Investigation at the request of a local authority

Section 26(1) provides that the LGOs can conduct an investigation only if they have received a complaint from a member of the public who claims injustice in consequence of maladministration. The Commission can see merit in a similar provision to that contained in Section 10 of the Health Service Commissioners Act 1993 which enables a health body to refer a complaint to the HSC. This would give the LGOs discretion to undertake an investigation without having received a complaint if a local authority asks the LGO to do so when it has matters requiring an independent investigation.

9. Complaints in writing

Section 26(2) specifies that a complaint may only be entertained by the LGO if it is made in writing. The Commission recommends that this should be amended to make it clear that a complaint received electronically/by telephone may also be considered. (The Commission notes that Section 10(3) of the Scottish Public Services Ombudsman Act 2002 states that "A complaint must be made in writing or electronically unless there are special circumstances which make it appropriate to consider a complaint made orally.") This would be in accordance with the KPMG review's recommendation that the issue of complaints having to be in writing needed to be addressed.

10. The 12 months rule

Section 26(4) provides that a complaint cannot be considered if it is not made to the LGO or "a member of any authority concerned" (ie a councillor) within 12 months from the day the complainant first had notice of the matters complained of, unless the LGO considers it reasonable to waive the rule. The reference to "a member of any authority" can give rise to an anomaly because a

person may draw a complaint to the attention of a councillor within 12 months of first knowing of the matter, but not make a complaint to the LGO until long afterwards, thus defeating the objective of Section 26(4). The Commission recommends that the sub-section should be amended to remove the anomaly.

11. Payment of expenses

Section 28(3) of the 1974 Act allows a LGO to pay a complainant, or any other person, attending or furnishing information for the purposes of the investigation the expenses she or he has properly incurred, and allowances by way of compensation for the loss of his/her time. These allowances are payable “in accordance with such scales and subject to such conditions as may be determined by the Minister for the Civil Service”. The FMPR reviewer recommended that the Commission should have greater flexibility in such matters. The Commission suggests that the phrase in inverted commas should be deleted.

12. Provision of information relevant to the LGOs’ investigations

Section 28(5)(b) of the Trade Descriptions Act 1968 made it an offence to pass on information obtained in pursuance of that Act without the consent of the person from whom it was obtained, unless it is for the purposes of the performance of functions under the Act. A similar provision can be found in Section 33 of the Health and Safety at Work etc Act 1974. Such prohibitions have caused the LGOs difficulties in some cases because they have not been able to obtain information relevant to their investigations.

The Commission recommends that Section 29 of the 1974 Act is amended to provide that the furnishing of information or production of documents under this Section would not be an offence under any other legislation.

13. Payment for expert advice

Section 29(6) requires the LGOs to seek the Minister for the Civil Service’s consent before expenditure is incurred on external advice to assist them in any investigation. The Government accepted the FMPR recommendation that this requirement was unduly restrictive and confirmed that it intended to seek legislation at an early opportunity to remedy this. However, this has not been done.

14. Data Protection Act 1998 (DPA 1998)

Sections 28 and 32 of the 1974 Act include provisions which restrict the disclosure of information obtained by the LGO in the course of, or for the purpose of, an investigation. DPA 1998, which specialist Counsel has advised overrides the 1974 Act, has had a significant impact on these provisions, in

particular Section 32(2) which prohibits disclosure in respect of personal data. The Lord Chancellor's Department (LCD) is currently carrying out a review of how DPA 1998 works in practice, and the Commission submitted a detailed response to the LCD's Consultation Paper by the 31 January 2003 deadline. The Commission's response made a number of observations and suggestions about DPA 1998, including comments on the limitations of the exemption from the Act's requirements provided to it by Section 31(4). But the Commission has not suggested any specific amendments to the 1974 Act.

May 2003



Appendix 3

List of investigation reports issued in the year ended 31 March 2003

The following list shows the investigations completed where reports were issued in the year ended 31 March 2003. The dates are those on which the report was issued.

The letter included in each report reference indicates which Ombudsman issued the report (except where shown), as follows:

- A Tony Redmond
- B Jerry White
- C Patricia Thomas

The letters denoting the findings mean:

- LS local settlement
- MI maladministration causing injustice
- M maladministration, no injustice
- NM no maladministration

Copies of individual reports can be obtained from the Commission at Millbank Tower, Millbank, London SW1P 4QP. Tel 020 7217 4683.

An asterisk * following a report reference number indicates that the report is confidential and not for publication.

Authority/ reference	Date	Subject	Finding
London			
Barnet LB			
00/A/19553 ¹	22 July	Social services for children	LS
01/A/10693	4 February	Special educational needs	MI
Bromley LB			
01/B/9315	5 December	Housing benefit	LS
Ealing LB			
01/A/994	25 June	Council housing repairs	MI
Enfield LB			
99/A/3104 ¹	5 April	Planning enforcement	M
01/A/11424	19 February	Planning enforcement	MI
Hackney LB			
00/A/13195 ¹	10 April	Publicity for planning applications	MI
01/A/1794	16 December	Planning consideration/neighbour amenity	MI
Hounslow LB			
01/A/14945	14 August	Housing register/allocations	MI
Islington LB			
00/A/18451 ¹	9 July	Environmental health	LS
01/A/12752			
& 15958	31 October	Local taxation	MI
02/A/1279	11 November	Local taxation	MI
01/A/1770			
& 1969	14 November	Housing benefit	MI
02/A/3180	27 January	Housing benefit	MI

¹ Issued by Patricia Thomas.

Authority/ reference	Date	Subject	Finding
Lambeth LB			
99/A/5375	2 April	Housing transfers	MI
01/B/15974	31 July	Council housing repairs	LS
01/B/4926	29 October	Council housing repairs	LS
01/B/12657	16 December	Housing regeneration/improvement	MI
01/B/13575	23 January	Housing benefit	LS
01/B/17580	14 February	Housing benefit	LS
01/B/5937	17 March	Council housing repairs	MI
02/B/4594	20 March	Housing benefit	LS
Lewisham LB			
01/B/7583, 7585			
& 10652	29 April	Education admissions	MI
Merton LB			
01/B/5259	27 June	Education transport	MI
Newham LB			
01/A/18531	7 October	Housing benefit	LS
Southwark LB			
01/B/1669	17 April	Housing benefit	MI
01/B/7616	9 May	Housing benefit	MI
01/B/7380			
& 17214	13 May	Housing benefit	LS
01/B/4284	26 June	Council housing repairs	LS
01/B/9172, 12337			
& 12339-43	3 July	Housing benefit	LS
01/B/3	11 July	Housing benefit	MI

