



The Commission for
Local Administration in England

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

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

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

Complaints received

Volume

We received 40 complaints against the County Council in 2006/07. This is down from 48 last year and 53 the previous year. This further downward trend is welcome, though we do expect to see fluctuations in numbers year on year. The distribution of complaints by subject reflects the pattern we have seen in previous years with Education, Children and Family Services and Adult Care Services accounting for the majority of those complaints.

Decisions on complaints

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

There were no reports issued against the Council this year but nine complaints were subject to a local settlement.

1. The Council failed to pay a carer's grant to the complainant who was caring for her elderly mother and in recognition of the failure the Council agreed to pay £900.
2. Having agreed that the complainants' elderly relative had been assessed as needing nursing care the Council delayed in meeting that need beyond the 15 weeks it had indicated it may take to allocate that care. The Council accepted that it had a duty once the assessment had been made not to delay and paid the complainants £2,933, the equivalent of ten weeks' nursing care.
3. There was a delay by the Council in carrying out a care assessment which delayed the start of direct payments and daycare provision. The Council agreed to make a payment of £5,500 in recognition of the failing and its impact on the complainant.

4. The Council recognised that in considering a social services complaint there had been some avoidable delay and that this had led to concerns about the outcomes reached. The Council agreed to conduct a fresh investigation to ensure that the delay had not caused any adverse impact on the decision reached.
5. There was delay in the Council's response to claims from the complainant about damage to his property and while I could not judge the merits of the insurance claim I was able to pursue the delay which had caused inconvenience to him. The Council agreed to pay £250 in compensation.
6. The Council did not have in place a mechanism by which it was notified of the grant of Building Regulation approvals which would then trigger the despatch of the relevant Advance Payment Notices to developers to make up new roads to adoptable standards or negotiate a highway adoption agreement. This resulted in some highways not being completed to the correct standard. The Council agreed to a division of the costs of making up the roads between it and the relevant District Council bringing relief to residents who might otherwise have been faced with very high costs for completion of the roads.
7. At the Council's request a resident had notified the Council of her intention to carry out works to a boundary wall adjoining the highway. The Council failed to inspect it and the resident completed the work. The Council then objected saying that the work encroached onto the highway. The complainant had been given conflicting messages and was put to time and inconvenience in trying to resolve it and for that the Council agreed to pay her £500.
8. The Council delayed in arranging for drainage works to be carried out at a complainant's holiday home, causing damage to the complainant's goods and property. The Council agreed prior to my investigation to pay for the uninsured losses and agreed as a settlement to the complaint to me to pay a further £250 in recognition of the time and inconvenience to which the complainant had been put in pursuing the matter.
9. The Council had refused to offer a child a place at the school of first choice but on realising that there may have been an error it reviewed the allocations and was able to offer her a place.

The total paid in compensation for the year 2006/07 was £10,333. I commend the Council's willingness to provide redress where things have gone wrong.

Other Findings

Six complaints I referred back to the Council for consideration under its own complaints procedure as I did not consider that the Council had been given a reasonable opportunity to consider them.

We decided 38 substantive complaints. Of these I considered five to be outside my jurisdiction and in 16 I decided there was no maladministration.

Your Council's complaints procedure and handling of complaints

The low number of complaints referred back to the Council for consideration under the complaints procedure suggests the procedure is well known through the Council's website and other publicity. I am pleased to note that there is also a link to our website from the Council's.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years 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. We 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 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 am pleased to see that some Council officers attended a course run by my officers in February and March 2007 and I was pleased to hear that it had been found useful in identifying sources of difficulty and ways to resolve them in the complaint handling process. I hope this will encourage the Council to consider attending other courses as and when appropriate.

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

On average the Council responded to our enquiries about complaints in just over 47 days. That is longer than in the previous year and well outside the 28 day target I request. I understand that in two complaints our letter of enquiry was not received due to problems experienced with the mailing system and we have been happy to use the alternative suggested by the Council. I hope that will prevent the problem recurring. With that change I hope any underlying trend to exceed the 28 day target can be averted and that the Council will achieve swifter time targets this year.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

J R White
Local Government Ombudsman

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June 2007

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

Complaints received by subject area	Adult care services	Children and family services	Education	Housing	Other	Planning & building control	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	7	8	10	1	5	1	0	8	40
2005 / 2006	7	5	9	0	2	0	5	20	48
2004 / 2005	4	7	11	0	4	9	2	16	53

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	9	0	0	16	8	5	6	38	44
2005 / 2006	2	3	0	0	19	7	9	8	40	48
2004 / 2005	0	8	0	0	16	8	3	8	35	43

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	20	47.1
2005 / 2006	28	39.1
2004 / 2005	22	41.0

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