



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Northamptonshire 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

During the year we received 57 complaints against your authority. This was five more than the previous year and 12 more than the year before that. However ten of the 52 complaints concerned appeals for admissions to the same school and fluctuations in numbers of complaints are to be expected. I do not consider this increase significant.

Character

The character of the complaints received is similar to previous years, with Education again having the highest number (21) followed by Adult Care (12) and Children and Family Services (four) and Transport (10).

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.

I issued three reports on complaints where I found maladministration causing injustice.

One concerned a failure by Children and Family Services between 2001 and 2004 to carry out a core assessment of the complainants' disabled child in accordance with government guidance. Other failures included lack of six-monthly reviews of provision; reducing provision without carrying out an assessment of need; lack of liaison between Education and Social Services Departments; lack of an allocated social worker during a key period in the child's development; delay in carrying out a transition review on moving between stages of education and issuing an amended statement of Special Educational Needs naming a new school; and failure to provide adequate training in use of a communication aid. To recognise the distress caused by these failures and for their time and trouble in pursuing the complaint the Council agreed to make payments of £5,000 to the parents and £750 to the child.

Another report concerned a complaint against a Borough Council (as planning authority) as well as your Council as Highways Authority. The Council failed to serve a Notice under the Highways Act 1980 and the Advanced Payments Code. This meant that it was unable to prosecute a developer of

a housing estate who had failed to make up the estate road, and put the Council in a weaker position in negotiating an agreement with the developer to provide the necessary bond. As a result the road in front of the complainant's home remained without a top layer; with raised ironworks, inadequate drainage and weeds; and with no street lighting. I recommended that both Councils share the cost of making up the road to an adoptable standard and, if possible, for your Council then to adopt the road; and for both Councils to make payments of £125 to the complainant to recognise his time and trouble in pursuing the complaint.

The third report concerned school admissions. In that case the complainant had wished his child to transfer to Year 5 in a different school in April 2005. The Council failed to advise the complainant of the right to pursue an application for a place in Year 6 for the following September, or that it was expanding Year 6 at the school and had other parents on a waiting list. Investigation showed that a place would not have been offered to the child under the Year 6 admission arrangements, but the complainant would have had the right to appeal against refusal of a place and other parents in similar circumstances who did appeal were offered a place. I concluded therefore that the Council's failures deprived the child of a place which would have been offered. The Council accepted my recommendation to offer the child a place at the school and to make a payment of £250 for the complainant's time and trouble in pursuing the complaint.

A total of 18 complaints were settled locally by the Council. Ten of these were about the admissions appeals for the same school. At the time of the initial appeals there were six Year 7 classes. Subsequently a seventh class was opened. This had a significant impact on that part of the appeals concerning the reasonableness of the Council's decision to refuse places. Once this failure had been identified the Council responded quickly, agreeing to reconsider the complainants' applications for the school and to offer those who were unsuccessful the option of a further appeal. One of these ten complainants also challenged the Council's practice of using a straight line to measure home to school distance, on the grounds that it could lead to a perverse decision of a place being refused for a pupil who had a shorter walk to a school than pupils offered places. The Council reassessed applications using the walking route distance, but on this occasion it did not affect the outcome.

On a separate complaint on school admissions the complainant had been offered a school place for his daughter 11 miles from his new home and with no school transport to it. He complained that the Council did not properly consider his application for a place in Year 9 when they moved into the catchment area for his preferred school and that the subsequent appeal panel was given inaccurate information about housing developments in the area. The Council settled the complaint by reconsidering his application and offering a place at one of his preferred schools.

In one case, concerning both Social Services and Education, the complainant's son, then aged 17, has Downs Syndrome and is Autistic and had a Statement of Special Education Needs. After he left his former school in October 2004 the Education Department delayed for three months before responding to requests for help in finding an alternative school place. And Social Services did not properly consider the family's needs in looking after him at home, when they closed a child protection investigation related to his former school or in response to a formal referral from Parents in Partnership. As a result the boy was at home full time from October 2004 until the following June when he started a new school. The school place could have been offered three months earlier but for the Education Department's failure. The family had no Social Services support from October 2004 until April 2005 when respite care was arranged.

This complaint had been considered through the Social Services Complaints Procedures and had largely been upheld, and the complainant had been offered apologies and compensation of £1,500. She did not consider this adequate because the complaints procedure had not recognised the failures by the Education Department or some of the failures by Social Services. In responding to our enquiries the Council recognised these failures; it confirmed that procedures were being reviewed and training arranged to cover the learning points from the complaint. The Council responded promptly to our recommendation for a local settlement, agreeing to make a further payment of £1,000 (in addition to the £1,500 already agreed) to reflect the distress resulting from these failures and the time and trouble in pursuing the complaint.

