



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Newcastle City 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 83 complaints were received against the Council.

Character

Well over a third (35) of complaints were about housing services. This was a significant rise of about a third upon the previous year, when 24 complaints about housing were received, though it simply returned to the level of complaints received during the year before that (2004/5) when 36 complaints were received about housing services. Complaints about planning and building control services fell from 16 during the previous year to 11 last year, the only other identifiable category of complaints receiving a relatively high volume of complaints.

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.

Though a report was published during the previous year, I found no need to report upon any complaint last year. The Council did, however, agree to settle no fewer than 16 complaints, with payments totalling £1925.

In one case the Council agreed to pay £1000 to compensate the complainant for its failure to identify a deterioration in the health of the complainant's mother in the months preceding her admission to hospital and for the way the Council then dealt with the complaint. I am pleased to note that in addition to the payment, the Council apologised to the complainant, acknowledged its fault, and amended its procedures by establishing a Safeguarding Adults Committee with dedicated staff to advise and support, as well as introducing a more robust monitoring procedure.

In another case the Council paid compensation of £500 for its delay in furthering a scheme to carry out works on land adjoining the complainants.

In a third case, although the Council had already offered the complainant £100 before the involvement of this office, the Council was persuaded to increase its offer to £250 arising from the blockage of a toilet, and the Council's failure to advise a neighbour not to use their toilet, with the result that it backfilled into the complainant's property flooding and damaging his flooring.

Other findings

Decisions were taken upon 86 complaints, of which well over a third 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. Nine complaints lay outside my jurisdiction and another nine were closed using my discretion to do so. In 21 complaints no maladministration was found.

Your Council's complaints procedure and handling of complaints

The fact that more than a third of complaints received against the Council at this office were returned to the Council as premature, as explained above, suggests that the Council's own complaints procedure may not be adequately publicised locally. However, I found the Council's own website thoroughly explains its complaints procedure, and I was further pleased to note that there is a direct link from that website to the Commission's own website, so that those unhappy with the Council's initial response to their complaint may pursue their complaint through the services offered by this office.

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 in an average of 36.7 calendar days to the enquiries made by investigators upon 32 complaints. This time was very much longer than during the previous year, when the Council responded within an average of only 20.4 calendar days upon enquiries made

about a slightly larger number of complaints (36). Its performance in the year before had been even better: 18.5 days.

Only a third of councils like Newcastle take longer than 36 days to respond to enquiries, and I hope that next year the Council may return to the good performance of the two previous years, now that a full complement of staff has been appointed to deal with such complaints, which I am aware was the constraint operating last year.

During the year you welcomed the Assistant Ombudsman who now leads the team of investigators dealing with complaints against your Council. This visit was a useful opportunity to explain changes within the Commission's structure, procedures and objectives; discuss complaints; consider training and to meet the staff who deal with our enquiries. I hope that the relationship will continue to be constructive.

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
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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	Transport and highways	Total
01/04/2006 - 31/03/2007	1	3	0	3	35	21	11	3	6	83
2005 / 2006	4	8	0	2	24	18	16	8	10	90
2004 / 2005	2	4	2	3	36	16	9	4	9	85

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	16	0	0	21	9	9	31	55	86
2005 / 2006	1	10	0	0	30	12	8	24	61	85
2004 / 2005	0	14	0	0	33	10	12	23	69	92

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	32	36.7
2005 / 2006	36	20.4
2004 / 2005	35	18.5

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