

Local Government
OMBUDSMAN

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

Worcestershire 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 Worcestershire 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 43 complaints against your Council during the year, seven more than last year. We expect to see fluctuations in numbers year on year, and I see nothing significant in the rise.

Character

This year we received eleven complaints about Transport and Highways. This is six more than last year and represents around a quarter of all complaints received. But four of these were complaints that had been made prematurely and then resubmitted to me and so I do not see that this increase is significant. The numbers of complaints received in other subject areas are broadly similar to last year.

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).

Three complaints were settled locally and a total of £1500 was paid in compensation. These all concerned delays in enforcement of planning control on quarries or waste management.

In one complaint, the Council delayed in taking planning enforcement action in relation to a waste disposal site. After a long delay the Council undertook to commission a planning consultant to assess whether enforcement action was now possible and to take, as appropriate, legal advice on a way forward. The Council was also to take the lead on co-ordinating the other agencies involved in adopting a considered approach to the site. However, despite the Council's undertaking it delayed in taking the agreed action until my intervention. The Council paid £1000 in compensation.

The two remaining complaints settled locally both concern the Council's delay in investigating various breaches of planning control at two nearby quarries. Again the Council also failed to keep the complainants informed of its actions. In each case the Council agreed to take steps to investigate and monitor operation of the quarries and take action as appropriate. The Council paid £250 to the complainant in both of these cases.

In the latter two complaints I have described enforcement action was notably more timely once the Council had employed a consultant. I understand that the Council has now reviewed how it meets its enforcement responsibilities with a view to taking a more proactive approach to possible breaches of planning before these impact too greatly on residents. It is too soon to draw any conclusions about how this may impact on complaints received against the Council in this area but I hope to see improvements in the coming year.

Other findings

In all, 41 complaints were determined in this year. Eleven of these were premature and three were settled locally. In 15 complaints there was no evidence of maladministration and seven were outside my jurisdiction. I exercised my discretion not to pursue the remaining five complaints, mainly because the injustice claimed was not sufficiently significant to justify my involvement.

Your Council's complaints procedure and handling of complaints

The number of premature complaints was eleven. Five of the seven complaints about Children and Family Services were premature and as were five of the eleven complaints about Transport and Highways. Two premature complaints, both about highway management have been resubmitted to me and are yet to be determined.

Liaison with the Local Government Ombudsman

We made enquiries on 24 complaints and the average response time was 34 days. This is outside our target of 28 days. The number of complaints on which we have made enquires doubled during this year and this may have had some bearing on response times. But the time taken to respond varies widely between complaints. In some subject areas, notably drainage, planning enforcement (those mentioned above) and highway management the response time has significantly exceeded the target. I look forward to an improvement in performance in the coming 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 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.

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
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18 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	Other	Planning & building control	Transport and highways	Total
01/04/2007 - 31/03/2008	7	7	9	6	3	11	43
2006 / 2007	9	5	10	6	1	5	36
2005 / 2006	6	8	7	2	0	5	28

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	3	0	0	15	5	7	11	30	41
2006 / 2007	0	5	0	0	10	4	3	14	22	36
2005 / 2006	0	7	0	0	15	1	1	6	24	30

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	24	34.1
2006 / 2007	12	26.9
2005 / 2006	18	32.8

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