Another Special Educational Needs case concerned delay in identifying a suitable secondary school place for a child with a Statement of SEN. The relevant Code of Practice said that this should have been done by February but no school was named for the child until the start of the Autumn term. The Council was slow to initiate enquiries at appropriate schools, failed to follow-up enquiries and did not communicate effectively with the complainant throughout this process. The complaint was settled after the Council completed the amended Statement naming a suitable school so that the child's start at the new school was not delayed. The Council agreed to provide both myself and the complainant with information on how it has reviewed procedures to prevent recurrence of these problems. It offered compensation of £350 for the complainant's distress and time and trouble. Again it acted swiftly in agreeing to the proposed local settlement.

A local settlement was agreed on a complaint about the Council's actions as Fire Authority in fitting a gate across a public footpath as part of an anti-arson initiative. The Council could not demonstrate that it had properly consulted owners and tenants of adjoining flats or the relevant Borough Council about the proposal for this work. I concluded that the Council had been at fault in that consultation was inadequate which meant the complainant (the owner of one of the affected flats) lost the opportunity to object to the gate which was "industrial" in appearance. The complaint also raised the question of whether, in carrying out this work, the Council had properly considered the statutory procedures for stopping up a footpath. It was settled by the Council's agreement to pay £250 to the complainant.

In a highways matter, the complainant had been complaining for over three years about the highway drains outside his home, because pools of water formed whenever it rained. Following his complaint to me the drains were investigated and found to be defective. The Council replaced the defective gullies, undertook to resolve with the Water Company a dispute on ownership of related drainage, gave a commitment to keep in touch with the complainant until matters were resolved and agreed to offer apologies and compensation of £250 to the complainant for his considerable time and trouble. The Council had agreed promptly on the terms of the settlement but some two months later my investigator had to remind the Council of the agreement before the apologies and compensation were sent and the work was done to the highway drains.

During the year a total of £8,325 was paid by the Council in compensation following local settlements or issued reports. In addition I have recommended that the Council share the cost of making up an estate road (no estimate of cost is yet available) and fund additional counselling (estimated at £500-£750).

Other findings

Investigation was discontinued on eight complaints during the year because my investigators found no or insufficient evidence of maladministration by the Council. Six were discontinued for other reasons, generally because there was insufficient evidence of the complainants having sustained injustice as a result of fault by the Council. Nine complaints were not pursued because they concerned matters outside my jurisdiction. And eight complaints were closed as premature because they had not been considered by the Council before being sent to me.

Your Council's complaints procedure and handling of complaints

The low number of premature complaints (eight out of a total of 52 determined) is well below the national average figure of almost 28%. This suggests the Council's own complaints procedure is well-signposted and readily accessible to its citizens.

Of those complaints referred back to the Council as premature, three have been resubmitted to me by the complainants, although no decisions have yet been made on them. My investigators have noted a couple of occasions when there was delay within the Council in dealing with a premature complaint

any this may be an area where a review of procedures would be beneficial. As the evidence from some of the local settlements detailed above indicates, there may be scope for improvement in the Council's complaint handling, with the aim of identifying fault and appropriate remedial action at the earliest possible stage. If there is any assistance my staff can give in this area, please let the Assistant Ombudsman, Stephen Purser, know.

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 and 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 different 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

We made enquiries on 32 complaints this year, and the average time taken by the Council to respond was just under 26 days, within our target time of 28 days. I am pleased to note that the Council has maintained its steady improvement on this target over recent years. I recognise the hard work that will have been needed by officers in achieving this and I thank them for it.

Your replies to our enquiries are generally well-organised and comprehensive. Please let me know if my officers can assist the Council in any way its complaints handling. If it would help for my Assistant Ombudsman to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange this.

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.

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
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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	Transport and highways	Total
01/04/2006 - 31/03/2007	12	4	21	7	3	10	57
2005 / 2006	2	10	23	2	1	14	52
2004 / 2005	6	4	14	4	1	16	45

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	3	18	0	0	8	6	9	8	44	52
2005 / 2006	0	5	0	0	24	10	7	7	46	53
2004 / 2005	1	3	0	0	12	5	11	6	32	38

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	32	25.9
2005 / 2006	27	26.9
2004 / 2005	26	29.5

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