

21 July 2016

By email

Pat Flaherty
Chief Executive
Somerset County Council

Dear Pat Flaherty,

Annual Review letter 2016

I write to you with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2016.

The enclosed tables present the number of complaints and enquiries received and the decisions we made about your authority during the period. I hope that this information will prove helpful in assessing your authority's performance in handling complaints.

Last year we provided information on the number of complaints upheld and not upheld for the first time. In response to council feedback, this year we are providing additional information to focus the statistics more on the outcome from complaints rather than just the amounts received.

We provide a breakdown of the upheld investigations to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us. In addition, we provide a compliance rate for implementing our recommendations to remedy a fault.

I want to emphasise that these statistics comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

During the year we issued a report against the Council. It was about a complaint made on behalf of a young man with Asperger's Syndrome whose direct payments for social care support were withdrawn on the basis of inaccurate information and only reinstated over a year later. The Council contracted this service out to an NHS Trust but failed to appreciate that, by law, they retained responsibility for ensuring that the young man's care needs were met. Because there was no material change in the young man's circumstances we found that the Council should have continued to make direct payments during the period in which they were withdrawn. We recommended that the Council should pay the man's mother a sum equivalent to what she should have received. Once direct payments were withdrawn she became responsible for all of her son's social contact and access to the community and we recommended a further payment to her to acknowledge the stress this caused her. We also recommended that the Council should review its procedures for monitoring contracts and take

any necessary steps to ensure that staff are aware of their responsibilities in respect of contracts with other organisations. The Council agreed to our recommendations but it is of concern that the Council was unaware of its legal responsibilities in this case.

When we ask councils to provide information on a complaint we ask them to liaise with contractors or other third parties who provide these services on their behalf. After we issued the report, the NHS Trust contacted us to say it was unaware of the complaint and had had no input into our investigation. In the event the NHS Trust did not take up our invitation to supply further information about their role in the complaint. We noted, however, that the Council had failed to liaise with the body that had supplied the services on its behalf.

In last year's letter I reported that I had concerns about the quality and timeliness of the Council's replies to my enquiries. While the Council's performance in this respect has improved overall, there is evidence in a number of individual complaints that these problems persist. There was one case that caused particular concern. This was a case involving fault in a reassessment of an elderly woman's domiciliary homecare needs. The Council did not withdraw service and carried out a fresh review, so there was no injustice. However, it failed to properly answer the questions we asked for almost seven months, finally taking six weeks to agree a date for a file inspection by the investigator, achieved only after a warning of an imminent witness summons. This simple matter could have been resolved much earlier.

It is important that an Ombudsman investigation is not impeded and we hope that the Council will make further efforts to improve its performance in the current year.

Effective accountability for devolved authorities

Local government is going through perhaps some of the biggest changes since the LGO was set up more than 40 years ago. The creation of combined authorities and an increase in the number of elected mayors will hugely affect the way local services are held to account. We have already started working with the early combined authorities to help develop principles for effective and accessible complaints systems.

We have also reviewed how we structure our casework teams to provide insight across the emerging combined authority structures. Responding to council feedback, this included reconfirming the Assistant Ombudsman responsible for relationship management with each authority, which we recently communicated to Link Officers through distribution of our manual for working with the LGO.

Supporting local scrutiny

Our corporate strategy is based upon the twin pillars of remedying injustice and improving local public services. The numbers in our annual report demonstrate that we continue to improve the quality of our service in achieving swift redress.

To measure our progress against the objective to improve local services, in March we issued a survey to all councils. I was encouraged to find that 98% of respondents believed that our investigations have had an impact on improving local public services. I am confident that the continued publication of our decisions (alongside an improved facility to browse for them on our website), focus reports on key themes and the data in these annual review letters is helping the sector to learn from its mistakes and support better services for citizens.

The survey also demonstrated a significant proportion of councils are sharing the information we provide with elected members and scrutiny committees. I welcome this approach, and want to take this opportunity to encourage others to do so.

Complaint handling training

We recently refreshed our Effective Complaint Handling courses for local authorities and introduced a new course for independent care providers. We trained over 700 people last year and feedback shows a 96% increase in the number of participants who felt confident in dealing with complaints following the course. To find out more, visit www.lgo.org.uk/training.

Ombudsman reform

You will no doubt be aware that the government has announced the intention to produce draft legislation for the creation of a single ombudsman for public services in England. This is something we support, as it will provide the public with a clearer route to redress in an increasingly complex environment of public service delivery.

We will continue to support government in the realisation of the public service ombudsman, and are advising on the importance of maintaining our 40 years plus experience of working with local government and our understanding its unique accountability structures.

This will also be the last time I write with your annual review. My seven-year term of office as Local Government Ombudsman comes to an end in January 2017. The LGO has gone through extensive change since I took up post in 2010, becoming a much leaner and more focused organisation, and I am confident that it is well prepared for the challenges ahead.

Yours sincerely

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a long horizontal flourish at the end.

Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: Somerset County Council
For the Period Ending: 31/03/2016

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
21	0	3	27	1	9	0	0	0	61

Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
2	0	36	12	4	14	78%	68

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.

The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

The compliance rate is the proportion of remedied complaints where our recommendations are believed to have been implemented.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement	Compliance Rate
12	1	100%