

The Local Government Ombudsman's Annual Review

Shropshire Councils

including the former Shropshire County Council, the former Bridgnorth District Council, the former North Shropshire District Council, the former Oswestry Borough Council, the former Shrewsbury & Atcham Borough Council and the former South Shropshire District 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 Shropshire Councils 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about the former councils in Shropshire. We have included comments on each authority's performance and complaint-handling arrangements, where possible, so they can assist with your Council's service improvement.

I hope that the review will be a useful addition to other information your authority holds on how people experienced or perceived the services provided by these authorities.

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 calls to our service has increased significantly since then. It handles more than 3,000 calls a month, together with written and emailed complaints. Our advisers now provide comprehensive information and advice to callers at the outset with a full explanation of the process and possible outcomes. It enables callers to make a more informed decision about whether putting their complaint to us is an appropriate course of action. Some decide to pursue their complaint direct with the council first.

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

Liaison with the Local Government Ombudsman

In March 2009 Trisha Coopey, Senior Investigator and Alison Holman, Investigator, met with the Shropshire Council new complaints team for an informal discussion on my role and future working relationships between my team and the new Authority. This proved to be a constructive meeting and we look forward to continuing to assist you in any way we are able to as you progress through this transitory period.

Bridgnorth District Council

Enquiries and complaints received

Our Advice Team received 11 complaints and enquiries during the year. Of these, four concerned housing matters and seven were spread across other service areas.

We treated three of these complaints as premature and gave advice on three more. The remaining five were forwarded to the investigative team, either as new complaints or as premature complaints that had been resubmitted.

Complaint outcomes

I decided four complaints against the Council during the year. In two cases, both about housing matters, I found no evidence of maladministration. I took the view that a complaint about parking was outside my jurisdiction.

One complaint resulted in a 'local settlement'. A local settlement is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. In this case, I found that the Council had delayed addressing a complaint of antisocial behaviour. I asked that the Council pay the complainant £100 and undertake to keep him properly informed of its actions.

Liaison with the Local Government Ombudsman

Formal enquiries were made on four complaints during the year. The Council's average response time was 53.3 days. This is slower than last year and is significantly outside our 28 day target. I would hope that the successor authority will improve significantly on this performance.

North Shropshire District Council

Enquiries and complaints received

Our Advice Team received 25 complaints and enquiries during the year, of which 22 related to planning matters. We treated one as premature and gave advice on three more. Twenty one were forwarded to the investigative team, either as new complaints or as premature complaints that had been resubmitted.

Complaint outcomes

I decided 11 complaints against the Council during the year, seven of which related to planning applications and four to other service areas. In seven cases I identified no evidence of maladministration. I used my discretion not to pursue two complaints. Typically, these are cases where, even though there may have been some fault by the Council there is no significant injustice to the complainant. I took the view that one further complaint was not within my jurisdiction.

One complaint resulted in a local settlement. The Council had failed to inform the Council of the outcome of a neighbour's planning application. It had erroneously informed her that the application had been withdrawn, when in fact it had been approved. I took the view that an apology was sufficient in this case, given that the outcome of the application was unaffected by the maladministration I had identified.

Liaison with the Local Government Ombudsman

Formal enquiries were made on seven enquiries. The council's average response time was 15.3 days. While this is slightly longer than last year, it remains well below our 28 day target.

Oswestry Borough Council

Enquiries and complaints received

Our Advice Team received six complaints and enquiries during the year, three of which concerned planning matters. We treated two of these complaints as premature and gave advice on one more. Two complaints were forwarded to the investigative teams as premature complaints that had been resubmitted, and one as a new complaint.

Complaint outcomes

I decided seven complaints during the year. Five related to planning matters, one to antisocial behaviour and one to housing benefit.

In six of the cases, I found no evidence of maladministration. One complaint, a planning matter, did not fall within my jurisdiction.

Liaison with the Local Government Ombudsman

Formal enquiries were made on three complaints during the year. The Council's average response time was 29.3 days. This is roughly in line with previous years and is only slightly outside our 28 day target.

Shrewsbury & Atcham Borough Council

Enquiries and complaints received

Our advice team received 17 complaints and enquiries during the year. On these, 10 concerned planning and building control matters. The remaining seven were spread across other service areas.

