



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
South Tyneside Metropolitan
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 78 complaints were received against the Council.

Character

Just over half of the complaints received (43) were about housing services. This was easily the largest category, the next largest identifiable category being complaints against transport and highways where there were ten complaints last year. Complaints about the Council's housing services have represented about 50% of all complaints for the last three years, and it may be prudent for the Council to consider why this may be happening as nationally, complaints were about 20% of all complaints.

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.

Nearly twice as many complaints (17) were locally settled by the Council last year as during the previous year (9) and the year before that (10). In total the Council paid just under £11,500 to complainants whose complaints were locally settled.

In one case the Council paid a complainant £6,500 for its delay in dealing with an appeal for housing benefit. Had the Council dealt with the appeal promptly, the complainant would not have been evicted from her home. I note that the Council required some persuasion to agree to this local settlement.

In another case the Council failed to carry out a private fostering assessment; failed to provide appropriate advice and support to the complainant; and also failed to provide appropriate financial support. However, the Council agreed to apologise to the complainant, and to pay the complainant £2,339 which equated to the amount he would have received if the decision to pay the weekly rate that was finally awarded had been made in proper time. The Council has since reviewed the way in which it deals with private fostering arrangements, and I am satisfied with that further action by the Council.

No report was issued against the Council this year, though one report was issued during the previous year.

Other findings

Decisions were made upon 84 complaints last year with 31 of these (well over one third) being premature complaints as the Council had not had an opportunity to consider and respond. A small number were found to lie outside my jurisdiction (4) and a similar number were closed using my discretion not to further investigate those complaints. No maladministration was found in 28 complaints.

Your Council's complaints procedure and handling of complaints

The fact that more than one third of complaints decided this year were premature, as explained above, suggests that the Council may wish to relaunch or further advertise its own complaints procedure. I note, however, that its complaints procedure is well advertised upon its website, and am further gratified that there is a clear linkage from that website to the Commission's own website, so that those complainants dissatisfied made by the Council upon their own complaint, may pursue that complaint through the Commission's services.

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.

I am pleased to note that South Tyneside organised an Effective Complaint Handling course towards the end of September last year, and I hope that those attending found it to be of benefit and use in dealing with complainants during the coming years.

Liaison with the Local Government Ombudsman

Last year the Council responded within an average of 35.6 calendar days upon the 38 complaints where enquiries were made by an investigator. This is a significantly swifter time than the 46.3 calendar days taken on average during the previous year to respond to enquiries upon a very much smaller number of complaints that year (15). The Council is to be congratulated, therefore, on significantly improving its performance last year. However, the Council has some way to go to meet the Commission's new target of 28 calendar days for receiving such responses, and it is to be hoped that it continues to improve at the same pace it achieved last year during the coming year.

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.

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
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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	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	6	0	3	1	43	10	5	0	10	78
2005 / 2006	5	0	12	2	40	11	8	0	4	82
2004 / 2005	5	2	2	2	34	10	4	2	3	64

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	17	0	0	28	4	4	31	53	84
2005 / 2006	1	9	0	0	13	9	4	37	36	73
2004 / 2005	0	10	0	0	23	5	9	25	47	72

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	38	35.6
2005 / 2006	15	46.3
2004 / 2005	27	22.1

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