



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Redcar & Cleveland Borough
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

Last year there were 38 complaints against the Council, a drop of eight from the previous year, though six more than the year before that (32).

Character

Complaints about planning and building control services fell marginally from ten to seven complaints; while complaints about benefits fell from five to three last year.

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.

A total of £250 was paid to complainants for three of the seven locally settled complaints.

When we complete an investigation we must issue a report.

Last year two such reports were published. In one case the complainant complained about the way the Council dealt with a project to create new leisure facilities in the village. As a result the Council agreed to refurbish existing tennis courts and to upgrade them to include an all weather multi-games

surface with floodlighting. I further recommended that the Council should review its arrangements for community involvement, and that a protocol for elected members involved in external meetings should be prepared.

In another case the Council failed to recognise that its power to set the level of council tax for empty properties in its area is different from and exercised separately from its power to reduce an individual's liability for council tax on a property; that it cannot fetter its discretion to reduce an individual's liability for council tax by having a blanket policy that will never allow a reduction; and that it must consider and reach a decision upon each individual request.

Other findings

Decisions were taken upon 35 complaints, of which 14 (well over one third) were premature complaints in the sense that the Council had not yet had a proper opportunity to consider and respond to those complaints as is required by law. Otherwise, the reasons for decisions last year were very similar to decisions during the previous year: seven complaints were closed because no maladministration was found; that another seven were dealt with as local settlements, as the Council agreed to remedy those complaints.

Your Council's complaints procedure and handling of complaints

The fact that over a third of complaints that were decided last year were premature, as explained above, suggests to me that the Council may wish to consider publicising or relaunching its own complaints procedure to ensure that a greater proportion of complaints are dealt with locally, without reference to my office.

I am pleased to note both that the Council outlines clearly its own procedure on its website, and also, at the end of that procedure, provides a direct link to the Commission's own website, so that those complainants unhappy with the Council's response through its own complaints procedure may choose to progress their complaint through the Commission's complaints procedure, if they choose to do so.

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

Last year the Council responded to the enquiries upon 12 complaints within an average time of 25.5 calendar days. Given the Commission's new target of 28 calendar days, this represents a good performance by the Council for which I am grateful.

During the year you welcomed the Assistant Ombudsman who now leads the team of investigators dealing with complaints against your Council. This visit was a useful opportunity to explain changes within the Commission's structure, procedures and objectives; discuss complaints; consider training and to meet the staff who deal with our enquiries. I hope that the relationship will continue to be constructive.

My Assistant Ombudsman was also pleased to have the opportunity to comment upon a revision of the Council's corporate complaints procedure, which has by now doubtless been issued and hopefully well publicised.

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

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	Transport and highways	Total
01/04/2006 - 31/03/2007	2	3	0	1	0	13	7	9	3	38
2005 / 2006	2	5	0	1	4	12	10	9	3	46
2004 / 2005	3	3	5	1	3	6	4	3	4	32

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	2	7	0	0	7	3	2	14	21	35
2005 / 2006	0	6	0	0	8	5	2	25	21	46
2004 / 2005	1	5	0	0	10	10	2	6	28	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	12	25.5
2005 / 2006	14	22.2
2004 / 2005	8	21.0

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