Authority/ reference	Date	Subject	Finding
01/B/15998	2 September	Council housing management, other	MI
01/B/17404	5 September	Housing benefit	MI
02/B/755	15 January	Council housing management, other	MI
02/B/2356 (& 19 others)	26 March	Housing sales/leaseholds	LS
Sutton LB			
01/B/16461	23 January	Planning enforcement	MI
Tower Hamlets LB			
00/A/18666 ¹	3 July	Housing transfers	LS
00/A/17850 ¹	24 July	Highways	MI
01/A/3410 ¹	7 October	Housing sales/leaseholds	MI
Waltham Forest LB			
01/C/3883	18 April	Commercial	LS
01/A/3107	11 June	Special educational needs	MI
Westminster City C			
00/A/5127			
& 01/A/1658	29 April	Homelessness & housing benefit	MI
99/A/2331*	14 May	Social services for children	MI
00/A/9093 ¹	16 May	Local taxation	MI
01/A/1989	5 September	Environmental health	MI
Broomfield School, Enfield			
00/A/5380 ¹	8 April	Education admissions	MI
Drayton Manor High School, Ealing			
01/A/3034			
& 4081	22 October	Education admissions	MI
Prendergast School, Brockley			
01/B/4882, 5062, 5249			
& 5768-70	29 April	Education admissions	MI
Bedfordshire			
Luton BC			
00/B/10421	29 August	Housing benefit	MI
Bristol			
Bristol City C			
01/B/14005	23 July	Council housing management, other	MI
Cambridgeshire			
Cambridge City C			
01/B/10578	3 July	Planning consideration/neighbour amenity	MI
Cambridgeshire CC			
01/B/305	9 July	Social services for adults	LS
01/B/12390, 12438, 12440			
& 12442	4 September	Environmental health	MI
South Cambridgeshire DC			
01/B/12389, 12437, 12439			
& 12441	4 September	Environmental health	MI
Cheshire			
Cheshire CC			
00/C/17179	10 October	Special educational needs	LS
Crewe & Nantwich BC			
01/C/5951	20 August	Housing benefit	LS
Halton BC			
01/C/9625	24 September	Social services for children	LS
Macclesfield BC			
01/C/13075	22 July	Refusal of planning permission	M

¹ Issued by Patricia Thomas.

Authority/ reference	Date	Subject	Finding
Cleveland			
Hartlepool BC			
01/C/6957	16 May	Highways	MI
Middlesbrough BC			
01/C/14392	31 July	Planning enforcement	MI
Cornwall			
Caradon DC			
01/B/11327	20 January	Housing grants	MI
01/B/15951-2	19 March	Planning consideration/neighbour amenity	MI
Cornwall CC			
01/B/7760	20 January	Housing grants	MI
Kerrier DC			
01/B/4537	30 April	Planning enforcement	MI
01/B/3884, 7935-6, 12605			
& 12624	15 October	Planning enforcement	MI
Restormel BC			
01/B/10755	3 December	Planning consideration/neighbour amenity	MI
Cumbria			
Carlisle City C			
01/C/12075	25 July	Planning consideration/neighbour amenity	LS
Derbyshire			
Bolsover DC			
02/C/8118	31 March	Housing – neighbour nuisance	MI
Derbyshire CC			
01/C/1293	31 July	Planning enforcement	MI
Devon			
Devon CC			
99/B/4332	28 October	Planning enforcement	NM
East Devon DC			
99/B/4333	28 October	Planning enforcement	MI
01/B/14467	3 December	Planning consideration/neighbour amenity	LS
Plymouth City C			
01/B/7154	7 October	Council housing management, other	MI
02/B/4491	27 November	Education admissions	MI
01/B/3243	28 November	Environmental health	MI
01/B/18577 (& 33 others)	3 February	Education, other	NM
01/B/14387	31 March	Housing benefit	MI
Torbay BC			
01/B/7626	27 June	Planning consideration/neighbour amenity	NM
01/B/9942			
& 10618	3 February	Homelessness	MI
Dorset			
Dorset CC			
01/B/5803	30 July	Highways	MI
Poole BC			
01/B/8368	7 October	Publicity for planning applications	MI
St Peter's School, Bournemouth			
01/B/5798			
& 9138	11 July	Education admissions	MI

Authority/ reference	Date	Subject	Finding
Durham			
Derwentside DC			
01/C/14684	19 September	Land	MI
Durham CC			
01/C/9900	16 December	Special educational needs	LS
East Sussex			
East Sussex CC			
01/A/8869	5 June	Education admissions	MI
00/B/18600	29 January	Social services for adults	MI
East Yorkshire			
East Riding of Yorkshire C			
01/C/14248	17 October	Planning consideration/neighbour amenity	M
Essex			
Essex CC			
00/B/18517	30 September	Special educational needs	MI
Thurrock C			
01/A/4818 & 02/B/2740 ¹	30 October	Planning enforcement	MI
Gloucestershire			
South Gloucestershire C			
99/B/4941	27 January	Planning enforcement	M
Greater Manchester			
Bolton MBC			
00/C/3631,17362, 17368, 17370 & 17372	23 April	Housing benefit	LS
01/C/7829 & 9795	23 July	Commercial	LS
Manchester City C			
02/C/1779	23 January	Housing – neighbour nuisance	LS
01/C/14338	30 January	Housing sales/leaseholds	LS
Salford City C			
01/C/6453 & 13254	30 July	Planning consideration/neighbour amenity	LS
Trafford MBC			
00/C/14838	7 October	Land	MI
02/C/2968	12 February	Special educational needs	LS
01/C/8347	25 March	Refuse collection/waste disposal	MI
Hampshire			
Southampton City C			
01/B/16046	6 March	Social services for children	LS
Winchester City C			
01/B/7750 & 15902	4 September	Environmental health	MI
Hertfordshire			
Hertfordshire CC			
00/B/16833	18 March	Social services for adults	LS
St Albans City C			
01/B/9893	22 July	Publicity for planning applications	MI
Isle of Wight			
Isle of Wight C			
01/B/15370	19 March	Planning enforcement	MI

