



The Commission for
Local Administration in England

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

We received 66 complaints about your Council during 2006/07, a small increase over the previous year, when we received 59, but continuing to show relatively little fluctuation compared to other councils. Looking at the types of complaint received, there were increases in the number of transport and highways and other complaints. The increase in highways complaints reflects a small number of schemes which have generated local opposition. Within the other category, there has been an increase in anti-social behaviour complaints from three to eight, and three environmental health complaints compared to none last year. There were reductions in adult care, children and family services, benefits and planning and building control complaints.

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.

For the third year running, we did not issue any reports about your Council. There were seven local settlements, a number which has remained consistent year on year. These local settlements resulted in payments totalling £900. Two complaints about children and family services highlighted confusion about when the statutory social services complaints procedure should be used. The Council's investigation of one of these complaints made robust recommendations about access to files, file

content and staff training. The lessons learnt from a complex housing benefit complaint are being used to improve future service and have led to the inclusion of an aim in the business plan to improve the efficiency of benefit claims by helping claimants to provide all information required to process a claim at the first point of contact.

Your Council's complaints procedure and handling of complaints

There was an increase in the average time taken to respond to first enquiries last year, from 24.5 days in 2005/06 to 30.2 days in 2006/07. This means the Council just failed to achieve the 28 day target. I hope that you will be able to reduce the time taken to respond during the coming year, whilst maintaining the quality of responses. This is important in enabling the Ombudsman to provide a quality service.

We decided 64 complaints during 2006/07, two more than the previous year. Of these, twenty-four (37.5%) were premature, that is the Council had not had a reasonable opportunity to respond to them. This compares to 43.5% last year. Twelve of the complaints decided (18.8%) were resubmitted premature complaints, where the complainant was unhappy with the Council's response. Of these, five (41.7%) resulted in a local settlement, above the national figure of 21.5%.

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. I am pleased that your Council took advantage of our course on Effective Complaint Handling for Social Services staff. I understand from the feedback that the course was well received.

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.

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

Enc: 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 | 1 | 3 | 2 | 5 | 8 | 21 | 10 | 5 | 0 | 11 | 66 |
| 2005 / 2006 | 4 | 8 | 4 | 3 | 9 | 10 | 14 | 3 | 0 | 4 | 59 |
| 2004 / 2005 | 3 | 3 | 4 | 2 | 13 | 18 | 11 | 3 | 1 | 0 | 58 |

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 | 7 | 0 | 0 | 20 | 9 | 4 | 24 | 40 | 64 |
| 2005 / 2006 | 0 | 8 | 0 | 0 | 20 | 3 | 4 | 27 | 35 | 62 |
| 2004 / 2005 | 0 | 7 | 0 | 0 | 17 | 7 | 6 | 21 | 37 | 58 |

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 | 25 | 30.2 |
| 2005 / 2006 | 19 | 24.5 |
| 2004 / 2005 | 21 | 28.8 |

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 |