



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Cumbria County Council  
for the year ended  
31 March 2007**

**The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.**

## **Annual Letter 2006/07 - Introduction**

This annual letter provides a summary of the complaints we have received about your authority. Where possible, we comment on the authority's performance and complaint-handling arrangements to assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

As you are a local Social Services authority I want to take this opportunity to draw your attention to an issue of significant public interest. In the last two years I have issued reports following complaints from people living in Blackpool, Liverpool and Sheffield about failings in home care services provided under contract.

In each case a vulnerable person was placed at significant risk as a result of carers failing to visit, calling late and failing to provide the specified care. Tragically, in one case the actions of a carer resulted in a death. Complaints had been made to all three Councils but no effective action had been taken. Although the services were provided under contract, it seems clear that similar problems could occur even if the carers are directly employed. I urge you to ensure that senior staff responsible for care services to adults are aware of the issues raised by these reports (which can be found on our web-site) and consider whether action needs to be taken by your Council. The 2006 report of the Commission for Social Care Inspection 'Time to Care? An Overview of Home Care Services for Older People in England' provides very useful contextual information.

## **Complaints received**

### ***Volume***

Last year 30 complaints were received against the Council showing a steady decline from 35 during the previous year and 44 during the year before that.

### ***Character***

The drop in complaints were most marked against children and family services, where complaints fell from 11 during the previous year to only 3 last year; and in adult care services, where complaints fell from 10 during the previous year to 8 last year. These 11 about social services represent just over a third of all complaints against the Council.

There was a rise in complaints against transport and highways, from 7 during the previous year to 11 last year making this the highest single category of complaint.

## **Decisions on complaints**

### ***Reports and local settlements***

A 'local settlement' is a complaint that is resolved by the Council taking, or agreeing to take, action which we consider is a satisfactory response to the complaint so that the investigation can be discontinued. In 2006/07 27.7% of complaints dealt with by the three Local Government Ombudsmen (excluding premature and those outside jurisdiction) were resolved by local settlement. When we complete an investigation we must issue a report.

No reports critical of the Council were published last year, though local settlements were achieved upon six complaints, half of which were about social services: two relating to adult care services and one to children and family services.

In one case I required the Council to pay £10,000 into a trust fund until a young person reached the age of 21. The Council had failed to assess the young person properly and consider their needs, and had inadequately researched opportunities for a family placement. There were no records of family placement meetings, and there were long delays in the Council's responses.

In another case the Council was required to make a payment of £500 to compensate the complainant for a variety of failures arising from the care of an elderly lady in a Council care home.

### ***Other findings***

Decisions were made upon 27 complaints last year, of which six were premature complaints in the sense that the Council had not yet had a proper opportunity to consider and respond to those complaints as is required by law.

## **Your Council's complaints procedure and handling of complaints**

I am pleased to note that the Council adequately advertises its complaints procedure upon its own website. However, I am sorry to note that there is no direct linkage from that website to the Commission's own website to allow complainants to readily access the use of services offered by the York office of the Commission in the event that the complainant is dissatisfied with the Council's response through its own complaints procedure. I hope that the Council may address this issue during the coming year.

## **Training in complaint handling**

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. The feedback from councils that have taken up the training is very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), we now offer these courses specifically for social services staff and have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

I am pleased to note that, together with other councils in Cumbria, Cumbria County Council is considering the possibility of contributing to a collective training course for complaints handling in Cumbria, and I hope that this proposal may reach fruition during the coming year.

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

Last year the Council responded in an average of 25.5 calendar days to the enquiries made by investigators upon 11 complaints.

In last year's Annual Letter I noted that the Council's responses had steadily increased to just over an average of 30 calendar days, and expressed the hope that the Council would perform within the

Commission's new target of 28 calendar days. I am pleased to note, therefore, that the Council has easily outperformed that target and significantly improved its performance in responding to enquiries from this office, even though these have nearly halved between last year and the previous year.

I am pleased to note that during the last year you welcomed the Assistant Ombudsman, Chris Cobley, who now leads the team of investigators dealing with complaints against your Council. He tells me that his visit was a useful opportunity to explain changes within the Commission's structure, procedures and objectives; discuss complaints generally against your Council; consider the training courses I have outlined above; as well as an opportunity to meet the staff with whom investigators work most closely. I hope that the relationship between Chris Cobley's team and your own staff will continue to develop. Thank you for the time and trouble afforded to Chris Cobley during his visit, which was much appreciated.

## **LGO developments**

You may be interested in the development of our initiative to improve the first contact that people have with us. A new Access and Advice Service will provide a gateway to our services for all complainants and enquirers. It will encourage telephone contact but will also deal with email, text and letter correspondence. We will let you have further details about how it will operate and the expected timescales and we will discuss with you the implications for your Council.

I hope you have received our latest special report about telecommunication masts. It draws on our experience of dealing with complaints about planning applications for masts which can be highly controversial. We recommend simple measures that councils can adopt to minimise the chances of maladministration occurring.

In July we will be publishing a special report about the difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships. *Local partnerships and citizen redress* provides advice and guidance on how these problems can be overcome by good governance arrangements that include an effective complaints protocol.

## **Conclusions and general observations**

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Anne Seex**  
**Local Government Ombudsman**  
**Beverley House**  
**17 Shipton Road**  
**YORK**  
**YO30 5FZ**

**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Children and family services</b>	<b>Education</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Social Services - other</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	8	3	2	6	0	0	11	<b>30</b>
<b>2005 / 2006</b>	10	11	3	4	0	0	7	<b>35</b>
<b>2004 / 2005</b>	6	7	9	6	2	2	12	<b>44</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<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>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	6	0	0	8	4	3	6	21	<b>27</b>
<b>2005 / 2006</b>	1	5	0	0	11	7	4	9	28	<b>37</b>
<b>2004 / 2005</b>	0	6	0	0	11	9	9	4	35	<b>39</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	11	25.5
<b>2005 / 2006</b>	21	30.4
<b>2004 / 2005</b>	19	26.0

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0