



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter

Devon 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

The aim of the annual letter is to provide a summary of information on the complaints about Devon County Council that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

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

Complaints received

Volume

We received 47 complaints during the year, a significant reduction on the 67 received in the previous year. There is no obvious reason for the fluctuation, and the number of complaints received is very small when set against the many decisions the Council takes on behalf of its citizens each year.

Character

Thirteen complaints were about education, eight about planning, six about highways, five about adult care services and four about children and family services. Of the ten complaints in the 'other' category, three were about land, three about drainage and one each about: consumer affairs; contracts and business matters; leisure and culture; and employment and pensions. The decrease in complaints is commendable and indicates that the Council's own complaints procedure is working well. Complaints about education have trebled. There is no obvious reason for this, and the numbers remain small in context.

Decisions on complaints

Reports and settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine.

Six complaints were settled locally. In one, about adult care social services, the Council apologised for delays in a long drawn-out complaint with confusion caused over what information had been provided to the complainant following an adjournment of a review hearing. My investigator considered the Council's apology for the identified shortcomings to be sufficient remedy here. In a complaint about children and family services the Council failed to make a decision on a request from a foster carer that the Council should assist with her legal fees when she applied for Residence Orders in respect of children she was fostering. The other parties to the hearing had their costs supported either by the Council or the legal aid scheme. The Council agreed to pay £2900 compensation to put her back into the position she was in before the court costs and in recognition of her time and trouble in making her complaint.

In a complaint about education the Council quickly accepted that a delay in issuing an amended final statement of special educational needs prevented the complainant from accessing the avenue of appeal to the Special Education Needs and Disability Tribunal (SENDIST). To remedy this complaint the Council agreed to issue an apology, review the procedures for considering secondary school transfers for children with special educational needs, and pay the complainant £200 in recognition of

the anxiety and inconvenience she was caused and her time and trouble making this complaint. In a second education complaint the Council accepted that written guidance provided to a school admissions appeal panel was inaccurate, which cast doubt on the basis of the Panel's decision. To remedy this complaint the Council agreed to review the guidance provided to admissions appeals panels and to pay the complainant £200 in recognition of the cost incurred in buying two school uniforms as well as her anxiety and inconvenience and her time and trouble in making her complaint.

In a complaint about problematic access to his home following a pedestrianisation scheme the Council agreed to pay the complainant £50 in recognition of the difficulties he had been caused by inconsiderate car parking and to augment the street signs to draw attention to the access issue. The sixth complaint settled locally was resolved by the Council before my investigator had taken a view on administrative fault and no compensation was involved.

The total compensation paid this year was £3350. I am grateful to the Council for its assistance in settling these complaints.

When we complete an investigation we must issue a report. I issued no reports against the Council during the year.

Other findings

Forty-eight complaints were decided during the year. Of these, seven were outside my jurisdiction for a variety of reasons. Ten complaints were premature and, as I mentioned earlier, six were settled locally. The remaining twenty-five were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because I did not believe that significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

The number of premature complaints (ten) is slightly lower than we would expect when set against the number of incoming complaints (47). This suggests that the Council's complaints process is appropriately signposted.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and 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. We 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 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.

Liaison with the Local Government Ombudsman

We made enquiries on 19 complaints this year, and the average time for responding was a commendable 26 days against a target response time of 28 days. The way my enquiries are dealt

with centrally by the Council is extremely effective, and I appreciate the efforts officers will have put into meeting the target this year.

If it would help for Mr Purser, the Assistant Ombudsman to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange this.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

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 Council's services.

J R White
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June 2007

Enc: Statistical data
Note on interpretation of statistics
Details of training courses

Complaints received by subject area	Adult care services	Children and family services	Education	Other	Planning & building control	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	5	4	13	10	8	0	7	47
2005 / 2006	4	8	4	11	14	3	23	67
2004 / 2005	13	4	5	14	6	0	18	60

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

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	0	6	0	0	21	4	7	10	38	48
2005 / 2006	0	4	0	0	22	9	9	23	44	67
2004 / 2005	1	7	0	0	23	13	7	16	51	67

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

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	19	26.1
2005 / 2006	25	29.7
2004 / 2005	27	27.3

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

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