We treated seven of these complaints as premature and gave advice on two more. Eight were forwarded to the investigative team.

Complaint outcomes

I decided nine complaints against the Council during the year, three of which related to planning matters, two to housing, two to transport and highways, one to housing benefit and one to waste management.

In five cases I identified no evidence of maladministration. I used my discretion not to investigate two complaints and took the view that one fell outside my jurisdiction.

One complaint resulted in a local settlement. In this case, the Council had failed to notify the complainant about a planning application, depriving him of the right to object to it. In settlement of the complaint I asked the Council to pay the complainant £500 compensation and the Council agreed to do so.

Liaison with the Local Government Ombudsman

Formal enquiries were made on four complaints during the year. The Council's average response time of 30.3 days was in line with the previous year, and was outside our 28 day target.

Shropshire County Council

Enquiries and complaints received

Our Advice Team received 43 complaints and enquiries during the year. Of these, 18 related to social services matters and 14 to education. The remaining 11 were spread across other service areas.

We treated 11 of these complaints as premature and gave advice on a further eight. The remaining 24 were forwarded to the investigative team, either as new complaints or as premature complaints that had been resubmitted.

Complaint outcomes

I decided 18 complaints against the Council this year. In 13 of these I found no evidence of maladministration. I used my discretion not to investigate four complaints, and I took the view that one further complaint fell outside my jurisdiction.

There were nine complaints about education matters. In seven I found no evidence of maladministration and I used my discretion not to investigate the other two.

The remaining nine complaints were spread across social services, planning, local taxation, transport and highways and other matters. I identified no maladministration in respect of six of these and used my discretion not to investigate two. The remaining complaint was outside my jurisdiction.

Liaison with the Local Government Ombudsman

Formal enquiries were made on 11 complaints during the year. The Council's average response time was 31.1 days which was, as in previous years, outside our 28 day target.

South Shropshire District Council

Enquiries and complaints received

Our Advice Team received 20 complaints and enquiries during the year. Of these 13 concerned planning and building control, with the rest spread across other service areas.

We treated two of these complaints as premature and gave advice on three more. The remaining 15 were forwarded to the investigative team, either as new complaints or as premature complaints that had been resubmitted.

Complaint outcomes

I decided 16 complaints against the Council during the year. In three of these I found no evidence of maladministration and I used my discretion not to investigate eight more. I took the view that two complaints were not within my jurisdiction.

I decided nine further complaints concerning planning matters. One complaint fell outside my jurisdiction and in another two cases I identified no evidence of maladministration. I used my discretion not to investigate the remaining six.

I decided four more complaints relating to various service areas. In one of these, I identified no evidence of maladministration, one was outside my jurisdiction, and I used my discretion not to pursue two more.

Local settlements

Three planning complaints gave rise to local settlements. In two cases, the information provided to complainants had been insufficiently clear, causing them an unnecessary degree of uncertainty. In both, I asked the Council to apologise.

In the third case, the Council failed to notify a parish council of a planning application for a development adjacent to the complainant's property. Had the parish council been informed of the application, it would have objected. This would have caused the application to be determined by Members, rather than by officers under their delegated powers. I cannot say for certain what the outcome would have been, but it seemed likely that Members may have been minded to suggest a different location for the development, further from the complainant's home. I asked the Council to pay the complainant £1000 in respect of the time and trouble she had been put to and for her uncertainty and to enable her to provide boundary screening.

Liaison with the Local Government Ombudsman

Formal enquiries were made on eight complaints this year. The Council's average response time was 56.1 days. This is significantly slower than last year, and is well outside our 28 day target. The delay in providing responses to a number of enquiries on planning complaints was very significant, and I hope the successor authority can achieve a substantial improvement 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. 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 am pleased that during 2008/09 we provided training in Effective Complaint Handling to staff from Shropshire County Council and South Shropshire District Council. We have extended the range of courses we provide and I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

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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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	Housing	Planning and building control	Other	Total
Formal/informal premature complaints	0	0	1	1	2
Advice given	1	0	2	0	3
Forwarded to investigative team (resubmitted prematures)	0	0	2	1	3
Forwarded to investigative team (new)	0	1	8	3	12
Total	1	1	13	5	20

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	3	0	0	3	8	2	16

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	8	56.1
2007 / 2008	2	37.5
2006 / 2007	6	21.8

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