

**The Local Government Ombudsman's
Annual Review
Northamptonshire 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 Northamptonshire County Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Northamptonshire 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 54 enquiries and complaints regarding your council, eight more than in the previous year. We expect slight fluctuations from year to year. Of the 54 enquiries and complaints, 21 concerned education, there were 10 about adult care services, nine about transport and highways, seven about children and family services, one about planning and building control and six about other matters.

We treated 10 of these complaints and enquiries as premature and either referred them to the council or advised the complainant to contact the council direct. In three cases we gave the complainant advice. Of the remaining 41 complaints (39 new complaints and two resubmitted ones) were passed to the investigative team.

Complaint outcomes

My office decided 29 complaints against the council during the year, six fewer than in 2008/09. The largest proportion of these (18 complaints) concerned education matters. In nine of the 29 complaints decided, we found no evidence of maladministration and four complaints were outside jurisdiction. In a further four cases Ombudsman's discretion was exercised 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, twelve (41.4%) were local settlements, almost twice the national average.

School admissions

Six complaints that were settled locally concerned school admissions. In five of these cases, my predecessor Ombudsman considered that the appeals panels had failed properly to consider whether any further admission to the schools in question would be prejudicial. The council did not accept that there had been fault but agreed to offer fresh appeal hearings to the complainants.

Adult care services

Two of the complaints that were settled involved services for adults. In one case, the complainant moved to the direct payments system, which gives service-users more responsibility for obtaining their own care. The council did not explain clearly enough what the complainant could use the payments for, despite the complainant clearly raising concerns. My office's investigation also found a lack of action when the complainant asked to stop receiving direct payments and a failure to find alternatives when the introduction of a new personal budgets system was delayed. The way the council handled the complainant's formal complaint was also flawed. The complaints procedure took too long and the council also failed to fulfil some undertakings given during the complaints procedure. To settle the complaint, the council agreed to pay the complainant £3,750 for her avoidable confusion, anxiety, uncertainty, inconvenience and her time and trouble pursuing the complaint. It also introduced its new personal budgets scheme, which gave the complainant and other service-users more control over their care.

The other settlement involved a complaint about eviction from a residential care home. While the care home, rather than the council, was mainly responsible for what happened, there was some delay by the council in completing the complainant's care assessment. There was also some confusion over what the complaints process could achieve and delay dealing with the complaint. To settle the complaint, the council paid £1,000 to the person who had been evicted and also paid £1,000 to the parent who had brought the complaint in recognition of both of their frustration, distress and inconvenience.

Special educational needs

Two settled cases involved children who had special educational needs. In one case, the complainant was a parent educating a child at home. We did not find any fault that caused the complainant a significant injustice in relation to the council's handling of the child's educational needs. However, we found significant flaws in the operation of the council's complaints procedure. The council's investigation was delayed, based on incomplete information and the resulting investigation report was wrong in law. The council initially accepted the findings of this report and then changed its position after taking legal advice. This caused the complainant considerable confusion and upset. To put matters right, the council agreed to pay the complainant £3,000 and to pay the training costs for specialist equipment for the complainant's child. The council also agreed to involve another council in assessments of the complainant's child and of the home education that the complainant was providing.

Another settlement involved the council's failures to conduct a proper annual review and to consider information about a child with special educational needs. The council delayed for three months in reassessing the situation. The reassessment resulted in increased funding and a change of placement to meet the child's educational needs. The council agreed to pay £550 for extra support for the child and to pay £200 to the child's parent for her time and trouble.

Other decisions

We received one complaint where the council had not kept the complainant properly updated about proposed highway works affecting him. We concluded that the complainant had not been significantly affected by this so did not ask the council for a local settlement. Nevertheless, the council promptly updated the complainant and undertook to do so each month until the situation was resolved. I very much welcome the council's constructive approach here.

Liaison with the Local Government Ombudsman

We made initial enquiries on 25 complaints during the year, asking the council to reply within 28

days. The council continues to respond promptly and thoroughly. The average response time was 22.4 days, better than in the previous two years (23.2 and 25.2 days) and well within our target timescale. I commend the council's excellent performance here.

Training in complaint handling

I am pleased that during 2009/10 we provided training in Effective Complaint Handling in Adult Social Care to staff from your authority. The feedback appears to have been positive and I trust that your staff found the courses useful. 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	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	4	3	1	0	1	1	10
Advice given	0	1	0	0	1	1	3
Forwarded to investigative team (resubmitted prematures)	0	0	1	0	1	0	2
Forwarded to investigative team (new)	6	3	19	1	6	4	39
Total	10	7	21	1	9	6	54

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	12	0	0	9	4	4	29

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	25	22.4
2008 / 2009	21	23.2
2007 / 2008	21	25.2

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