



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter**

Blackburn with Darwen Borough Council

**for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2006/07 - Introduction

This annual letter provides a summary of the complaints we have received about your authority. Where possible, we comment on the authority's performance and complaint-handling arrangements to assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

As you are a local Social Services authority I want to take this opportunity to draw your attention to an issue of significant public interest. In the last two years I have issued reports following complaints from people living in Blackpool, Liverpool and Sheffield about failings in home care services provided under contract.

In each case a vulnerable person was placed at significant risk as a result of carers failing to visit, calling late and failing to provide the specified care. Tragically, in one case the actions of a carer resulted in a death. Complaints had been made to all three Councils but no effective action had been taken. Although the services were provided under contract, it seems clear that similar problems could occur even if the carers are directly employed. I urge you to ensure that senior staff responsible for care services to adults are aware of the issues raised by these reports (which can be found on our web-site) and consider whether action needs to be taken by your Council. The 2006 report of the Commission for Social Care Inspection 'Time to Care? An Overview of Home Care Services for Older People in England' provides very useful contextual information.

Complaints received

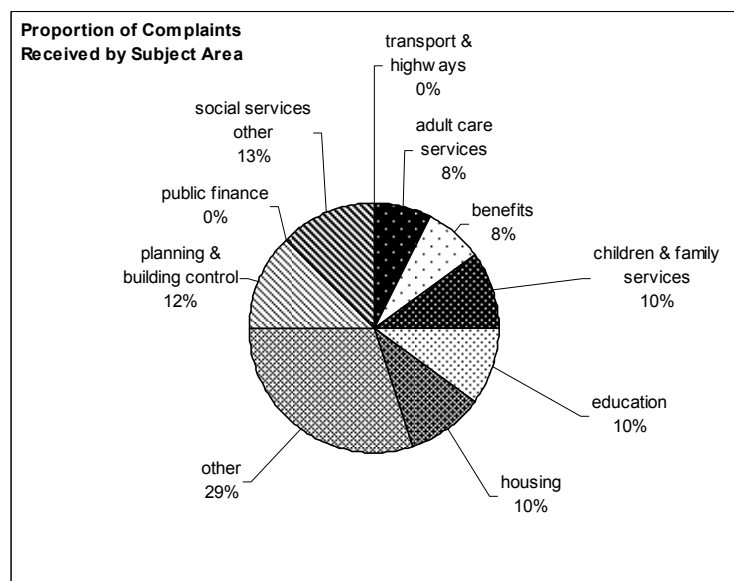
Volume

I received a total of 51 complaints about your council in 2006/07. This is a slight increase of three over the previous year where the total was 48. It is an increase of 13 over 2004/05. While there has been a rise over the three years the numbers are small and no meaningful conclusion can be reached.

Character

There was no significant change in numbers of any single type of complaint made to us over the twelve months ending 31 March 2007 as the accompanying statistics show.

As this chart shows, the largest single proportion of type of complaints (after 'other' which contains a variety) was planning and building control. There was a drop in this type of complaint from 19 in 2005/06 to 16 in 2006/07. While this category represents the largest proportion for the council, 12% of the total is low compared to the national average of just under 24%. I raised this last year as being worth examination by the Council and I hope this information assists you to assess whether any such examination and resulting action has been effective.



Decisions on complaints

Reports and local settlements

A 'local settlement' is a complaint that is resolved by the Council taking, or agreeing to take, action which we consider is a satisfactory response to the complaint so that the investigation can be discontinued. In 2006/07 27.7% of complaints dealt with by the three Local Government Ombudsmen (excluding premature and those outside jurisdiction) were resolved by local settlement. When we complete an investigation we must issue a report.

Decisions

In 2006/07 I took 47 decisions, a figure which differs from the number of complaints received because of work in hand at the start and finish of the year.

Of those 47 decisions: seven were outside my jurisdiction, 11 found no maladministration, eight I exercised my discretion not to investigate and 15 were 'premature' (in our view the Council had not been given adequate opportunity to investigate and resolve them for itself, so were returned to the Council to consider through its internal complaint procedure).

The remaining six were local settlements. I did not issue any reports against your council and overall did not find issues that gave significant concern.

Other findings

As you are aware, we ask for comprehensive responses to our enquiries within 28 days. I am pleased to say your Council responded in just under the target 28 days on average. The Council was slowest in responding to complaints concerning planning issues, taking on average 39.4 days, 60% of these taking in excess of 40 days.

Your Council's complaints procedure and handling of complaints

No concerns have emerged during our investigations about how the Council handles complaints. The Council's complaint procedure is readily accessible through its web-site and leaflets. The explanation of how to make a complaint to the Council is clear and helpful in that it explains the different routes for complaints about policy and complaints about how that policy is applied.

I am pleased to see that the details about the LGO are also given the Council's guidance.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from councils that have taken up the training is very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), we now offer these courses specifically for social services staff and have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

Liaison with the Local Government Ombudsman

Liaison arrangements between the Council and the LGO work well. The liaison officer is easy to contact and helpful in responding to our enquiries.

LGO developments

You may be interested in the development of our initiative to improve the first contact that people have with us. A new Access and Advice Service will provide a gateway to our services for all complainants and enquirers. It will encourage telephone contact but will also deal with email, text and letter correspondence. We will let you have further details about how it will operate and the expected timescales and we will discuss with you the implications for your Council.

I hope you have received our latest special report about telecommunication masts. It draws on our experience of dealing with complaints about planning applications for masts which can be highly controversial. We recommend simple measures that councils can adopt to minimise the chances of maladministration occurring.

In July we will be publishing a special report about the difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships. *Local partnerships and citizen redress* provides advice and guidance on how these problems can be overcome by good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

Anne Seex
Local Government Ombudsman
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June 2007

Encs: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	3	3	4	4	4	11	12	5	0	5	51
2005 / 2006	1	4	6	3	1	3	19	0	1	10	48
2004 / 2005	1	1	0	1	5	6	13	3	0	8	38

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	0	6	0	0	11	8	7	15	32	47
2005 / 2006	0	3	0	0	10	5	4	18	22	40
2004 / 2005	4	3	0	0	9	5	9	11	30	41

See attached notes for an explanation of the headings in this table.

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	15	27.9
2005 / 2006	22	24.8
2004 / 2005	16	26.3

Average local authority response times 01/04/2006 to 31/03/2007

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0