



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter**

# **Gateshead Metropolitan Borough 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 89 complaints were received against the Council, a small drop from the 95 complaints received during the previous year.

### ***Character***

One third of these complaints were about housing (30) while a sixth was about planning and building control services (17). The only other relatively large category of complaints was education where complaints rose from one complaint during the previous year to eleven last year. Otherwise the number of complaints recorded against different council services fluctuated slightly but not significantly.

## **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.

During last year nine complaints were locally settled by the Council, generally by agreeing to simple remedies suggested by the investigator dealing with each complaint. However, in two cases sums of compensation were required to be paid to the complainants.

In one case concerning children and family services, compensation of £2000 was paid very promptly to the complainant arising from the Council's failure to allocate a social worker and to hold a child protection conference; a failure to conduct interviews in private and to establish the child's needs and feelings, as a result of which the complainant experienced two years of distress, feeling isolated and unsupported. However, the Council was most helpful during the difficult process of arranging a suitable settlement due to the personal circumstances of the young person, as the latter did not always cooperate with the Council.

In another case concerning adult care services, the Council paid £200 to the complainant reflecting its failure to consult on a significant increase in its charges for care, and giving adequate notice of such an increase.

When we complete an investigation we must issue a report.

A report was issued about one complaint last year, the first such report against the Council for three years. The complaint was that the Council unreasonably withdrew school transport from the complainants' child who is both mentally and physically disabled and that having reinstated this transport and met the complainants' legal fees on a previous occasion, then refused to do so upon a second occasion. In this case the Council agreed to reimburse the complainants' full legal fees and to pay the complainants £1000 to compensate them for their anxiety and their time and trouble in pursuing their complaint. I also recommended that the Council should consider reinstating transport for other parents in the same position as these complainants

### ***Other findings***

Decisions were taken upon 84 complaints, of which over one third were premature complaints (33) 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. Seven complaints lay outside my jurisdiction, and I found no maladministration in a further one third of complaints (26).

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

I note that a direct link to the Commission's own website may only be accessed from the social care customer services page upon the Council's website. I hope that it may be possible for the Council to provide a more accessible link to the Commission's own website, so that complainants who are dissatisfied with the response received through the Council's own complaints procedure may more readily access information about the Commission's complaints procedure.

## **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.

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

Last year the Council responded within an average of just under 22 calendar days to the enquiries made by investigators upon as many as 35 complaints. This cut an average of six calendar days from the Council's good performance during the previous year, and the Council is to be congratulated upon its outstanding performance last year in responding quickly to enquiries made by investigators. This reflects a generally most helpful relationship between officers of the Commission and of the Council, and investigators report that generally the Council's officers respond positively to issues raised by investigators.

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**  
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**YORK**  
**YO30 5FZ**

**June 2007**

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

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	2	6	3	11	30	10	17	4	0	6	89
2005 / 2006	6	0	2	1	28	21	24	2	1	10	95
2004 / 2005	4	1	3	3	38	15	11	0	0	12	87

**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	1	9	0	0	26	8	7	33	51	84
2005 / 2006	0	19	0	0	29	16	6	28	70	98
2004 / 2005	0	8	0	0	27	12	6	33	53	86

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	35	21.6
2005 / 2006	39	27.7
2004 / 2005	26	22.2

**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