Authority/ reference	Date	Subject	Finding
Lancashire			
Blackburn with Darwen BC			
01/C/12023	25 March	Planning consideration/neighbour amenity	MI
Fylde BC			
01/C/13027	23 July	Planning consideration/neighbour amenity	MI
Pendle BC			
01/C/1936	29 April	Housing – neighbour nuisance	MI
Wyre BC			
01/C/13907	18 February	Land	MI
Baines School, Poulton-le-Fylde			
02/C/2664	28 October	Education admissions	M
Leicestershire			
Charnwood BC			
02/B/242	30 September	Commercial	MI
Lincolnshire			
East Lindsey DC			
01/C/5787, 6548 & 7484	25 April	Planning consideration/neighbour amenity	M
Lincolnshire CC			
01/C/2760, 2762 & 6749	11 April	Highways	LS
North Lincolnshire C			
02/C/773, 781 & 871	4 November	Publicity for planning applications	LS
Merseyside			
Liverpool City C			
01/C/7860	30 September	Housing benefit	LS
01/C/15191	30 September	Housing benefit	LS
01/C/16273	30 September	Housing benefit	LS
01/C/16190	29 October	Housing benefit	LS
Sefton MBC			
01/C/9824, 02/C/3071 & 3082	21 August	Planning consideration/neighbour amenity	NM
Norfolk			
North Norfolk DC			
01/B/14450	25 June	Planning, other	MI
North Yorkshire			
North Yorkshire CC			
00/C/17287, 01/C/5299, 6870 & 16234	30 May	Education admissions	MI
00/C/5484	8 July	Highways	LS
01/C/3521	19 August	Social services for children	LS
Richmondshire DC			
02/C/2008	14 January	Housing – homelessness	LS
Scarborough BC			
02/C/8443	19 November	Housing benefit	LS
York City C			
02/B/3300	5 March	Housing – neighbour nuisance	MI
Northumberland			
Blyth Valley BC			
00/C/17366	25 April	Leisure & recreation	LS
01/C/12536	18 July	Planning consideration/neighbour amenity	LS

¹ Issued by Jerry White.

Authority/ reference	Date	Subject	Finding
Northumberland CC 02/C/964	23 January	Special educational needs	LS
Nottinghamshire			
Nottingham City C 00/C/14964	9 July	Council housing repairs	LS
Nottinghamshire CC 01/C/5968	27 May	Social services for children	LS
Shropshire			
Telford & Wrekin BC 02/B/4716	31 March	Planning consideration/neighbour amenity	MI
Somerset			
Taunton Deane BC 01/B/18564 & 02/B/7706	27 March	Planning enforcement	MI
South Yorkshire			
Sheffield City C 01/C/7439 00/C/9114	20 June 16 September	Social services for children Social services, other	LS MI
Staffordshire			
Newcastle-under-Lyme BC 01/C/417	20 June	Planning consideration/neighbour amenity	LS
Tyne & Wear			
South Tyneside MBC 01/C/15434	20 January	Social services for adults	LS
Sunderland City C 00/C/12118 & 12621	21 August	Social services for children	LS
Warwickshire			
Rugby BC 01/B/9227 & 10962	7 October	Environmental health	MI
Warwick DC 01/C/7534 & 10901	31 October	Drainage	LS

Authority/ reference	Date	Subject	Finding
West Midlands			
Birmingham City C			
01/C/1302	8 May	Housing register/allocations	LS
00/C/16780	28 May	Social services for children	LS
Dudley MBC			
01/C/9013	23 October	Commercial	MI
01/C/2929	28 January	Land	MI
Sandwell MBC			
01/C/9521	22 July	Planning consideration/neighbour amenity	LS
Wolverhampton City C			
01/C/9018	30 September	Social services for children	LS
West Yorkshire			
Bradford City C			
01/C/6529 & 8169	15 July	Education admissions	NM
01/C/7128	17 September	Land	MI
01/C/16105	31 October	Social services for children	LS
00/C/16287	23 January	Social services for children	MI
Kirklees MBC			
01/C/5192	19 June	Special educational needs	LS
01/C/6277	19 June	Social services for children	MI
01/C/627	28 January	Social services for children	MI
Leeds City C			
01/C/8649	12 August	Planning consideration/neighbour amenity	MI
01/C/1633	2 October	Special educational needs	LS
Thornton Grammar School, Bradford			
01/C/5721, 5954, 6536 & 7306	15 July	Education admissions	M
Wiltshire			
North Wiltshire DC			
01/B/9371 & 12606	20 June	Leisure & recreation	MI
Swindon BC			
01/B/13212 & 13214, 02/B/1321 & 1324	15 July	Planning consideration/neighbour amenity	MI
00/B/18524	14 November	Housing grants	MI



Appendix 4

Complaint statistics by authority for the year ended 31 March 2003

The following list shows the number of complaints determined against each authority in the year ended 31 March 2003. The previous year's figures are shown in maroon.

Complaints received but not yet determined are not included in these figures.

Authorities, even though they are within jurisdiction, are not listed here if the Local Government Ombudsmen have not determined any complaints against them in the last two years. The figures for foundation and voluntary aided schools have been aggregated. (Full details are available on our website.)

The figures are broken down according to the Ombudsmen's findings. A key to the letters used to denote some of the findings is set out below.

Numbers of complaints not subject to formal report:

- LS local settlement
- NM no or insufficient evidence of maladministration
- OD Ombudsman's discretion not to pursue complaint
- OJ outside the Ombudsman's jurisdiction

Numbers of complaints subject to formal report:

- LS local settlement
- MI maladministration causing injustice
- M maladministration, no injustice
- NM no maladministration

An asterisk * indicates a figure which includes more than one complaint subject to the same report.

These figures do not include complaints which are 'premature', that is complaints which the authority has not had an opportunity to deal with itself first. This is to avoid any possibility of counting the same complaint twice. (In practice, if a 'premature' complaint is considered by the authority and the complainant is still not happy, he or she can complain to the Ombudsman again, and that complaint will be considered as a 'new' complaint and counted separately.)

