

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Darlington Borough 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 Darlington Borough Council and comments on the authority's performance and complaint-handling arrangements.

As a result of Secretary of State's decisions on the future structure of local government in Durham 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 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

I received 45 complaints against the Council in the last year. Although this figure would suggest a growing number of complaints compared with previous years, it is distorted by a multiple of 8 complaints concerning the same issue. Putting these complaints to one side there are no real concerns about the number of complaints received by office against a council the size of Darlington.

Character

The multiple complaint referred to above [and which has yet to be determined] concerns a highways matter. The profile of the complaints sent to me this year shows remarkable consistency with previous years and should not overly trouble the Council.

Liaison with the Local Government Ombudsman

I ask all councils to respond to enquiries from my office within 28 days. The Council actually took slightly less than 28 days on average to reply to my office and for this I am very grateful.

Exceptionally I do ask councils to respond to enquiries about education admission appeal complaints within 15 days because some urgency attaches to such complaints at a sensitive time of the year for parents and children. I made enquiries of the Council about 6 such complaints during the year but in only 1 of these cases did the Council meet the 15 day deadline. I would be grateful if the Council would give some thought to how best it might arrange for its response to complaints about education admission appeals to reach me in a more timely fashion.

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% of complaints by local settlement, about 2490 complaints nationally (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 in the last year while in 4 cases the Council was willing and able to settle the complaint accepting that something had gone wrong and that it was appropriate to offer the complainant some form of remedy. I am grateful to the Council for its positive response in such cases.

Other findings

In total I determined 45 complaints during the year [it is coincidental that this figure matches incoming complaints given the amount of work in hand at the beginning and end of the year]. Fifteen of these complaints were premature in the sense that the Council had not been given a reasonable opportunity to deal with them. In 17 cases I found no evidence of maladministration by the Council while in 8 others I exercised the general discretion available to me not to pursue a complaint. One complaint was outside of my jurisdiction.

Your Council's complaints procedure and handling of complaints

I have no concerns about the way in which the Council handles complaints made directly to it by members of the public.

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	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	2	0	1	5	5	8	8	2	14	45
2006 / 2007	5	4	3	4	9	6	7	0	2	40
2005 / 2006	1	2	1	5	3	4	6	1	4	27

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	4	0	0	17	8	1	15	30	45
2006 / 2007	0	3	0	0	6	0	4	15	13	28
2005 / 2006	2	2	0	0	10	3	4	11	21	32

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	28	27.9
2006 / 2007	10	35.8
2005 / 2006	11	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