

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

**Gloucestershire County  
Council**

**for the year ended  
31 March 2010**

Local Government Ombudsmen (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, we aim to get it put right by recommending a suitable remedy. We also use 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 Gloucestershire County Council 2009/10

## Introduction

This annual review provides a summary of the complaints we have dealt with about the Gloucestershire 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 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 2009/10 and a note to help the interpretation of the statistics.

## Enquiries and complaints received

In 2009/10 we received 42 enquiries and complaints relating to the Council compared to 45 in 2008/09. These were spread across various service areas of the Council, but as in last year the highest number of enquiries and complaints were concerned with education (15) and children and family services (eight).

In total, 27 of these enquiries and complaints were passed to the investigative teams, including five which had previously been referred to the Council as premature. In the remaining cases we treated the complaint as premature, gave advice on using the Council's complaint process, or more general advice was given on the matters raised.

## Complaint outcomes

This year we decided 26 complaints against the Council. In five cases we decided that the matter complained about was not within my jurisdiction to investigate. In seventeen cases we discontinued investigation, either because there was no or insufficient evidence of maladministration or because we used our discretion not to investigate; for example because we did not consider the complainant had suffered any injustice as a result of the Council's actions.

This year we issued no reports against the Council.

## Local settlements

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 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority the remaining four were local settlements, which I detail below. I recommended that the Council should pay a total of £600 in compensation in 2009/10.

## Children and family services

We received a complaint from the parents of a profoundly disabled child, who wanted the Council to agree to fund a place in residential care. The Council convened a panel to consider the request which declined to fund the placement. However, there were some flaws in how that hearing was

arranged. These included giving the parents insufficient notice of the hearing; that there was no advocate to represent the child and at least one panel member did not have time to read background papers. To its credit, the Council was quick to recognise these flaws when contacted by my investigator and agreed to convene a new hearing to reconsider the funding request.

## **Education**

A parent complained to us when their child was denied a place at a primary school. The parent had taken their case to an appeal, but the Council had withheld from the appeal panel information provided by the school which was of relevance to the parent's case. The Council acknowledged on reflection that the panel should have had this information and agreed to convene a fresh appeal hearing for the parent where this information would be provided.

## **Highway Management**

We received a complaint about a traffic calming scheme where the complainant alleged, amongst other things, that the Council had carried out an inadequate consultation and safety audit. While not believing it had acted with fault the Council sought to resolve the complaint promising some additional consultation and procedural improvements, which we considered satisfactory. It also offered to pay compensation of £100 to reflect the time and trouble that the complainant had been put to during the course of their complaint.

## **Planning**

The Council agreed to pay £500 compensation to a complainant whose property was adjacent to a building it owned. The Council gave itself planning permission to extend the building and the extension was within two metres of the complainant's home. While we accepted that the decision to approve the extension was consistent with national and local planning guidance, the complainant had a genuine sense of outrage that prior to approving the extension the Council had not given greater consideration to the impact the extension would have. The case reinforced the need for the Council to have robust procedures in place when seeking permission to build on land in its possession.

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

We made enquiries on 25 complaints this year. The Council's average response time was just under 29 days, which compares with a figure of just over 31 days last year. I recognise it is making improvements and clearly it has come very close to meeting my expectations. Indeed, the target would have been reached if it was not for a handful of cases where the time taken to respond to enquiries was well in excess of 28 days (61 days in one instance). And I note that the Council generally performed very well in replying to my enquiries on education admission cases which we treat as a priority, with some responses being received in as little as 10 days. So in general terms encouraging progress has been made over the last twelve months and this bodes well for the future in this regard.

## **Training in complaint handling**

I would like to take this opportunity to remind the council that 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**

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 authority's services.

**Mr Tony Redmond  
Local Government Ombudsman  
The Oaks No 2  
Westwood Way  
Westwood Business Park  
Coventry  
CV4 8JB**

**June 2010**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

### New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at [www.lgo.org.uk/schools/](http://www.lgo.org.uk/schools/)

### Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

### Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at [www.lgo.org.uk/guide-for-advisers/council-response](http://www.lgo.org.uk/guide-for-advisers/council-response)

## **Training in complaint handling**

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

## **Statements of reasons**

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

## **Delivering public value**

We 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 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.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

**Mr Tony Chairman  
Local Government Ombudsman  
The Oaks No 2  
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Westwood Business Park  
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**June 2010**



# Appendix 1: Notes to assist interpretation of the statistics 2009/10

## 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.

**Premature complaints:** 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

**Forwarded to the investigative team (resubmitted premature and new):** These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to 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 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 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 LGO 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 LGO'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 LGO'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 2009/10**

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

**LGO Advice Team**

| <b>Enquiries and complaints received</b>                 | <b>Adult care services</b> | <b>Children and family services</b> | <b>Education</b> | <b>Housing</b> | <b>Planning and building control</b> | <b>Transport and highways</b> | <b>Other</b> | <b>Total</b> |
|--|----------------------------|-------------------------------------|------------------|----------------|--------------------------------------|-------------------------------|--------------|--------------|
| Formal/informal premature complaints                     | 1                          | 2                                   | 0                | 0              | 1                                    | 2                             | 1            | 7            |
| Advice given   | 0                          | 1                                   | 3                | 1              | 0                                    | 2                             | 1            | 8            |
| Forwarded to investigative team (resubmitted prematures) | 1                          | 2                                   | 0                | 0              | 0                                    | 0                             | 2            | 5            |
| Forwarded to investigative team (new)                    | 0                          | 3                                   | 12               | 0              | 1                                    | 5                             | 1            | 22           |
| <b>Total</b>   | <b>2</b>                   | <b>8</b>                            | <b>15</b>        | <b>1</b>       | <b>2</b>                             | <b>9</b>                      | <b>5</b>     | <b>42</b>    |

**Investigative Team**

| <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>Total</b> |
|------------------|----------------|-----------|---------------|----------------|---------------|-----------------|-----------------------------|--------------|
| 2009 / 2010      | 0              | 4         | 0             | 0              | 12            | 5               | 5                           | 26           |

| Response times         | FIRST ENQUIRIES        |                            |
|------------------------|------------------------|----------------------------|
|                        | No. of First Enquiries | Avg no. of days to respond |
| 1/04/2009 / 31/03/2010 | 25                     | 28.8                       |
| 2008 / 2009            | 22                     | 31.2                       |
| 2007 / 2008            | 11                     | 32.4                       |

## Average local authority resp times 01/04/2009 to 31/03/2010

| Types of authority         | <= 28 days<br>% | 29 - 35 days<br>% | > = 36 days<br>% |
|----------------------------|-----------------|-------------------|------------------|
| District Councils          | 61              | 22                | 17               |
| Unitary Authorities        | 68              | 26                | 6                |
| Metropolitan Authorities   | 70              | 22                | 8                |
| County Councils            | 58              | 32                | 10               |
| London Boroughs            | 52              | 36                | 12               |
| National Parks Authorities | 60              | 20                | 20               |