Authority	Total complaints determined (excluding premature complaints)						Number of complaints not subject to formal report						Number of complaints subject to formal report								
	02/03		01/02		02/03		01/02		02/03		01/02		02/03		01/02		02/03		01/02		
	LS	NM	OD	OJ	LS	NM	OD	OJ	LS	NM	OD	OJ	LS	NM	OD	OJ	LS	NM	OD	OJ	
Berkshire	12	13	3	1	4	9	3	2	2	1	-	-	-	-	-	-	-	-	-	-	
Bracknell Forest C	33	36	3	6	14	19	4	6	12	3	-	-	-	-	-	-	-	-	-	2*	
Reading C	16	27	1	3	9	20	4	2	2	2	-	-	-	-	-	-	-	-	-	-	
Slough C	24	17	2	3	17	7	2	-	3	4	-	-	-	-	-	-	-	-	-	3*	
West Berkshire C	23	25	6	3	10	15	5	4	2	3	-	-	-	-	-	-	-	-	-	-	
Windsor & Maidenhead RB	26	17	7	4	8	9	6	2	5	2	-	-	-	-	-	-	-	-	-	-	
Wokingham C	65	79	14	5	36	52	4	9	10	11	-	-	-	-	-	-	-	-	-	2*	
Bristol	47	49	20	10	10	33	8	2	9	4	-	-	-	-	-	-	-	-	-	-	
Buckinghamshire	26	21	3	10	16	9	1	1	6	1	-	-	-	-	-	-	-	-	-	-	
Buckinghamshire CC	14	18	3	0	7	14	1	3	3	1	-	-	-	-	-	-	-	-	-	-	
Aylesbury Vale DC	42	42	14	15	12	15	5	8	11	4	-	-	-	-	-	-	-	-	-	-	
Chiltern DC	9	7	2	1	5	4	1	1	1	1	-	-	-	-	-	-	-	-	-	-	
Milton Keynes C	17	15	2	2	9	11	3	2	3	-	-	-	-	-	-	-	-	-	-	-	
South Bucks DC	38	18	6	4	18	7	1	3	8	4	1	-	-	-	-	-	-	-	-	-	
Wycombe DC	14	17	4	4	7	11	-	2	2	-	-	-	-	-	-	-	-	-	-	-	
Cambridgeshire	5	15	2	1	1	6	1	2	1	1	-	-	-	-	-	-	-	-	-	5*	
Cambridgeshire CC	11	10	-	2	10	4	-	1	1	3	-	-	-	-	-	-	-	-	-	-	
Cambridge City C	15	26	4	5	5	15	3	3	3	3	-	-	-	-	-	-	-	-	-	-	
East Cambridgeshire DC	24	16	5	3	12	8	5	4	2	1	-	-	-	-	-	-	-	-	-	-	
Fenland DC	15	8	1	1	8	3	1	3	1	1	-	-	-	-	-	-	-	-	-	4*	
Huntingdonshire DC	43	64	2	3	15	30	19	8	6	20	1	1	-	-	-	-	-	-	-	2*	
Peterborough City C	22	23	4	2	12	14	5	5	1	2	-	-	-	-	-	-	-	-	-	-	
South Cambridgeshire DC	11	9	-	-	4	1	5	3	2	-	-	-	-	-	-	-	-	-	-	5*	
Cheshire	24	18	3	1	12	9	5	5	3	3	1	-	-	-	-	-	-	-	-	-	
Cheshire CC	8	10	-	1	4	6	3	-	1	3	-	-	-	-	-	-	-	-	-	-	
Chester City C	25	15	9	5	5	5	5	1	5	4	1	-	-	-	-	-	-	-	-	-	
Congleton BC	32	19	3	-	15	10	7	1	6	8	-	-	-	-	-	-	-	-	-	1	
Crewe & Nantwich BC	17	21	1	6	9	7	7	4	-	4	-	-	-	-	-	-	-	-	-	-	
Ellesmere Port & Neston BC	35	25	3	3	18	10	6	8	8	4	-	-	-	-	-	-	-	-	-	-	
Halton BC	27	15	2	2	11	4	9	2	4	6	-	-	-	-	-	-	-	-	-	-	
Macclesfield BC	35	28	7	4	16	9	3	9	8	4	-	-	-	-	-	-	-	-	-	-	
Vale Royal BC	42	28	9	7	17	10	6	10	10	1	-	-	-	-	-	-	-	-	-	-	
Warrington BC	36	32	7	7	10	11	13	6	6	8	-	-	-	-	-	-	-	-	-	-	
Cleveland	33	33	5	2	12	24	10	2	5	5	-	-	-	-	-	-	-	-	-	-	
Hartlepool BC	23	17	2	1	10	10	2	3	6	3	-	-	-	-	-	-	-	-	-	3*	
Middlesbrough BC	22	22	3	1	17	14	-	4	2	3	-	-	-	-	-	-	-	-	-	-	
Redcar & Cleveland BC	32	27	1	3	10	16	11	5	4	3	-	-	-	-	-	-	-	-	-	-	
Stockton-on-Tees BC	33	33	5	2	12	24	10	2	5	5	-	-	-	-	-	-	-	-	-	-	
Cornwall & the Isles of Scilly	23	17	2	1	10	10	2	3	6	3	-	-	-	-	-	-	-	-	-	-	
Cornwall CC	22	22	3	1	17	14	-	4	2	3	-	-	-	-	-	-	-	-	-	-	
Caradon DC	32	27	1	3	10	16	11	5	4	3	-	-	-	-	-	-	-	-	-	6*	
Carrick DC																					
Kerrier DC																					

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	02/03		01/02		02/03		01/02		02/03		01/02		02/03		01/02	
	LS	NM	OD	OJ	LS	MI	M	NM	LS	MI	M	NM	LS	MI	M	NM
Durham	52	32	11	5	19	18	12	6	9	3	1	-	-	-	-	-
Durham CC	6	13	-	-	3	2	2	1	1	10	-	-	-	-	-	-
Chester-le-Street DC	26	24	1	4	17	9	4	5	4	5	-	1	-	-	-	-
Darlington BC	21	19	5	7	6	5	6	5	3	1	-	1	1	-	-	-
Derwentside BC	15	16	5	1	4	8	1	3	5	3	-	1	-	-	-	-
Durham City C	34	24	6	5	11	6	7	7	10	5	-	-	-	-	1	-
Easington DC	23	21	5	4	9	11	6	5	3	-	-	-	-	-	-	-
Sedgfield DC	3	5	-	-	1	3	1	1	1	1	-	-	-	-	-	-
Teesdale DC	16	8	4	3	10	2	2	2	-	1	-	-	-	-	-	-
Wear Valley DC																
East Sussex																
East Sussex CC	36	44	3	5	15	14	7	12	9	13	-	-	2	-	-	-
Brighton & Hove City C	58	55	12	13	17	25	20	10	9	7	-	-	-	-	-	-
Eastbourne BC	9	15	1	2	4	8	2	1	2	4	-	-	-	-	-	-
Hastings BC	18	15	1	1	3	8	9	2	5	3	-	-	-	1	-	-
Lewes DC	9	11	1	1	4	8	3	2	1	-	-	-	-	-	-	-
Rother DC	8	10	-	-	6	6	1	-	1	4	-	-	-	-	-	-
Wealden DC	12	18	2	-	4	11	3	5	3	2	-	-	-	-	-	-
East Yorkshire																
East Riding of Yorkshire C	141	104	17	15	70	40	28	29	25	19	-	-	-	-	1	-
Kingston upon Hull City C	81	81	15	15	49	42	11	16	6	8	-	-	-	-	-	-
Essex																
Essex CC	51	47	9	7	16	19	14	13	11	7	-	1	-	-	-	-
Basildon DC	41	28	5	4	12	12	20	4	4	8	-	-	-	-	-	-
Braintree DC	25	19	2	-	13	10	5	5	5	4	-	-	-	-	-	-
Brentwood BC	10	7	1	-	4	3	4	-	1	4	-	-	-	-	-	-
Castle Point BC	12	15	1	2	7	5	1	4	3	3	-	-	-	1	-	-
Chelmsford BC	31	28	2	3	8	16	7	4	14	5	-	-	-	-	-	-
Colchester BC	24	18	3	5	10	7	7	3	4	3	-	-	-	-	-	-
Epping Forest DC	21	18	2	3	11	6	3	5	5	4	-	-	-	-	-	-
Harlow DC	31	28	11	3	5	10	7	4	8	10	-	-	-	1	-	-
Maldon DC	13	10	1	-	9	5	3	3	-	2	-	-	-	-	-	-
Rochford DC	12	11	-	-	4	7	4	1	4	3	-	-	-	-	-	-
Southend-on-Sea BC	37	36	5	8	20	12	4	9	8	7	-	-	-	-	-	-
Tendring DC	15	32	1	2	10	20	2	3	2	7	-	-	-	-	-	-
Thurrock BC	23	20	6	1	9	10	1	4	5	5	-	-	-	2*	-	-
Uttlesford DC	14	3	2	-	4	2	4	1	4	-	-	-	-	-	-	-
Gloucestershire																
Gloucestershire CC	26	22	3	4	17	10	2	6	4	2	-	-	-	-	-	-
Cheltenham BC	16	13	5	-	9	8	1	-	1	5	-	-	-	-	-	-
Cotswold DC	9	10	-	3	6	7	1	-	2	-	-	-	-	-	-	-
Forest of Dean DC	10	19	1	3	5	7	4	6	-	3	-	-	-	-	-	-
Gloucester City C	20	10	6	2	8	5	3	1	3	2	-	-	-	-	-	-
South Gloucestershire C	34	42	6	6	19	23	5	4	3	5	-	3*	-	1	-	-

