

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Cheshire 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 received about Cheshire County Council and comments on the authority's performance and complaint-handling arrangements.

As a result of the Secretary of State's decision on the future structure of local government in Cheshire this is the last Annual Letter that I shall be sending to the Council. I should like to take this opportunity of thanking all the members and officers who have dealt with my office for their courtesy and co-operation and wish you well for the future.

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

We received 59 complaints about the Council during 2007/2008 a very slight increase over the previous two years in which, respectively, we received 56 and 52. The increase this year is of no statistical relevance. Nationally complaints to the Ombudsmen about education matters rose this year by a little over 4% and so the Council will, I am sure, be pleased that complaints about education matters fell this year when compared with the previous year [from 23 to 14]. The numbers are too small for me to offer any meaningful commentary. Together complaints about adult care matters and children and family services comprise the single largest category of complaints [17 in total]. Complaints about highways and transport matters amounted to 13, the same figure as in the previous year.

Liaison with the Local Government Ombudsman

I am able, for the second year in succession, to say that the time taken by the Council to respond to my enquiries is impressive. I ask for replies within 28 working days and, on average, the Council responds within 22 days. I am particularly grateful to the Council for recognising the urgency which attaches to complaints about education admission appeals. I asked the Council to respond to such complaints within 15 days and this year the Council replied, on average, within 13.5 days. The Council sent me its comments in response to 17 complaints during the year and in only three of these cases did the Council exceed the 28 day deadline. I commend the Council for the positive approach it takes to enquiries from my office.

Decisions on complaints

Reports and local settlements

We will often discontinue enquires into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. In 2007/08 the Local Government Ombudsmen determined 27% [a little under 2,940 in total] 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). If an investigation is completed I issue a public report.

I issued no reports against the Council during 2007/2008 but the Council agreed, in five cases, to settle the complaint having agreed that something had gone wrong and that the complainant had suffered as a consequence. In two of these cases the Council agreed to pay £8,500 and £9,000 respectively in compensation. The details of each of these cases do not warrant mention here the essential point to raise being the willingness of the Council to agree to offer a remedy to a complainant when it is satisfied that something has gone wrong. The Council is due credit for this.

Your Council's complaints procedure and handling of complaints

I have no reasons to be concerned about the way in which the Council deals with complaints made to it under its own complaints procedures.

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. A detailed evaluation of the training provided to councils over the past three years shows very high levels of satisfaction.

The range of courses is expanding in response to demand. In addition to 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 will customise courses to meet your Council's specific requirements and provide courses for groups of staff from different smaller authorities.

Participants benefit from the complaint-handling knowledge and expertise of the experienced investigators who present the courses.

I enclose information on the full range of courses available together with contact details for enquiries and any further bookings.

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. 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'. Feedback on special reports is always welcome. I would particularly appreciate information on complaints protocols in the governance arrangements of partnerships with which your Council is involved.

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 2008

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 | Housing | Other | Planning & building control | Transport and highways | Total |
|--|------------------------|------------------------------------|-----------|---------|-------|-----------------------------------|------------------------------|-------|
| 01/04/2007 - 31/03/2008 | 12 | 5 | 14 | 1 | 10 | 4 | 13 | 59 |
| 2006 / 2007 | 10 | 5 | 23 | 0 | 5 | 0 | 13 | 56 |
| 2005 / 2006 | 9 | 7 | 17 | 0 | 9 | 1 | 9 | 52 |

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 |
|-------------------------|---------|----|--------|---------|--------|----------|-------------------------|-------------------------|-------------------------|-------|
| 01/04/2007 - 31/03/2008 | 0 | 5 | 0 | 0 | 15 | 13 | 11 | 16 | 44 | 60 |
| 2006 / 2007 | 0 | 7 | 0 | 0 | 19 | 9 | 6 | 10 | 41 | 51 |
| 2005 / 2006 | 0 | 2 | 0 | 0 | 20 | 8 | 12 | 11 | 42 | 53 |

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 |
| 01/04/2007 - 31/03/2008 | 17 | 22.0 |
| 2006 / 2007 | 28 | 20.7 |
| 2005 / 2006 | 20 | 27.5 |

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

| Types of authority | <= 28 days % | 29 - 35 days % | > = 36 days % |
|---------------------------|-----------------|-------------------|------------------|
| 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 |