

**The Local Government Ombudsman's
Annual Letter
Somerset 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 Somerset 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 56 complaints against your Council during the year. This is an increase on the number received last year (40) and there has been a steady rise in complaints over the past three years, but I see nothing particularly significant in that, given the high volume of interactions between the Council and its residents.

Character

Twenty complaints, just over a third of all those received against your Council, were about Education. This is an increase in complaints in this category from the previous year (11). The higher numbers however were the result of 11 complaints about the same issue. Without those complaints the number would have been similar to 2006/07.

We received 15 complaints about Transport and Highways, an increase of four on 2006/07. There was a similar increase in Planning and Building Control complaints which rose from one last year to six during 2007/08 but five of these were about the same issue. There were small increases in complaints about Children and Family Services (from five to six) and Public Finance (from none to one) but I do not consider these increases to be significant.

We received four complaints about Adult Services, six fewer than the previous year.

We received four complaints in the 'Other' category, a slight increase on the single complaint received last year, about a variety of issues.

Decisions on complaints

I decided a total of 52 complaints during the year.

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of the investigation, the Council takes or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine.

Two complaints were the subject of local settlements this year. The first related to adult care services and concerned shortcomings in the provision of information about respite care and an inadequate risk assessment of the arrangements for the service user's journey home. The Council agreed to review the information provided about respite care arrangements and made a payment of £250 for unnecessary anxiety and distress.

In the second complaint about education, foster carers complained that the process employed to ensure that their foster child remained at her school for two further years' education out of chronological age group took too long. The Council explained that the process was lengthy but undertook to provide a timetable of the review process with the aim of managing expectations more effectively.

When we complete an investigation we must issue a report. No reports were issued against the Council this year.

Other findings

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

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

The remaining 25 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 18 premature cases represents some 35% of the complaints determined, and is above the national average (currently 27%). The number of premature complaints has increased steadily over the past three years and you may wish to consider whether the Council's complaint procedure is sufficiently clear and accessible to residents of the County.

Five complaints that had been determined as premature were resubmitted to me to consider. None of these was pursued, either because no evidence of maladministration was seen or because it was decided not to pursue them for other reasons.

The small number of resubmitted complaints to me suggests that, once accessed, the Council's complaints procedure continues to work well and provides citizens with a positive means of airing their grievances.

Liaison with the Local Government Ombudsman

Enquiries were made on 15 complaints during the year. Your Council's average response time of 33 days has increased from the previous year's time of 32 days and is still in excess of the 28 day target we set.

I was pleased to note that responses on complaints about Children and Family Services were received well within the required times and I am grateful for the efforts of the officers involved. However, there were significant delays in replies to Education complaints where responses to three of the seven enquiries made took between 50 and 60 days. And it was particularly disappointing that of the replies on Transport and Highways complaints, which in previous years have been prompt, only one response was received within 28 days and three took 40 days to arrive.

When writing last year I expressed the hope that the Council would improve its response times particularly given the relatively low number of enquiries I made of the Council. So it is especially disappointing that the Council's response times have increased and I would be grateful to receive your proposals about how this will be improved during 2008/09.

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.

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 No 2
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	4	6	20	0	4	6	1	15	56
2006 / 2007	10	5	11	1	1	1	0	11	40
2005 / 2006	4	5	5	0	5	1	0	7	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	2	0	0	23	2	7	18	34	52
2006 / 2007	0	7	0	0	10	7	7	9	31	40
2005 / 2006	0	5	0	0	4	2	4	5	15	20

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	15	33.0
2006 / 2007	14	32.2
2005 / 2006	9	31.9

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