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	LS	NM	OD	OJ	LS	MI	M	NM	LS	MI	M	NM	LS	MI	M	NM	
Isle of Wight	26	30	-	4	9	16	7	4	9	4	-	-	-	1	2*	-	-
Isle of Wight C																	
Kent	55	64	11	12	13	26	13	15	18	9	-	-	-	1	1	-	-
Kent CC																	
Ashford BC	18	14	3	3	14	-	-	5	1	6	-	-	-	-	-	-	-
Canterbury City C	24	40	5	4	10	22	6	7	3	7	-	-	-	-	-	-	-
Dartford BC	12	10	-	2	7	6	4	2	1	-	-	-	-	-	-	-	-
Dover DC	12	8	1	-	6	4	3	2	2	2	-	-	-	-	-	-	-
Gravesham BC	12	15	1	1	9	7	-	5	2	2	-	-	-	-	-	-	-
Maidstone BC	24	34	-	1	14	24	4	4	6	5	-	-	-	-	-	-	-
Medway C	51	39	9	6	17	20	17	3	8	10	-	-	-	-	-	-	-
Sevenoaks DC	10	20	1	6	7	8	1	5	1	1	-	-	-	-	-	-	-
Shepway DC	13	20	3	7	4	11	5	1	1	-	-	-	-	1	1	-	-
Swale BC	24	22	6	3	5	8	8	8	5	2	-	-	-	1	1	-	-
Thanet DC	21	20	-	3	12	11	8	3	1	3	-	-	-	-	-	-	-
Tonbridge & Malling DC	7	6	-	-	2	5	2	1	3	-	-	-	-	-	-	-	-
Tunbridge Wells RB	14	16	4	2	5	5	1	3	4	3	-	-	-	3	-	-	-
Lancashire	65	66	6	4	33	33	16	9	10	15	-	-	-	4*	-	-	1
Lancashire CC																	
Blackburn with Darwen BC	31	17	5	2	13	5	6	6	6	4	-	-	1	-	-	-	-
Blackpool BC	27	39	2	9	12	18	9	9	4	3	-	-	-	-	-	-	-
Burnley BC	23	14	3	-	12	6	5	4	3	4	-	-	-	-	-	-	-
Chorley BC	16	9	3	1	8	3	3	2	2	3	-	-	-	-	-	-	-
Fylde BC	19	11	2	1	6	4	7	5	3	1	-	-	1	-	-	-	-
Hyndburn BC	9	13	2	-	4	2	1	6	2	5	-	-	-	-	-	-	-
Lancaster City C	19	17	3	6	10	8	4	3	2	2	-	-	-	-	-	-	-
Pendle BC	15	22	3	4	5	10	2	3	4	4	-	-	1	1	-	-	-
Preston City C	17	18	6	2	3	7	6	7	2	2	-	-	-	-	-	-	-
Ribble Valley BC	9	7	-	-	5	5	3	2	1	-	-	-	-	-	-	-	-
Rossendale BC	17	17	4	2	4	10	7	3	2	2	-	-	-	-	-	-	-
South Ribble BC	11	8	3	-	6	8	2	-	-	-	-	-	-	-	-	-	-
West Lancashire DC	12	14	1	4	9	5	1	1	1	4	-	-	-	-	-	-	-
Wyre BC	16	18	2	8	8	4	2	5	3	1	-	-	1	-	-	-	-
Leicestershire & Rutland	23	14	1	1	17	8	2	-	3	4	-	-	-	1	-	-	-
Leicestershire CC																	
Blaby DC	7	15	-	1	5	6	-	8	2	-	-	-	-	-	-	-	-
Charnwood BC	27	29	3	4	18	17	2	3	3	4	-	-	1	1	-	-	-
Harborough DC	7	16	1	2	6	12	-	2	-	-	-	-	-	-	-	-	-
Hinckley & Bosworth BC	15	10	2	1	10	5	-	2	3	2	-	-	-	-	-	-	-
Leicester City C	76	67	11	15	45	36	4	5	16	11	-	-	-	-	-	-	-
Melton BC	6	11	-	3	4	5	2	-	-	3	-	-	-	-	-	-	-
North West Leicestershire DC	18	17	2	2	13	9	2	3	1	2	-	-	-	1	-	-	-
Oadby & Wigston BC	5	5	2	1	2	2	1	-	-	2	-	-	-	-	-	-	-
Rutland CC	11	8	3	1	5	6	2	-	1	1	-	-	-	-	-	-	-

