

**The Local Government Ombudsman's
Annual Review
Hampshire County Council
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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 Hampshire County Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about the Hampshire 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 73 enquiries and contacts relating to the council. A total of 27 were about education, 16 about children and family services, 12 about transport and highways, nine about adult care services, two about planning and building control, one about housing and six about other areas.

A total of 47 were passed to the investigative team, 41 new complaints and six resubmitted premature complaints. We treated 10 complaints as premature and either referred them to the council or advised the complainant to make a complaint direct. In a further 16 cases we gave the complainant advice.

This compares with 62 complaints and enquiries in 2008/09, 34 of which were forwarded to the investigative team. We expect to see slight fluctuations of this kind over time.

Complaint outcomes

We decided 38 complaints against the council during the year. Almost half of these (16) were about education matters, mainly school admissions and special educational needs. Six complaints were about various transport and highway matters, four about adult care services, four about children and family services, two about planning and building control, one about regeneration and improvement and five about other matters including consumer affairs, drainage, employment and pensions and land.

In 19 cases we found no evidence of maladministration, and six complaints were outside my jurisdiction. In a further six cases I exercised my discretion not to investigate further. Typically these are cases where even though there may have been some fault by the council there is no significant injustice to the complainant.

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 seven were local settlements, representing 18.4% of complaints decided. We recommended that the council should

pay a total of £1,000 in compensation in 2009/10. In this letter I shall deal with some of the more noteworthy examples.

Adult care services

In one complaint about adult care, we found that the council had reduced the complainant's direct payments without giving the normal three months notice. Although the council had remedied the situation by making the appropriate direct payments as well as independent living fund payments, our investigation resulted in a further amount of £500 being paid for the avoidable distress.

In another case about adult care, we found that the council had miscalculated several times how much the complainant's son (who has learning disabilities) should pay for a residential placement, and failed to indicate it was undercharging before substantial arrears arose. This caused the complainant, an elderly person in poor health, avoidable trouble and anxiety and unnecessary difficulty for the son. In response to the recommendation of my predecessor, the council agreed to give a formal apology, write off arrears built up to May 2009 (when the complainant first became aware of undercharging) and make a payment of £250 for time and trouble. The council also undertook to consider, based on financial and care assessments, meeting the cost of one year's activity club membership for the son, and to send copy correspondence to him in future.

Education

In one complaint about special educational needs, we found that the council had refused to address a delay in producing a revised statement of special educational needs for the complainant's son. It wrongly concluded that the matter could not be dealt with because she had appealed to a tribunal about the content of the statement. Following our enquiries the council agreed to respond to the complaint and make a payment of £250 for avoidable time and trouble.

In a complaint about school admissions, we found that information given to the complainant before an appeal did not make clear the option to submit further medical evidence in support of the appeal for a place at the school of choice. On receipt of the new medical evidence submitted at the time of the complaint and our enquiries to the council, a place was offered without the need for a rehearing of the appeal. The action taken by the council settled the complaint. The complainant's son started at the preferred school the following term.

Other decisions resulting in local settlements

Another local settlement concerned a complaint about a mislaid grant application for a community environmental project. The application had not been processed and the opportunity for the grant had been lost. Work on the project had been undertaken on the understanding that the grant would be approved. The council responded positively to enquiries by my office and agreed to consider the grant application as originally submitted. The council also confirmed that it had looked again at its arrangements for grant applications.

Liaison with the Local Government Ombudsman

We made formal enquiries on 23 complaints this year. In the annual review for 2009, my predecessor congratulated the council on its efforts to improve the council's response times to our enquiries. In 2009/10 the council took an average of 23.6 days to reply to enquiries. This was a slight increase on the time in 2008/09, but a very creditable performance and well within the 28 day target we set for councils.

The visit by officers of the council to the Commission's Coventry offices during the year was a positive opportunity to discuss practice in complaint handling. I am pleased to note the level of

commitment within the council to good complaint handling and the effective working relationship that exists with my office.

Training in complaint handling

I am pleased to note that in January 2010 staff from your council attended an open course that we held for local authorities on Complaint Handling.

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 authority's services.

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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/

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

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.

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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

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	0	3	2	0	0	5	0	10
Advice given	2	5	5	0	0	3	1	16
Forwarded to investigative team (resubmitted prematures)	2	1	0	0	2	0	1	6
Forwarded to investigative team (new)	5	7	20	1	0	4	4	41
Total	9	16	27	1	2	12	6	73

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	7	0	0	19	6	6	38

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

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	23	23.6
2008 / 2009	18	22.1
2007 / 2008	22	31.6

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
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