



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Somerset 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 Somerset County Council 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 40 complaints during the year, a significant increase on the 27 received in the previous year.

### ***Character***

The larger number of complaints this year is accounted for by an increase in complaints about Adult Care Services (10 complaints), Education (11 complaints) and Transport and Highways (11 complaints). The complaint numbers in the latter two categories are similar to those we received in 2004/2005. But the number of complaints about adult services was more than double those received in the past two years. We expect numbers of complaints to vary from year to year. There seems to be no unusual or common theme that would explain the increase in adult services complaints and the trend may not continue. You might, however, wish to give this matter some further consideration.

In addition to the above I also received five complaints about Children and Family Services and one complaint in each of the Housing, Planning and 'Other' categories.

## **Decisions on complaints**

I decided a total of 40 complaints during the year.

### ***Reports and 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.

Seven complaints were settled locally this year and a total of £8,150 was paid in remedies.

In a complaint about Children and Family Services, the Council failed over a number of years properly to assess the needs of a complainant and her two sons, both of whom had learning disabilities. And when it completed an assessment in 2004 the Council unnecessarily delayed in making direct payments that would enable the complainant to purchase the care her family needed. The Council helpfully agreed to meet with my investigator and the complainant at an early stage of the investigation. As a result of that discussion the Council acknowledged its failure to make an assessment sooner and it offered to compensate the complainant for the uncertainty and anxiety this had caused. The Council did not, however, accept that an earlier assessment would have resulted in any service provision and so did not conclude that the complainant's family had been denied

assistance to which they had been entitled. From my further investigation of the complaint I reached a different conclusion. In my view it seemed likely that the complainant had been denied services between 1999 and 2004 as a result of the Council's error and I recommended that the Council should pay compensation of £7,100 to remedy that injustice. This was a very difficult complaint, and so I was particularly grateful for the Council's agreement to my recommendation despite its continuing misgivings about the conclusions I reached.

The Council also agreed to settle two complaints about Adult Care Services. The first concerned arrangements for the residential care of an elderly person on his discharge from hospital. I found no serious fault in the Council's assessment procedures or its continuing care proposals. But the Council's own handling of the complaint was flawed in that it failed to respond to the complainant within the recommended timescale and that delay caused him a prolonged period of uncertainty and frustration. The Council agreed to pay the complainant compensation of £250 to remedy that injustice. In the second case, the complainant had decided she could no longer allow her daughter to use a respite care facility following an error by the staff who cared for her. The Council did not promptly arrange an alternative placement and did not immediately explain to the complainant how she could pursue her complaint. In recognition of the anxiety and distress caused to the complainant and her daughter the Council agreed to pay compensation of £500 and to fund two additional weeks of respite care.

My investigation of a complaint about the Highways department revealed that the Council had failed to rectify inaccuracies in the definitive map of highway land and this had limited its ability to comment on a planning application. Those errors caused my complainant and his neighbours inconvenience so I was pleased when the Council readily agreed to pay them compensation for that trouble and arranged to meet the individuals involved to further discuss their concerns. The Council agreed to settle two further complaints about highway matters. In one case the Council had failed promptly to process a stopping up order and in the other it had not implemented its decision to clear a redundant chipping landing. The Council put matters right by taking practical action to complete the stopping up order and by ensuring that the chipping landing was cleared.

Finally, in a complaint about school admissions, the Council acted quickly to offer the complainant's child a place at his preferred school after an Admissions Appeal Panel failed properly to consider his appeal against the Council's earlier refusal.

I am grateful to the Council for providing appropriate redress in these cases.

I issued no reports against the Council during the year.

### ***Other findings***

Seven complaints were outside my jurisdiction for a variety of reasons. Nine complaints were premature and, as mentioned above, seven were settled locally. The remaining 17 were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

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

The number of premature complaints (nine) has risen slightly this year. But the number remains within the range normally expected and so I see no reason to alter my view that the Council's complaint procedure is clear and accessible to citizens and that it continues to work well.

I note that of the nine complaints referred back to you as premature, none was resubmitted to me. This is commendable, and strongly suggests that when complaints reach the Council, it works hard to resolve them.

## **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 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**

We made enquiries on 14 complaints this year, and the average time for responding was just over 32 days. This is a similar response time to previous years and remains slightly in excess of the requested time of 28 days.

Replies on Highways complaints remain well within the required time and I am grateful for the efforts of the officers involved. In the main, responses on Social Services complaints are also reasonably prompt, but there were long delays in two cases and a similar lengthy delay occurred with one education complaint. I accept that delays can occur when the issues involved are particularly complex but by avoiding the occasional excessive delay the Council's average response time would be much improved. I hope the Council will improve its' response times here, particularly given the relatively low number of enquiries I made of the Council.

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 later in November. If so, please let Barbara Hedley, Assistant Ombudsman, know and she will arrange for an invitation to be sent.

I was pleased to welcome officers from your Council to the seminar hosted by South Somerset District Council on 16 October 2006. I hope they found it useful. Following that meeting Mrs Hedley and Mr MacMahon were invited to do further work with officers and the Deputy Leader Mr Buchanon about partnership working. We are pleased to have this opportunity to work with a beacon authority in its development of new service delivery arrangements, and to comment on service arrangements that aim to ensure accountability, and deliver suitable means of redress if required. Mrs Hedley has also been glad to visit the authority recently when the Scrutiny Board was examining information about customer satisfaction.

## **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 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  
Details of training courses

Complaints received by subject area	Adult care services	Children and family services	Education	Housing	Other	Planning & building control	Transport and highways	Total
01/04/2006 - 31/03/2007	10	5	11	1	1	1	11	40
2005 / 2006	4	5	5	0	5	1	7	27
2004 / 2005	4	8	11	0	4	0	14	41

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	7	0	0	10	7	7	9	31	40
2005 / 2006	0	5	0	0	4	2	4	5	15	20
2004 / 2005	1	7	0	0	12	10	12	5	42	47

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	32.2
2005 / 2006	9	31.9
2004 / 2005	15	32.3

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