

**The Local Government Ombudsman's  
Annual Letter  
South Tyneside Metropolitan  
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 South Tyneside Metropolitan Borough 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**

During the year I received 79 complaints against the Council a figure remarkably consistent with the number of complaints sent to me in the previous two years when I received 78 and 82 respectively. No trends or patterns emerged to cause me concern. Complaints about housing matters remain constant as do complaints about adult care services and children and family services. I received no complaints about planning which is most unusual for any large authority but while I would draw no conclusions from one year I recognise that the Council will be very pleased about this.

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

I ask all authorities to respond to my initial enquiries within 28 calendar days. The Council failed to meet this target in the two previous years but I am very pleased to place on record the fact that, this year, the Council, on average took less than 18 days to respond. Averages can sometimes be distorted but of the 35 complaints sent to the Council for comment in all but two of these cases the reply was returned to me in 25 days or less. In 6 cases the Council replied to me within 9 days or less. This is a remarkable performance, more so for a large authority, and one for which the Council is due great credit and one for which I thank it.

## **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 no reports against the Council during the year.

### ***Other findings***

I determined 79 complaints during the year, a figure which differs from the number of complaints received by me because of work in hand at the beginning of the year. Of these complaints 29 were premature while 5 were outside of my jurisdiction. In 7 cases I exercised the general discretion available to me not to pursue the matter while in 23 cases I found there to be no evidence of maladministration by the Council. The Council agreed to settle 15 complaints accepting that something had gone wrong and recognising that it would be appropriate to offer some form of remedy. Subject to what I say below I am grateful to the Council for the willingness shown to offer a settlement when appropriate.

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

The number of complaints sent to me prematurely remains high and again [as last year] I question whether the Council's own complaints procedure is as widely known as it should be. I recognise that access to the Council's complaints procedure through the Council's website is relatively straightforward but I ask the Council again to reflect on possible reasons why a disproportionately high number of people appear to by-pass the Council's complaints procedure and complain directly to me.

During the year I received 9 complaints from people dissatisfied with the outcome of the Council's internal complaints procedure. In 3 of these cases I concluded that there had been some maladministration by the Council and in these cases I asked the Council to settle the matter. These cases, and indeed the other locally settled complaints which had previously been considered by the Council, make me wonder if the Council's complaints procedure is as robust as it needs to be to hold the Council to account when appropriate. I have no other observations to make other than to ask the Council to reflect upon this. If I can assist that process in any way do please let me know.

## **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)

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	7	1	6	8	44	11	0	1	1	<b>79</b>
<b>2006 / 2007</b>	5	0	4	1	43	11	4	0	10	<b>78</b>
<b>2005 / 2006</b>	5	0	12	2	40	11	8	0	4	<b>82</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>	0	15	0	0	23	7	5	29	50	<b>79</b>
<b>2006 / 2007</b>	0	17	0	0	28	4	4	31	53	<b>84</b>
<b>2005 / 2006</b>	1	9	0	0	13	9	4	37	36	<b>73</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>	33	18.0
<b>2006 / 2007</b>	38	35.6
<b>2005 / 2006</b>	15	46.3

**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