



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
East Riding of Yorkshire  
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**

We received 131 complaints about your Council during 2006/07, an increase of fifteen on 2005/06 but lower than the 2004/05 figure. Looking at the types of complaint received, there were significant increases in the number of complaints about children and family services, housing and planning and building control and reduction in benefits and transport and highways complaints. These changes are within the normal fluctuations seen in complaint numbers.

## **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.

We did not publish any reports about your Council during 2006/07. We did publish a Further Report and Statement on a complaint that the Council wrongly advised the executors of a will about how to go about lifting an agricultural occupancy condition on a house. The house was worth less with the condition in place. The Ombudsman found maladministration by the Council and recommended that the Council should use the District Valuer to establish independently the lost value of the house at the relevant time. It should then pay into the estate the difference in value together with appropriate interest. It should also pay the complainant £250 to account for her time and trouble in pursuing her complaint. I am disappointed that the Council has refused to accept the Ombudsman's recommended remedy.

There were fifteen local settlements during the year which were spread across the range of council services, with the largest category being planning complaints. These local settlements led to payments totalling £3,917. Other remedies included action to cut back a high hedge, offering a housing transfer, installing a fence, agreeing to contribute half the cost of a new "wet floor" shower and planting fast-growing conifers to screen a property from overlooking by two new windows in a neighbouring house.

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

The Council took an average of 31.9 days to respond to our initial enquiry letters, a small increase on last year's figure of 30.6 days and above the target of 28 days. Areas which were slowest to respond were children and family services (average 41.5 days) and planning and building control (34.4 days). It also took the Council 75 days to respond to one transport and highways complaint. I am aware that it can take more time to gather evidence for complex complaints, but speed of response is also important in providing a quality service to complainants.

We made 115 decisions during 2006/07. Of these complaints 33.9% were premature, as the Council had not had a reasonable opportunity to respond to them. This is a similar proportion to last year (39%). Twenty-one of the complaints decided (18.3%) were resubmitted premature complaints, where the complainant was dissatisfied with the Council's response. Three of these complaints (14.3%) resulted in a local settlement. The equivalent national figures are 10% and 21.5% respectively.

Local settlements and reports formed 26% of the decisions made on complaints which were not premature or outside my jurisdiction. This is lower than the figure of 33% for last year, and close to the national average figure of 29%.

### **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. I am pleased that your council has taken advantage of our Effective Complaints Handling training during the year.

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 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**

I visited the Council last summer and had a very useful discussion with the Leader, you and other senior officers about the relationship between our two organisations and how we work together and communicate. I have also visited subsequently to discuss a number of specific complaints. I hope we can continue this constructive dialogue in the future.

## **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>Benefits</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Social Services - other</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	8	2	14	9	14	22	53	4	0	5	<b>131</b>
<b>2005 / 2006</b>	5	7	5	6	6	25	42	5	2	13	<b>116</b>
<b>2004 / 2005</b>	7	2	7	5	13	39	57	6	2	15	<b>153</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	15	0	0	25	19	17	39	76	<b>115</b>
<b>2005 / 2006</b>	3	17	0	0	22	19	13	47	74	<b>121</b>
<b>2004 / 2005</b>	2	7	0	1	47	24	9	54	90	<b>144</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>	41	31.9
<b>2005 / 2006</b>	45	30.6
<b>2004 / 2005</b>	54	30.1

**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