



The Commission for  
Local Administration in England

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

# **Gloucestershire 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 30 complaints against the Council during the year. This was five fewer than last year but these sorts of fluctuations in the numbers of complaints are to be expected.

### ***Character***

Generally the number of complaints for each subject was similar to last year with one exception. Education complaints fell from 14 to three, a significant reduction. The number of complaints about school admissions fell from 12 to one, which suggests that the Council has taken steps to address the problems that had been evident during the last two years, so that there are fewer complaints about the process, or the Council has been able to deal with them through its internal complaints procedure. Either way, the outcome is welcome.

## **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.

For the fourth consecutive year I had no cause to issue any reports against the Council. Three complaints were settled locally, two of which resulted in financial settlements. In one of these the Council discharged a teenage girl from a care order without considering all relevant factors when doing so, and then placed her in unsuitable accommodation. The social services complaints procedure then failed to reach a conclusion which officers agreed with, resulting in further uncertainty. The Council accepted it had made mistakes and offered a personal apology from a senior officer and compensation of £4,000, and agreed to review its social services complaints procedure.

The other financial settlement resulted from the Council circulating inaccurate statements about a complainant and producing an inadequate core assessment of his son. Compensation of £1,000 was paid to reflect these errors and the complainant's time and trouble in pursuing the complaint, together with a contribution to his legal costs.

The other settlement was for a complaint about planning. The complainant wrongly criticised the Council for failing to notify her of a planning application, but even so it agreed to notify her and her neighbours of a later amendment and agreed to provide a screen of trees to protect her amenity. The

Council acted commendably in taking actions to resolve the concerns of the complainant despite there being no evidence of maladministration over the planning issue. The complainant also said that there had been no explanation of how to access the next stage of the complaints process and the Council agreed with our recommendation that it should be standard practice at the end of each stage to tell the complainant what the next option is.

The total amount paid by the Council in settling complaints I upheld was £5,000.

### ***Other findings***

Thirty-three complaints were decided during the year. Of these, five were outside my jurisdiction for various reasons. Eight others were premature complaints, one of which was later re-submitted to my office and was subject to a local settlement. Of the remainder, 14 were not pursued because there was no evidence of maladministration and it was decided for other reasons not to pursue three others.

### **Your Council's complaints procedure and handling of complaints**

The number of premature complaints was higher than last year but still below the national average. The evidence suggests that the Council's complaints process is generally effective in resolving complaints and in signposting complainants to our service at the appropriate time. It is also pleasing to note that only one of the eight premature complaints was later re-submitted to us for investigation, which indicates that officers were able to resolve the complaints internally.

In last year's letter I noted that there was no hyperlink on the Council's website to the Commission's website. I am pleased to see that the Council has now added this link, although it would also be helpful to complainants if the relevant page also included an explanation of the role of the Ombudsman in its text. I hope the Council will add this explanation.

### **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. We delivered the Good Complaint Handling and the Effective Complaint Handling courses to some of your officers during 2005/2006 and if you would like us to provide further training for you, please let us know.

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**

We made enquiries on 14 complaints this year and the average time to respond was 37.9 days. Last year I expressed my satisfaction that the response times had continued to improve (to 32.1 days) and so I am disappointed to note that this has not been the case since then. Children and family services should be commended for achieving an average response time of 24.3 days for the six complaints they responded to, but all other sections failed to meet the target of 28 days. Transport and highways took an average of 43.5 days to respond to the enquiries over their six complaints and one enquiry to

Planning and Building Control took 85 days before a response was sent. These times are clearly unsatisfactory and I hope the Council will take steps to address the reasons for such delays.

No one from the Council has attended the annual link officer seminar recently and you may wish to consider sending someone to the seminar to be held in November. If so, please let Reynold Stephen, the Assistant Ombudsman, know and he will arrange for an invitation to be sent.

### **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**

**The Oaks No 2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**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	5	6	3	1	3	4	0	8	30
2005 / 2006	3	3	14	0	3	6	1	5	35
2004 / 2005	5	2	12	0	2	2	1	2	26

**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	14	3	5	8	25	33
2005 / 2006	0	3	0	0	15	2	8	5	28	33
2004 / 2005	0	1	0	0	11	7	5	5	24	29

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	14	37.9
2005 / 2006	17	32.1
2004 / 2005	12	34.3

**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