

Local Government  
**OMBUDSMAN**

**The Local Government Ombudsman's  
Annual Letter**

**Buckinghamshire County Council**  
for the year ended  
**31 March 2008**

**The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction**

This annual letter provides a summary of the complaints we have received about Buckinghamshire County Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can 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.

## **Complaints received**

### ***Volume***

I received 86 complaints against your Council last year. This figure is a significant reduction on the 101 complaints received in 2006/07, and the 126 complaints made in 2005/06. Whilst complaints about most Council services have remained the same as in previous years, there has been a large decrease in the number of complaints made to me about Education issues. The vast majority of these (52 of the 56 complaints I received this year) concern school admissions, and more specifically admissions to the Grammar Schools within the County. Parents and Guardians of children who are unsuccessful in the selection tests have an automatic right of appeal to an Independent Appeal Panel in a bid to demonstrate their suitability for Grammar Schools. Given that I dealt with almost twice this number in 2005/06 I would be interested in the Council's comments on the reason for the decline in complaints being made to me.

## **Decisions on complaints**

We reached a decision on 95 complaints this year. Of these, we found that 13 complaints were premature which means the Council had not yet had a reasonable opportunity to investigate and reply to them before they were made to me, and so we referred them to the Council to be put through its complaints procedure in the first instance. Of the remaining 82 complaints, 10 complaints were outside our jurisdiction. Of the decisions we made on the other 72 complaints we considered, we found no evidence of administrative fault in 51 cases, felt that there were inadequate grounds to merit our ongoing involvement in a further ten cases (usually due to insufficient evidence of injustice), and upheld the remaining 11.

### ***Reports and local settlements***

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

We published one report against your Council last year. It was the first joint report we have completed with the Health Service Ombudsman since we obtained the power to conduct joint investigations. It concerned the re-provision of a Care Home which the Council took over the management of from a NHS Mental Health Trust, half way through the events which one of the resident's parents complained to us about. We found that the level of care was well below what we would have expected and asked the Council to compensate the family accordingly.

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We agreed a local settlement in 10 other complaints and so upheld just 15.3% of those which were neither outside jurisdiction nor premature. That figure is in keeping with last year's settlement rate for your Council which was 17.3% of those complaints which were neither outside jurisdiction or premature.

Of the complaints we upheld and agreed a settlement on this year, the majority related to Education Admissions where we had found procedural fault with the way in which the Independent Appeal Panel had conducted itself. In those circumstances we generally seek a fresh appeal for the appellants before a newly convened Panel. Six complaints were resolved in this way.

One complaint Adult Social Services was also settled. It concerned failings in the provision of home care services which the Council had commissioned from an agency. We found that there have been missed appointments, or the carers had arrived either excessively late or far earlier than expected thereby effectively depriving the complainant of the service which she heavily relied upon.

The three remaining settlements related to complaints made about public transport, special educational needs, and children and family services.

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

I referred 13 complaints back to the Council last year as "premature" because it seemed to me that the Council had not had a sufficient opportunity to consider and respond to them before they were put to me. This represents 13.6% of the total decisions made, which is a very slight increase in percentage terms on last year, but is far less than the national average of 27%. This would appear to indicate that the Council's own corporate complaints procedure is well publicised and accessible to those who wish to raise a concern.

### **Liaison with the Local Government Ombudsman**

The target time I set for councils to respond to our enquiries is 28 days. The average response time for your Council is 21.8 days, which is well within the target as in previous years. My Investigators have however noted some delays in obtaining responses on a small number of complaints this year, as well as an initial resistance to settle complaints in response to our proposals.

### **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. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are 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 a course on reviewing complaints for social care 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.

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## **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. Again, this new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again, I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

## **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.

**Tony Redmond**  
**Local Government Ombudsman**  
**10<sup>th</sup> Floor Millbank Tower**  
**Millbank**  
**London**  
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**June 2008**

Enc: 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>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Social Services - other</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	5	5	56	0	2	7	0	11	<b>86</b>
<b>2006 / 2007</b>	8	3	71	0	6	2	0	11	<b>101</b>
<b>2005 / 2006</b>	2	9	102	2	2	1	1	7	<b>126</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>01/04/2007 - 31/03/2008</b>	1	10	0	0	51	10	10	13	82	<b>95</b>
<b>2006 / 2007</b>	0	18	0	0	77	10	14	11	119	<b>130</b>
<b>2005 / 2006</b>	0	23	0	0	67	11	9	6	110	<b>116</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>01/04/2007 - 31/03/2008</b>	58	21.8
<b>2006 / 2007</b>	73	25.4
<b>2005 / 2006</b>	86	23.8

**Average local authority response times 01/04/2007 to 31/03/2008**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0