

22 June 2012

By email

Ms Trish Haines
Chief Executive
Worcestershire County Council

Dear Ms Haines

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number forwarded by the Advice Team to my office and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries. I expect councils to reply to my first enquiries on complaints within 28 days. In 2011-12 your council's average time was 34.3 days. However, this figure was skewed by one complaint where the council took 169 days to reply. Without this anomaly the council would have met my target.

Reports

In 2011-12 I issued two reports against your Council, both on complaints about adult social care. In one complaint a mother who was the carer for her son complained that she had not been offered direct payments to buy in services she was providing for him. While I did not conclude that the Council was at fault over this, I found that the Council carried out a deficient care assessment and failed to send out subsequent reviews to the complainant and her son, so that they did not know the details.. This caused uncertainty for the complainant that decisions may have been made differently during the period under investigation. In addition the Council did not offer to carry out a carer's assessment for a considerable period of time The Council had already offered a remedy of £4000 to compensate the complainant for failings in the year before she complained to the Council. I am pleased to say that the Council agreed to pay a further £9000 to provide a remedy for failings in previous years, and that I was able to reflect this agreement in the report.

The second complaint was on behalf of a vulnerable adult with limited capacity who was assessed as requiring care services at home. There was a lack of communication between the Council and

the carers as to what was required and the carers were not given sufficient information about the service user's capacity. The carers did not alert the Council to potential risks and problems associated with the service user's behaviours. As a result of my investigation the council acknowledged fault and agreed to pay compensation of £1,500 to the service user, who is now in residential care, and to provide an apology and compensation of £500 to the relative who complained on her behalf, which I was able to include in my report. In addition the Council agreed to routinely introduce risk assessments, review casework levels for social workers and to clarify expectations in respect of home carers. I hope that these improvements in procedure will prevent similar problems recurring for other service users.

Changes to our role

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

Supporting good local public administration

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and

73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on [our website](#).

Publishing decisions

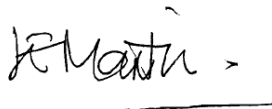
Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Martin', with a horizontal line underneath it.

Dr Jane Martin
Local Government Ombudsman

LGO advice team

Enquiries and complaints received	Adult Care Services	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Planning & Development	Total
Advice given	3	0	6	1	1	1	12
Premature complaints	5	0	5	1	2	0	13
Forwarded to Investigative team (resubmitted)	2	0	3	1	1	1	8
Forwarded to Investigative team (new)	9	2	9	1	2	0	23
Total	19	2	23	4	6	2	56

Investigative team - Decisions

Not investigated			Investigated			Report	Total
No power to investigate	No reason to use exceptional power to investigate	Investigation not justified & Other	Not enough evidence of fault	No or minor injustice & Other	Injustice remedied during enquiries		
3	0	3	17	6	2	2	33

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	20	34.3