



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Lancashire 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

In the year ending 31 March 2007, I received 102 complaints about your Council. This is a significant rise on the 60 of the year before. While I do not draw any conclusions from it, in light of the profile of the types of complaint, I urge your Council to consider whether it needs to review the processes of any of its departments.

### Character

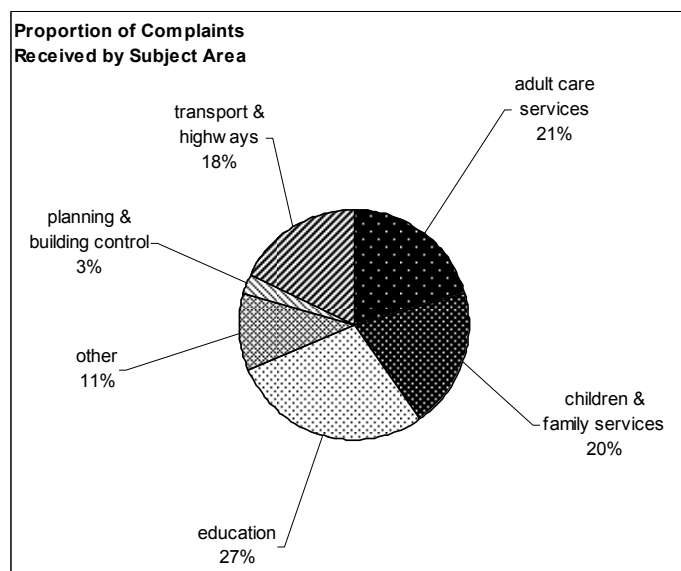
The 102 complaints I received break down as shown in this table; last year's figures are in brackets.

adult care services	children & family services	education	other	planning & building control	transport & highways	total
21 (9)	20 (16)	29 (13)	11 (7)	3 (6)	18 (9)	102 (60)

As you can see, there have been sharp increases in adult care service, education and transport and highways complaints.

Highways related complaints give me least concern as none of our investigations have highlighted underlying systemic problems or issues.

The other two areas, adult services and education, along with children and family services do give me cause for concern as they form such a large proportion of complaints.



I appreciate the absolute numbers are quite small, and no conclusions about trends or quality of services can be drawn purely from the data. However, I urge the Council to reflect on the concentration of complaint types in the context of the local settlements your Council has agreed with me over the year (which I discuss in the next section of this letter) and in the context of feedback from your Council's own complaints handling procedures.

## **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 84 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 84 decisions: nine complaints were outside my jurisdiction, I exercised discretion not to investigate 12 of them, in 22 I found no evidence of maladministration and 29 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 12 were local settlements. I did not issue any reports against your council.

Of the 12 local settlements, one concerned adult care services, two concerned children and family services, four concerned special education needs, one concerned school transport related to special education needs and four concerned education admissions. Put another way, all the local settlements were in respect of complaints about either social services or education.

While the investigations into these complaints did not reveal serious systemic failures, they highlighted general issues which my investigators have also identified from other complaints. I encourage the Council to reflect on them and to examine whether the complaints we have investigated are representative of your services in these areas.

The issues identified, on which I urge your Council to reflect are:

- The time taken to carry out assessments of care and special education needs (SEN)
- Provision of care and SEN needs once identified
- The way in which the case is put forward for schools being full (the prejudice argument)
- The way in which education admissions appeals are administered and run

### **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 a little over 28 days on average. This figure was skewed upwards by three complaints which took an average 60 days for your responses. Had the 28 days been met on these three, the overall average would have been a little over 25 days.

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

My investigations have not revealed systemic problems with the way the Council handles complaints and I have not had specific cause to be critical of your Council in relation to this.

I am pleased to see your Council issues clear and comprehensive guidance on its complaints procedure, and that the information is easily accessible through its web-site. I am also pleased to see reference and links to the LGO.

Despite the issues identified, I am in no doubt about your Council's commitment to effective complaint handling and am aware that you have recently received some training from us.

## **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**

Generally, liaison between our two organizations works well. Your liaison officer and staff are professional and extremely helpful in responding to our requests for information. I am grateful for that. However, our experience of dealing with the liaison staff on a day-to-day basis suggests to us that while they are helpful, the departments from whom the liaison and complaints staff obtain information do not always provide it as readily as they might.

I must stress this is only a general perception but I thought it worth raising as being something your Council might wish to reflect on, as it could impact on your own complaint handling.

## **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**  
**Beverley House**  
**17 Shipton Road**  
**York**  
**YO30 5FZ**

**June 2007**

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

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Children and family services</b>	<b>Education</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	21	20	29	11	3	18	<b>102</b>
<b>2005 / 2006</b>	9	16	13	7	6	9	<b>60</b>
<b>2004 / 2005</b>	12	15	14	2	1	15	<b>59</b>

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

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	12	0	0	22	12	9	29	55	<b>84</b>
<b>2005 / 2006</b>	0	9	0	0	15	10	7	19	41	<b>60</b>
<b>2004 / 2005</b>	0	5	1	0	14	5	10	21	35	<b>56</b>

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

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	29	28.6
<b>2005 / 2006</b>	28	28.4
<b>2004 / 2005</b>	18	24.8

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
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