

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

I hope that the letter will assist you in improving services by providing a useful perspective on how some people who are dissatisfied 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

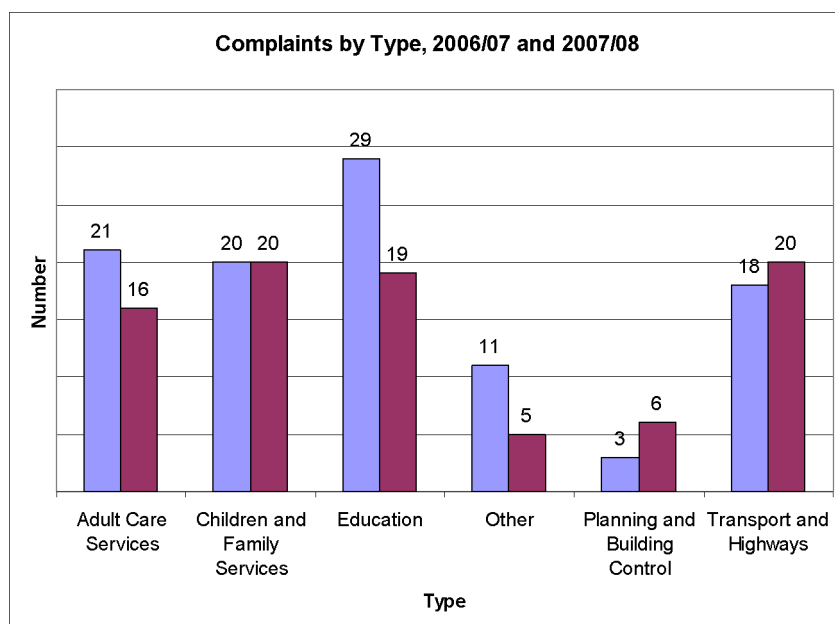
### Volume

I received 86 complaints about your Council in 2007/08. This was a reduction on the 102 received in the previous year.

### Character

The types of complaints were dispersed across a range of service areas. As this chart shows the profile and number of complaints by type were very similar to the previous year.

The largest fall was in complaints about education matters. I read nothing into this as the numbers are relatively small.



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

My staff find your liaison officer to be professional, very approachable and helpful. As the statistical information shows, the average response time is 33.1 days, marginally outside the requested 28 days (and higher than last year). However, beyond your liaison officer we do not detect a commitment amongst other officers to provide meaningful responses in good time. This applies to initial enquires (the only ones recorded for statistical purposes) and further enquires. The liaison officer is prompt at acknowledging our contact and acts on it but this does not always result in a response and it is common for several reminders to be sent on the same case. In one instance we asked for a straight forward piece of information on 11 December 2007 and it was not provided until 21 February 2008. On other occasions my Assistant Ombudsman has to pursue the matter. However, we also have experience of prompt and comprehensive responses, but I would ask the Council to ensure that departments respond promptly and comprehensively to all our enquiries.

## **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 (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 one report about your Council during the year about provision of transport to school for a pupil with mobility problems, and the way in which the Council dealt with the complaint from the pupil's mother. My findings highlighted a potential issue about how the education transport policy was applied, especially in the context of the Disability Discrimination Act. I was very pleased that the Council agreed to my recommendation and its commitment to procedural improvements.

I determined two other education transport complaints as local settlements. A common element was the Council's failure to properly apply its discretion to consider exceptions or challenges to its assumptions.

In total, I determined 12 complaints as local settlements. Some similar elements were:

- ÿ Failure to take action, for example, ensuring delivery of education provision and to carrying out recommendations of a complaints panel
- ÿ Poor communication, for example slow responses to correspondence
- ÿ Delay in taking action, for example in carrying out work in relation to a highway flooding issue
- ÿ Delay in responding to my recommended local settlement (although in fairness this was balanced by cases where your Council responded very quickly)

Three complaints about children and family services gave rise to concerns about:

- ÿ Failure to have in place an up-to-date care plan
- ÿ Delay in providing assessments for both service users and carers
- ÿ Failure to properly review care plans
- ÿ Poor responses to requests and enquiries from service users (and my investigators)
- ÿ Delay in carrying out the statutory social services complaints process
- ÿ Infrequent and poor communication

Such a small sample of the total cases dealt with by the Council does not justify any general

conclusion. Nevertheless, in view of the importance of the services, I urge the Council to consider these cases together with information from your own investigations and determine whether there are weaknesses that need to be addressed.

### ***Other findings***

In 2007/08 I made 100 decisions on complaints about your Council (including the report and local settlements). This number differs slightly from the number of complaints received as it includes complaints received in the previous year. As you can see from the statistical information, 37 of these were premature, 12 were outside my jurisdiction and of the 51 other decisions, 26 resulted in a finding of no maladministration.

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

I have seen examples of how helpful and proactive officers are in addressing people's concerns, and also evidence of delay, poor communication and lack of follow-up action. Delays in the social services complaints procedures are a cause for concern.

### **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. In addition to these, my staff are available to give general advice and guidance or to deliver presentations to your Councils about particular issues.

### **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)

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Children and family services</b>	<b>Education</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	16	20	19	5	6	20	<b>86</b>
<b>2006 / 2007</b>	21	20	29	11	3	18	<b>102</b>
<b>2005 / 2006</b>	9	16	13	7	6	9	<b>60</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	12	0	0	26	12	12	37	63	<b>100</b>
<b>2006 / 2007</b>	0	12	0	0	22	12	9	29	55	<b>84</b>
<b>2005 / 2006</b>	0	9	0	0	15	10	7	19	41	<b>60</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>	32	33.1
<b>2006 / 2007</b>	29	28.6
<b>2005 / 2006</b>	28	28.4

**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