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	LS	NM	OD	OJ	LS	MI	M	NM	LS	MI	M	NM	LS	MI	M	NM
North Yorkshire																
North Yorkshire CC	52	38	9	7	11	14	8	8	2	4*	-	-	-	-	-	-
Craven DC	7	5	1	-	2	4	-	1	-	-	-	-	-	-	-	-
Hambleton DC	10	12	1	-	1	2	4	4	-	-	-	-	-	-	-	-
Harrogate BC	20	28	1	5	6	5	-	4	-	-	-	-	-	-	-	-
Richmondshire DC	15	16	1	3	2	3	5	-	1	-	-	-	-	-	-	5*
Ryedale DC	7	8	2	-	1	3	-	1	-	-	-	-	-	-	-	-
Scarborough BC	39	41	6	7	13	9	10	5	1	1	-	-	-	-	-	-
Selby DC	34	17	5	2	7	1	6	3	-	-	-	-	-	-	-	-
City of York C	48	58	5	5	9	16	3	10	-	1	-	-	-	-	-	-
Nottinghamshire																
Nottinghamshire CC	41	34	7	6	10	9	5	3	1	-	-	-	-	1	-	1
Ashfield DC	16	19	2	5	2	-	5	-	-	-	-	-	-	-	-	-
Bassetlaw DC	10	22	-	4	5	6	1	2	-	-	-	-	-	-	-	-
Broxtowe BC	15	8	-	2	2	1	1	2	-	-	-	-	-	-	-	-
Gedling BC	11	18	1	2	2	3	3	8	-	-	-	-	-	-	-	-
Mansfield DC	13	21	3	6	2	5	-	1	-	1	-	-	-	-	-	-
Newark & Sherwood DC	23	28	4	3	9	6	1	4	-	-	-	-	-	1	-	-
Nottingham City C	105	91	42	20	12	24	13	10	1	1	1	3	-	3	-	-
Rushcliffe BC	22	27	2	7	11	7	5	5	-	-	-	-	-	1	-	-
Oxfordshire																
Oxfordshire CC	15	22	3	3	1	4	7	5	-	-	-	-	-	-	-	-
Cherwell DC	15	12	4	1	4	1	3	1	-	-	-	-	-	-	-	-
Oxford City C	33	27	6	3	7	3	2	4	-	-	-	1	-	-	-	-
South Oxfordshire DC	16	18	1	1	1	2	3	5	-	-	-	-	-	-	-	-
Vale of the White Horse DC	5	14	1	1	2	5	-	-	-	-	-	-	-	-	-	-
West Oxfordshire DC	7	7	1	-	-	3	2	1	-	-	-	-	-	-	-	-
Shropshire																
Shropshire CC	16	13	-	1	5	3	3	3	-	-	-	-	-	1	-	-
Bridgnorth DC	8	10	1	-	-	2	2	1	-	-	-	-	-	1	-	-
North Shropshire DC	16	14	2	3	2	2	3	1	-	-	-	-	-	-	-	-
Oswestry BC	7	6	2	-	2	3	1	1	-	-	-	-	-	-	-	-
Shrewsbury & Atcham BC	18	18	1	2	2	5	3	4	-	-	-	-	-	-	-	-
South Shropshire DC	9	10	-	-	3	3	1	2	-	-	-	-	-	-	-	-
Telford & Wrekin BC	26	28	1	6	5	6	5	4	-	-	-	1	-	-	-	-
Somerset																
Somerset CC	31	25	6	6	8	3	3	4	-	-	-	-	-	-	-	-
Bath & North East Somerset C	28	24	5	5	2	2	5	8	-	-	-	-	-	-	-	-
Mendip DC	18	16	5	3	5	4	1	3	-	-	-	-	-	-	-	-
North Somerset C	30	39	6	9	3	9	8	3	-	-	-	-	-	-	-	-
Sedgemoor DC	19	32	6	4	-	12	5	5	-	-	-	-	-	-	-	-
South Somerset DC	19	14	-	2	5	1	5	3	-	-	-	-	-	-	-	-
Taunton Deane BC	17	17	2	1	2	3	2	2	-	-	-	2*	-	-	-	-
West Somerset DC	13	6	1	-	2	1	2	2	-	-	-	-	-	-	-	-

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	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	
South Yorkshire																			
Barnsley MBC	75	99	9	18	39	53	15	16	12	12	-	-	-	-	-	-	-	-	-
Doncaster MBC	78	48	14	12	34	15	23	11	7	10	-	-	-	-	-	-	-	-	-
Rotherham MBC	40	37	8	4	17	16	11	9	4	8	-	-	-	-	-	-	-	-	-
Sheffield City C	176	317	58	174	62	67	32	55	22	18	1	2	1	1	-	-	-	-	-
Staffordshire																			
Staffordshire CC	48	51	10	10	25	18	5	12	8	9	-	1	-	1	-	-	-	-	-
Cannock Chase DC	17	10	6	1	8	4	1	2	2	3	-	-	-	-	-	-	-	-	-
East Staffordshire DC	14	13	3	1	7	5	2	3	2	4	-	-	-	-	-	-	-	-	-
Lichfield DC	5	8	1	1	2	5	1	1	1	1	-	-	-	-	-	-	-	-	-
Newcastle-under-Lyme BC	14	18	1	1	11	10	-	3	1	4	1	-	-	-	-	-	-	-	-
South Staffordshire DC	6	7	1	-	3	5	2	1	-	1	-	-	-	-	-	-	-	-	-
Stafford BC	26	20	3	2	19	9	4	8	-	1	-	-	-	-	-	-	-	-	-
Staffordshire Moorlands DC	10	14	1	-	5	6	-	5	4	3	-	-	-	-	-	-	-	-	-
Stoke-on-Trent City C	32	37	9	6	15	6	5	16	3	8	-	-	-	1	-	-	-	-	-
Tamworth BC	11	4	1	1	8	2	2	1	-	-	-	-	-	-	-	-	-	-	-
Suffolk																			
Suffolk CC	34	40	4	6	13	15	8	11	9	8	-	-	-	-	-	-	-	-	-
Babergh DC	17	11	1	2	7	3	6	3	3	3	-	-	-	-	-	-	-	-	-
Forest Heath DC	8	6	-	2	2	2	3	1	3	1	-	-	-	-	-	-	-	-	-
Ipswich BC	8	18	1	1	3	4	2	7	2	6	-	-	-	-	-	-	-	-	-
Mid Suffolk DC	13	16	1	-	5	9	1	7	6	-	-	-	-	-	-	-	-	-	-
St Edmundsbury BC	12	11	1	2	5	5	2	3	4	1	-	-	-	-	-	-	-	-	-
Suffolk Coastal DC	15	16	1	1	8	13	3	2	3	-	-	-	-	-	-	-	-	-	-
Waveney DC	28	41	5	4	10	23	2	4	11	10	-	-	-	-	-	-	-	-	-
Surrey																			
Surrey CC	29	38	4	11	9	9	8	9	8	9	-	-	-	-	-	-	-	-	-
Elmbridge BC	23	17	2	-	10	10	9	4	2	3	-	-	-	-	-	-	-	-	-
Epsom & Ewell BC	3	3	-	2	2	-	-	-	1	-	-	-	-	1	-	-	-	-	-
Guildford BC	14	18	5	-	2	13	3	2	4	2	-	1	-	-	-	-	-	-	-
Mole Valley BC	5	13	-	1	4	11	1	-	-	1	-	-	-	-	-	-	-	-	-
Reigate & Banstead BC	16	14	3	3	5	7	2	1	6	3	-	-	-	-	-	-	-	-	-
Runnymede BC	6	4	1	1	1	2	3	-	1	1	-	-	-	-	-	-	-	-	-
Spelthorne BC	9	15	1	1	3	11	4	1	1	2	-	-	-	-	-	-	-	-	-
Surrey Heath BC	11	18	1	3	6	8	4	4	-	3	-	-	-	-	-	-	-	-	-
Tandridge DC	10	8	1	1	5	4	2	1	2	2	-	-	-	-	-	-	-	-	-
Waverley BC	15	16	5	3	2	9	6	2	2	2	-	-	-	-	-	-	-	-	-
Woking BC	13	13	-	3	7	5	5	2	1	3	-	-	-	-	-	-	-	-	-
Tyne & Wear																			
Gateshead MBC	45	34	8	3	18	11	8	12	11	8	-	-	-	-	-	-	-	-	-
Newcastle upon Tyne City C	70	83	16	15	28	32	9	20	17	13	-	-	-	3*	-	-	-	-	-
North Tyneside MBC	41	44	4	8	20	20	8	13	9	2	-	-	-	-	-	1	-	-	-
South Tyneside MBC	41	48	12	18	16	18	5	7	7	5	1	-	-	-	-	-	-	-	-
Sunderland City C	47	44	3	7	25	18	9	10	8	8	2*	1	-	-	-	-	-	-	-

