



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter to North Yorkshire 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 & Character

The number of complaints received about the Council by my office fell as compared to the previous year – from 49 to 35. Of itself this tells me little, being within the range of variation that can be expected for no obvious reason. Possibly of more significance is the fact that this is now the fourth year in succession that there has been a fall (in 2003/04 we received 61 complaints). It is also worth remarking on the sharp fall in complaints about social services – from 20 to 11. Whilst I caution against reading too much into this figure it will be welcome news to the Council and certainly does not reflect badly on the department. Likewise the fall in complaints about highways – down from 11 to five.

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.

I did not issue any reports against the Council in the year. Only two complaints merited my staff seeking some form of remedy. One of those is worth a brief mention.

The complaint was a follow up to an earlier one which was settled on the basis of the Council agreeing, within a given timescale, to do some work to repair a public footpath. Circumstances beyond its control (the weather) delayed this work. Had the Council kept the complainant in the picture then this fresh complaint might have been avoided. A good example of how good if very basic administrative practice can avoid problems and retain public confidence.

Other findings

In all 35 complaints were decided by my staff. Of those eight were premature – ie the Council had not been given a chance to investigate and respond to the complainant before I become involved. We simply refer such complaints back to the Council. Seven other complaints were not within my jurisdiction.

Your Council's complaints procedure and handling of complaints

I am not aware of any general problems with the way the Council handles complaints from members of the public. There were no repetitions of what I saw last year as significant delays in dealing with complaints about social services.

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

The Council has consistently, on average, met our current target time of 28 days within which to respond to enquiries on complaints. That excellent general trend was maintained in 2006/07. One blemish is that one response still took 55 days and another 42. The average is good (27 days) but the individuals concerned with the above cases may be less than impressed. Another issue is that we ask the Council to respond to complaints about school admissions within 14 days (speed being of the essence). The council's average here was 21 days. I ask the Council to do what it can to speed up its responses in this very emotive area.

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	Children and family services	Education	Housing	Other	Planning & building control	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	7	4	10	1	5	3	0	5	35
2005 / 2006	14	6	11	0	5	2	0	11	49
2004 / 2005	6	6	12	0	8	1	2	17	52

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	2	0	0	9	9	7	8	27	35
2005 / 2006	1	6	0	0	10	7	5	16	29	45
2004 / 2005	0	6	0	0	19	12	6	8	43	51

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	12	27.0
2005 / 2006	23	26.2
2004 / 2005	25	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