

**The Local Government Ombudsman's
Annual Review
Lancashire County Council
for the year ended
31 March 2009**

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 reviews.

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Section 1: Complaints about Lancashire County Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about Lancashire County Council.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of telephone calls to our service has increased significantly since then to more than 3,000 a month. Our advisers now provide comprehensive information and advice to people who telephone, write or e-mail. It enables citizens to make informed decisions about whether to put their complaint to us.

This means that direct comparisons with some previous year-statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

Enquiries and complaints received

During the year the Advice Team received a total of 104 enquiries and complaints against the Council. Of these 57 were forwarded to be considered by my staff. The greatest number of those forwarded related to education (17), with 15 for Transport and Highways and 13 for children and family services.

Complaint outcomes

63 complaints were determined during the year. Five of these were outside jurisdiction and in 15 cases discretion was exercised not to pursue the complaints. In 19 complaints there was no evidence of maladministration.

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 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority, 24 were settled locally. I will mention some of these below under the subject headings.

Adult care services

One of the three complaints was about the care of the complainant's aunt. Although the investigation did not reveal great injustice to the aunt, the lack of a single point of contact with Older People's Services caused the complainant additional time and trouble in pursuing her complaint. This was recognised by a £250 donation from the Council in memory of the aunt to a charity.

Children and family services

The six settlements under this heading resulted in the payment of a total of £16,410. The greater part of this, £10,000, resulted from the Council's failure to meet a family's assessed needs and to provide residential respite for over two years. As a result the family were caused considerable stress in looking after two children with severe behavioural problems. As well as the financial remedy, a number of procedures for service delivery were reviewed. In another case, the Council agreed to pay £4000 as a result of a number of significant failures and delays which led to the complainant's autistic grandchild, for whom she cared, wrongly being the subject of care proceedings. Although this did not result in the child being removed from home, it did cause very considerable stress to the complainant.

Transport and highways

Six complaints about highway management were settled during the period, along with one about traffic management. None of the complaints raised significant issues.

Education

Seven complaints about school admissions matters were settled along with one complaint about special educational needs provision. The school admissions complaints relate to the conduct of Appeal Panels and resulted in either fresh appeals or the offer of a place at the preferred school. Two complaints gave rise to some concern that the Council may not be fully understanding the way in which the "infant class size prejudice" argument should be considered by Appeal Panels. In one case where a fresh appeal had previously been agreed, the second appeal was organised with a Panel containing two members of the original Panel. The Council was prepared to arrange a third appeal but the parent complained to me, and the Council then agreed to offer a place at the school by way of settlement.

The special educational needs complaint involved a failure to maintain various aspects of a statement of special educational needs, resulting in £1500 compensation.

Liaison with the Local Government Ombudsman

During the year my office made 35 written enquiries of the Council. On average it has taken the Council 28.2 days to respond, against a target of 28 days. This is an improvement on 2007/08 when the average number of days was 33.2. In responding to the preliminary statistical information for this letter, the Council has commented on the way we record response times. In particular it has mentioned one complaint where the response time is recorded as 103 days. The Council makes the point that the recorded time sometimes includes further enquiries from my office. I would accept this, as I accept that some complaints are of considerable complexity. Nevertheless, there is still room for improvement in the Council's performance in this regard.

In most cases liaison between the Council and my office works well. However there have been problems. In one case involving children and family services my Investigator arrived in the morning at the Council to carry out an inspection of the files, but these were not all produced until the afternoon. In another case, also involving children and family services, the arrangements for the

visit of my Investigator were described as "chaotic". The files were not available and the officers who were to be interviewed did not arrive. As a result the Investigator had to rearrange the investigation for the following day. I have raised these problems during a visit to the Council, and I hope that there will not be a recurrence.

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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

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

Conclusions

The Council covers a large area and serves a large population. It is inevitable that things will sometimes go wrong. On occasions the implications of a service failure will be considerable, and this is reflected in some of the local settlements mentioned above. Failures are compounded when, occasionally, the Council has failed to co-operate with investigations by my office in an adequate fashion. I hope that my comments have been taken on board.

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.

**Mrs A Seex
Local Government Ombudsman
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June 2009

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.

Adult Social Care Self-funding

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

Internal schools management

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

Further developments

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

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June 2009

Appendix 1: Notes to assist interpretation of the statistics 2008/09

Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Formal/informal prematures: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

Advice given: These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

Forwarded to the investigative team (resubmitted prematures): These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

Forwarded to the investigative team (new): These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

Table 4. Average local authority response times 2008/09

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Benefits	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	12	7	2	0	1	3	1	26
Advice given	2	4	3	1	3	3	5	21
Forwarded to investigative team (resubmitted prematures)	0	5	3	0	0	6	1	15
Forwarded to investigative team (new)	9	8	14	0	0	9	2	42
Total	23	24	22	1	4	21	9	104

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	24	0	0	19	15	5	63

Average local authority response times 01/04/2008 to 31/03/2009

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	35	28.2
2007 / 2008	31	33.2
2006 / 2007	30	27.6

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	60	20	20
Unitary authorities	56	35	9
Metropolitan authorities	67	19	14
County councils	62	32	6
London boroughs	58	27	15
National park authorities	100	0	0