Authority	Total complaints determined (excluding premature complaints)				Number of complaints not subject to formal report				Number of complaints subject to formal report							
	02/03		01/02		02/03		01/02		02/03		01/02		02/03		01/02	
	LS	NM	OD	OJ	LS	MI	M	NM	LS	MI	M	NM	LS	MI	M	NM
Warwickshire	16	14	3	1	10	5	2	2	1	6	-	-	-	-	-	-
Warwickshire CC	4	7	-	1	3	3	1	2	-	1	-	-	-	-	-	-
North Warwickshire BC	10	11	2	2	6	5	-	1	2	3	-	-	-	-	-	-
Nuneaton & Bedworth BC	10	14	1	2	6	10	1	-	-	2	-	2*	-	-	-	-
Rugby BC	17	15	3	3	7	9	6	2	1	1	-	-	-	-	-	-
Stratford-on-Avon DC	21	20	2	3	13	15	1	-	3	2	2*	-	-	-	-	-
Warwick DC																
West Midlands	368	411	159	193	109	94	53	71	45	51	2	2	-	-	-	-
Birmingham City C	46	41	3	7	17	26	16	8	10	-	-	-	-	-	-	-
Coventry City C	45	54	7	20	22	18	7	9	7	7	-	2	-	-	-	-
Dudley MBC	74	80	16	8	37	41	5	13	15	15	1	-	-	3*	-	-
Sandwell MBC	31	32	-	8	23	13	6	4	2	7	-	-	-	-	-	-
Solihull MBC	45	46	5	15	27	16	3	5	10	8	-	1	-	-	-	-
Walsall MBC	37	54	7	13	19	23	5	6	5	12	1	-	-	-	-	-
Wolverhampton City C																
West Sussex	30	27	-	1	9	10	10	5	11	10	-	-	-	1	-	-
West Sussex CC	7	3	1	-	2	1	1	2	3	-	-	-	-	-	-	-
Adur DC	18	20	1	1	10	14	5	2	2	2	-	-	-	1	-	-
Arun DC	18	12	2	-	10	5	4	2	2	3	-	-	-	2	-	-
Chichester DC	23	23	5	5	9	9	5	3	4	3	-	-	-	3*	-	-
Crawley BC	13	30	3	13	6	8	4	7	-	1	-	-	-	1	-	-
Horsham DC	11	10	-	-	4	4	6	5	1	1	-	-	-	-	-	-
Mid Sussex DC	16	8	-	-	7	6	6	-	3	2	-	-	-	-	-	-
Worthing BC																
West Yorkshire	131	90	38	21	51	37	14	18	23	12	1	1	2	1	-	2*
Bradford City C	56	28	9	4	9	11	34	8	4	5	-	-	-	-	-	-
Calderdale MBC	96	84	32	24	33	29	12	22	16	8	1	-	2	1	-	-
Kirklees MBC	197	174	62	40	70	68	42	39	21	21	1	3	1	1	-	2*
Leeds City C	80	63	16	13	31	25	23	14	10	11	-	-	-	-	-	-
Wakefield City C																
Wiltshire	17	15	3	-	10	7	4	4	-	4	-	-	-	-	-	-
Wiltshire CC	13	7	2	-	7	4	4	-	-	3	-	-	-	-	-	-
Kennet DC	12	8	3	1	4	2	1	3	2	2	-	-	2*	-	-	-
North Wiltshire DC	17	21	4	1	10	15	1	3	2	2	-	-	-	-	-	-
Salisbury DC	30	30	4	1	12	18	4	6	5	4	-	-	5*	1	-	-
Swindon BC	7	11	-	-	5	2	2	7	-	2	-	-	-	-	-	-
West Wiltshire DC																

