



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter to Durham 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

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 & Character

The number of complaints against the Council received by my office fell in comparison to the previous year – from 36 to 27. This will be good news for the Council but is of no particular significance, being within the range of variation that is to be expected. Nor do any issues arise from the distribution of complaints as between departmental areas.

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.

I have not issued any reports against the Council during the year. Three complaints have been locally settled. One of those merits specific mention. It concerned a complaint by an agency on behalf of a vulnerable young woman. This fell to be dealt with under one of the statutory complaints procedures (which are unique to social services issues). It emerged that the Council had a tendency to deal with some such complaints under its disciplinary policy for staff. This in turn resulted in delays and the non-disclosure of outcomes. The relevant investigator from my office was concerned at the outset that the Council was providing her with misleading information. These faults were acknowledged by the Council together with an undertaking to put things right for the future. I trust this has now been done but ask the Council to let me now know what action followed from this case.

Other findings

In all, 31 complaints were decided by my staff, only three of which were premature – ie reached me before the Council had been given its own opportunity to investigate and respond. That is at least some indication that citizens and staff are properly apprised of the council's own complaints system at the appropriate time. Nine complaints lay outside of my jurisdiction.

Liaison with the Local Government Ombudsman

The Council has met a commitment given to me following last year's annual letter to aim to improve the time it takes to respond to our enquiries. We ask for responses within 28 days. On average it took the Council 30 days to respond (on nine enquiries) compared to nearly 34 last time (on 22 enquiries). Significantly, the average this time around contained no seriously delayed examples. That said, one response about a highways complaint did take 48 days. Overall, however, I commend the council in this respect and trust that the improvements will continue.

There was a positive response generally from the Council to points raised by me last year. Following that annual letter an Assistant Ombudsman from my office went and met a senior Member and senior staff of the Council to discuss issues arising. Both sides reported on a very constructive and positive meeting. It is worth recording that working relations between our respective staffs remain excellent.

Your Council's complaints procedure and handling of complaints

Please see my comments in the previous section

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.

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
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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	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	3	3	8	5	0	1	0	7	27
2005 / 2006	5	3	5	7	2	0	1	13	36
2004 / 2005	3	6	2	12	3	0	0	12	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	3	0	0	12	4	9	3	28	31
2005 / 2006	0	6	0	0	15	5	2	8	28	36
2004 / 2005	0	6	0	0	8	2	7	11	23	34

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	9	30.0
2005 / 2006	22	33.9
2004 / 2005	16	30.3

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