

# Local Government OMBUDSMAN

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

We received 43 complaints against your Council during the year, three more than last year and five fewer than in 2005-2006. We expect to see fluctuations in numbers year on year, and I see nothing significant in the slight rise this year.

### ***Character***

Fourteen complaints, approximately a third of all those we received against your Council, were about education. This is a slight increase on the number received last year (11). Seven complaints concerned adult services and six concerned children and family services.

Eight complaints were made about other issues, including elections and the electoral register, (which are outside my jurisdiction) employment, environmental health, leisure and culture and waste management.

Five complaints were received about transport and highways, two about planning and building control and one about public finance. We received a similar number of complaints to previous years in these areas.

## **Decisions on complaints**

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

When we complete an investigation we issue a report.

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 some 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).

I issued a report following a complaint made by a mother on behalf of her son that the Council had continued to fail to make the provision required to meet the needs set out in her son's statement of special educational needs. The Council's failures resulted in the complainant removing her son from school. The Council accepted a duty to provide home tuition due to the boy's medical needs, but subsequently failed to make speech and language therapy available for a year. No educational psychologist support was provided for three years. The Council also failed to meet the requirements of a Tribunal decision because it could not provide a place in a unit for children with such difficulties as it

had no such unit available. The Council has agreed to ensure the required provision is made and that support is given. The Council has also agreed to provide a laptop to the boy and to train him and necessary staff how to use it, and to pay the complainant £1500 to contribute towards her costs and time and trouble.

Three complaints were settled locally this year, but these did not involve payment of financial compensation. They all involved services for adults.

1. The complainant alleged that the Council had wrongly discharged her mother to her home following illness in hospital. Shortly after discharge her mother had to return to hospital again. The Council failed to ensure there was a proper minute of the multidisciplinary meeting which discussed and approved the discharge of the complainant's mother to her home with a package of support, contrary to the advice of the hospital team which suggested discharge to a nursing home. The Council apologised to the complainant following the Review Panel Meeting, and again during our investigation. The Review Panel considered the complainant's arguments about the professional judgement of the officers who discharged her mother but did not conclude they were flawed. There was no evidence for me to conclude the Review Panel acted wrongly in its deliberations.
2. The complainant had home help withdrawn from her, and the Council delayed in responding to the complaint. It has now agreed to reinstate the home help provision.
3. The complainant's mother died in a care home and her valuables could not all be found. Her residential care was funded by the Council which was responsible for ensuring proper procedures were in place to protect residents' valuables. The Council agreed to investigate the complaint under the statutory complaint procedure.

### ***Other findings***

Nine complaints were treated as premature and referred back to the Council so that they could first be considered through your complaints procedure.

In a further nine cases I took the view that the matters complained of were outside my jurisdiction.

The remaining fourteen complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

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

The proportion of premature complaints has risen in the last year to some 25% but this remains lower than the national average of 27%. These statistics give some confidence that the Council's complaint process is appropriately publicised. And it seems that the Council's procedures effectively resolve many of the complaints submitted to it because none of the premature complaints decided this year was resubmitted to me.

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

Enquiries were made on 18 complaints during the year. Your Council's average response time of 39 days was a significant improvement on last year's average of 47 days but I am sure your Council will continue to make improvements in this area to meet my target timescale of 28 days. Only around a third of our enquiries were responded to within the target timescale.

In complex cases, I appreciate that the Council may need more time to gather information and to prepare its response. It is always appreciated when a council contacts my office to explain that it needs more time because we can then keep the complainant informed. But I am particularly disappointed that of the four enquiries made about school admissions only one arrived within 28 days.

The other three took 29, 30 and 55 days respectively. I consider this unacceptable where children may be without school places and I would urge your Council to effect improvements in this area in 2008/09.

I hope that next year I will have reason to compliment the Council on its response times.

The quality of responses from the Council is generally good and I am pleased to note that my officers have had cause to comment favourably on some proactive and helpful responses from your officers which have resulted in prompt resolutions and good outcomes for the complainants.

I note that no-one from your Council has attended one of our seminars for a number of years. These seminars help to explain how my office operates and how to develop an effective working relationship, and are usually held in the autumn. If you would like someone from your Council to attend, please contact Mr D Pollard, Acting Assistant Ombudsman.

### **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.

### **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, have 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'. 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**

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

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 No2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**18 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	Public finance	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	7	6	14	0	8	2	1	0	5	43
2006 / 2007	7	7	11	1	5	1	0	0	8	40
2005 / 2006	7	5	9	0	2	0	0	5	20	48

**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	1	3	0	0	10	4	9	9	27	36
2006 / 2007	0	9	0	0	16	8	5	6	38	44
2005 / 2006	2	3	0	0	19	7	9	8	40	48

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	18	39.1
2006 / 2007	20	47.1
2005 / 2006	28	39.1

**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