

Local Government
OMBUDSMAN

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

Norfolk 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 Norfolk 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

Forty-five complaints were received this year, close to the number received last year (46).

Character

Fourteen of the complaints received were about children and family services, nine more than last year. Ten were about education matters and this is similar to last year's figure of 11.

There were reductions in the number of complaints received about adult care services (from nine to six), planning and building control (from five to four) and transport and highways (from eight to four).

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your Council this year.

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).

Eight complaints were settled locally and a total of £11,380 was paid in compensation.

Three complaints determined were about education. I am conscious of the significant efforts made by the Council in recent years to improve services for children with special educational needs. Even so three complaints involved this group of service users this year. In the first, the Council's school admissions team failed to recognise that a child transferring to secondary school had a statement of special educational needs and so treated the parent's preferences for allocation of a place in the usual way. When the error was drawn to its attention it did not immediately remedy the error or seek a direction from the Secretary of State to resolve the difference with the preferred school. Problems were further compounded because it was not made clear that the child was being educated a year below chronological age. The school demonstrated a lack of understanding of statutory requirements and I have suggested that the governing body should review its admission policies in respect of children with statements of special educational need. As a consequence of the failings identified the child's mother had no choice, after much heart searching, but to place him at a school with which she is not entirely happy. She has been caused anxiety, distress and disappointment. The Council agreed to make a payment of £500 in remedy.

The second complaint concerned delay in amending a statement of special educational needs and failure to provide full time educational provision for some 18 months. The Council's original plan was to integrate the child into mainstream schooling and I found no fault with the way that decision was made. But there was delay in amending the statement and in following the plan through. By the time the complaint had been submitted to me, the Council had recognised its fault and had already offered £4,000 in compensation. I identified a further period without appropriate education and the Council then agreed to my suggested remedy of a payment of £6,285.

In the final complaint of this group, the maladministration and injustice could be considered to have arisen from the actions of third parties. Following government funding reductions, a primary care trust cancelled speech and language therapy services with minimal notice. In this instance, the child's speech and language therapy was specified in part 3 of his statement of special educational needs, placing the Council under a statutory duty to ensure provision. While the Council took prompt action and provided funding for the reinstatement of the service, there was some inevitable delay and it agreed to pay the complainant the sum of £200. Since this complaint was determined I have received a further complaint about the same issue which I am investigating. I recognise that your Council has been placed in a difficult position through no fault of its own but I would urge you to consider putting in place contingency plans to ensure that important service provision does not suffer significant interruption in the future.

A complaint was made on behalf of an adult service user with learning difficulties because 21 consecutive bills for care services were inaccurate. To settle the complaint the Council agreed to carry out an audit of the incorrect bills to check their accuracy and to try to establish whether there were particular reasons for the errors occurring; to monitor the next six invoices for accuracy; and to provide a senior manager as a point of contact. A payment of £250 for time and trouble was also agreed.

In a complaint about enforcement, there was five years' delay in issuing a decision notice after the Committee had decided to grant planning permission for quarrying works. This meant that there was no enforceable condition relating to noise and the complainant suffered noise problems for some three years. To remedy its failings here, the Council agreed to issue the decision notice within six months and to improve its procedures so that if a decision notice is not issued within that time the matter must return to Committee for reconsideration. The Council also agreed promptly that it would make a payment of £2,000 to the complainant but it is disappointing that it could provide no explanation for the delay or why it had not issued a decision notice when it should.

Finally, I found fault in a complaint about a planning application made against both the County Council and a district Council. Officers from both Councils failed to recognise that safe access to the site under consideration for planning permission was unachievable and made a recommendation to the District's Planning Committee for approval. As a result of my investigation, the Council agreed to review the decision, subsequently revoked the consent and paid half the complainant's legal costs with the district Council paying the remainder.

I am grateful for the Council's help in settling these complaints.

The remaining settlements do not raise issues of particular significance.

Other findings

A total of 41 complaints were decided this year. Eleven of these were treated as premature and referred back to your Council so that they could be considered through your Council's complaints procedure.

Seven complaints were outside my jurisdiction for a variety of reasons. The remaining 15 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

This year, premature complaints account for approximately a quarter of all complaints decided. This is on a par with the national average of 27%.

Two complaints (about land and adult care services) were re-submitted to me and both resulted in local settlements. This indicates that more could be done by the Council to strengthen the robustness of its complaint handling to ensure that any denial of fault can be truly justified.

Liaison with the Local Government Ombudsman

I made enquiries on 17 complaints this year and the average response time was just over 37 days. This is some six days longer than last year and 12 more than in 2005-2006. I set a target of 28 days for response and the Council only met this in four cases. Average response times for the different categories of complaints were as follows: adult care services 29.5 days, children and family services 48.7 days, education 36.5 days, other 34 days, planning and building control 36 days and transport and highways 34 days.

I know that after last year's annual letter the Council had hoped to make improvements in this area of its performance and I am frankly disappointed that this has not happened. I trust that the Council will make renewed efforts this year.

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 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.

We delivered an Effective Complaint Handling course for social care staff to your Council this year and I hope that participants found it helpful.

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

I note that it is some years since any of your officers attended our annual seminar for complaint managers and if you would like further information please contact Mrs L McCaig, my personal assistant (email: l.mccaig@lgo.org.uk).

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

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

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	Transport and highways	Total
01/04/2007 - 31/03/2008	6	14	10	0	7	4	0	4	45
2006 / 2007	9	3	11	0	9	5	1	8	46
2005 / 2006	9	7	16	1	5	0	0	13	51

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	8	0	0	8	7	7	11	30	41
2006 / 2007	0	4	0	0	15	4	10	9	33	42
2005 / 2006	1	9	0	0	26	6	8	8	50	58

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	37.2
2006 / 2007	16	31.3
2005 / 2006	24	25.0

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