Authority	Total complaints determined (excluding premature complaints)		Number of complaints not subject to formal report						Number of complaints subject to formal report								
	02/03		01/02		02/03		01/02		02/03		01/02		02/03		01/02		
	LS	NM	LS	NM	OD	OJ	LS	MI	M	NM	LS	MI	M	NM	LS	NM	
Other authorities																	
ALG Transport & Environment Committee	-	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-
Cheshire Fire Brigade	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Eltham Crematorium Joint Committee	2	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Environment Agency	9	15	3	10	4	3	1	-	-	-	-	-	-	-	-	-	-
Greater Manchester Passenger Transport Authority	-	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-
London Fire & Emergency Planning Authority	2	2	-	1	1	1	-	-	-	-	-	-	-	-	-	-	-
London Transport Users' Committee	-	2	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-
Merseyside Fire Authority	-	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
Merseyside Passenger Transport Authority	-	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
North Yorkshire Fire & Rescue Service	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Parking Appeals Service	-	2	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-
South Yorkshire Fire Authority	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Transport for London	10	-	-	8	-	2	-	-	-	-	-	-	-	-	-	-	-
West Midlands Fire Service	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-
West Midlands Passenger Transport Authority	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
West Yorkshire Passenger Transport Authority	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-
West Yorkshire Trading Standards Service	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Schools (foundation and voluntary aided)																	
Schools (foundation and voluntary aided)	381	313	72	73	81	73	21	15	1	2	11*	1	5*	12*	-	-	-



Appendix 5

Glossary of terminology

Premature complaints

Premature complaints are those which are not accepted for consideration by the Local Government Ombudsmen because the councils concerned have not had a reasonable opportunity to deal with them first. Premature complaints are sent to the councils concerned with a request that they should investigate them. If a complainant is not satisfied with the outcome of a council's investigation, he or she can complain to the Ombudsman again.

Outside jurisdiction

The Ombudsmen can investigate most types of complaints against local authorities. But there are some things the law does not allow them to investigate, such as personnel matters, the internal management of schools and colleges, and matters which affect all or most of the people living in a council's area. Such complaints, when they are terminated, 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 an investigation, the council takes, or agrees to take, some action which the Ombudsman considers is a satisfactory response to the complaint. This may occur, for example, in any of the following circumstances:

- the council on its own initiative says that there was fault that caused injustice, and proposes a remedy which the Ombudsman accepts is satisfactory;
- the council accepts the suggestion by the Ombudsman, as an independent person, that there was fault which caused injustice, and agrees a remedy which the Ombudsman accepts is satisfactory;
- the council does not consider that there was fault but is able to take some action which the Ombudsman accepts is a satisfactory outcome;
- the council and the complainant themselves agree upon a course of action and the Ombudsman sees no reason to suggest any different outcome; or
- the Ombudsman discontinues the investigation because he or she considers that, even if the investigation were to continue, no better outcome would be likely to be achieved for the complainant than the action the council has already taken or agreed.

Ombudsman's discretion

Complaints described as terminated by Ombudsman's discretion are those which have been terminated because, for example:

- the complainant wishes to withdraw his or her complaint;

- the complainant has moved away and the Ombudsman is no longer able to contact him or her;
- the complainant decides to take court action; or
- we find there is no or insufficient injustice to justify continuing the investigation.

Comeback

The term comeback is used when a complaint has been determined without a formal report and the complainant alleges that one or more of the following apply:

- the complaint, or a material part of it, has been misunderstood by the Commission's staff;
- evidence submitted before termination has not been taken into account;
- the council has not been telling the true story and evidence of this is provided; or
- new information has been supplied about the original complaint.

Remedy

When a report is issued finding injustice caused by maladministration, 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, this is referred to as the first report on the complaint.

Further report

If the 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.

Statement

If the council does not respond satisfactorily to the Ombudsman's second report within the given time limit, the Ombudsman may require the council to publish a statement in a local newspaper. Such statements consist of the details of any action recommended by the Ombudsman, any supporting material the Ombudsman may require and, if the council wishes, a statement of its reasons for not complying with the Ombudsman's recommendations.



Appendix 6

Commission publications and website

Published annually

Local Government Ombudsman annual report

Local Government Ombudsman summary annual report

Local Government Ombudsman digest of cases

Summaries of a selection of published reports and local settlements achieved in the year, available for 1996, 1997, 1998, 1999, 2000 and 2001.

Guidance on good practice notes

A series of pamphlets aimed at giving advice to local authorities.

- 1 *Running a complaints system*, June 2002
- 2 *Good administrative practice*, August 1993 (reissued February 1995)
- 3 *Council housing repairs*, August 1993 (out of print)
- 5 *Disposal of land*, November 1995
- 6 *Remedies*, September 1997 (reissued March 2003)

(*Guidance note 4: Members' interests*, has been withdrawn as it is out-of-date since the National Code of Local Government Conduct is no longer extant. Each local authority now has an individual code arising from the new ethical framework.)

Other publications

Complaint about the council? How to complain to the Local Government Ombudsman

Leaflet about the Ombudsman's service which includes a complaint form. Also available in large print, Braille, on tape, and in Bengali, Gujarati, Hindi, Punjabi, Urdu, Arabic, Chinese, Greek, Turkish and Vietnamese.

How the Ombudsman will deal with your complaint

Leaflet sent to complainants when acknowledging receipt of their complaint. Also available in the same languages as above and in large print.

All publications are available from the Secretary of the Commission, Millbank Tower, Millbank, London SW1P 4QP or tel 020 7217 4683. All publications are free of charge for single copies. Bulk orders of the complaints leaflet are also free of charge. There is a subscription service available for copies of investigation reports – for details of this service tel 020 7217 4686.

Publications available on the website

(www.lgo.org.uk)

The current annual report, accounts and five year business plan.

The six issues of the *Digest of cases*.

The five current *Guidance on good practice notes*.

Origins and functions of the Local Government Ombudsman.

The leaflet: *Complaint about the council? How to complain to the Local Government Ombudsman* in English and in Bengali, Gujarati, Hindi, Punjabi, Urdu, Arabic, Chinese, Greek, Turkish and Vietnamese.

The leaflet: *How the Ombudsman will deal with your complaint* in the languages listed above.

A small poster drawing attention to the Ombudsman's service in the 10 minority ethnic languages listed above. (A version in English is available in print.)

Recent investigation report summaries.

There is also an on-line enquiries form, an on-line publications order form and on-line complaint forms.

Where to contact the Local Government Ombudsmen

Mr Redmond's office and the office of the Secretary of the Commission are at:

Millbank Tower, Millbank
London SW1P 4QP
Tel 020 7217 4620
Fax 020 7217 4621

Mrs Thomas's office is at:

Beverley House
17 Shipton Road
York YO30 5FZ
Tel 01904 380200
Fax 01904 380269

Mr White's office is at:

The Oaks, No 2
Westwood Way
Westwood Business Park
Coventry CV4 8JB
Tel 024 7682 0000
Fax 024 7682 0001

Adviceline: 0845 602 1983

website: www.lgo.org.uk

The Commission for Local Administration in England

Millbank Tower Millbank London SW1P 4PQ

Tel 020 7217 4620 Fax 020 7217 4621

www.lgo.org.uk