



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
North Tyneside 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 there were 58 complaints against the Council, a slight fall from the previous year's total of 65 complaints.

### ***Character***

The most significant fall in complaints was those against housing services, which fell from 31 to 18 complaints last year. Complaints about planning increased by 50%, but only from six to nine 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.

Last year six complaints were locally settled by the Council, and a total of £3500 paid to two complainants.

In the first case, the Council made an error in its calculation in its priority rehousing points and failed to carry out proper repairs or investigate the cause of condensation, failed to take action on the complainant's garden, and also took too long to arrange a complaints review panel. In addition to paying the complainant compensation of £2000, the Council also agreed to reinstate the complainant's garden and offer the next suitable property to the complainant.

In a second case the Council wrongly paid a discretionary housing payment. The Council agreed to pay £1500 compensation to apologise, and to accept the complainant as homeless, so that he might be rehoused.

When we complete an investigation we must issue a report.

One report was issued last year against the Council, which was about the way the Council closed a public footpath while failing to consider objections put forward by the complainant with the result that he and his family could no longer use the footpath. The Council agreed to pay the complainant £200 for his time and trouble and repeat the process of considering whether to close the footpath or not, taking into account the complainant's objections.

### ***Other findings***

Decisions were taken upon 49 complaints, a third of which (16) 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. Seven lay outside my jurisdiction, and in 16 complaints no maladministration was found.

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

The fact that a third of complaints decided last year were premature, as explained above, suggests that the Council may wish to consider publicising further its own complaints procedure.

I was disappointed to note that upon the Council's website there was no clear and direct link to the Commission's website, so that complainants disappointed by the response they had received through the Council's own complaints procedure were not signposted straightaway to the alternative offered by the Commission. I hope that this is something that the Council can give its time to during the coming year.

## **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.

I was pleased to note that the Council convened an Effective Complaints Handling Course in late October last year, and that it has booked no fewer than three courses for later in 2007, so that its own complaints handling may be improved. I trust that those attending will find the presentations by the Commission's investigators enlightening, and that fewer complaints will require reference to my office in future.

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

Last year the Council responded to the enquiries made upon 20 complaints within an average of only 22.4 calendar days. The target for such responses is now 28 days, so the Council is to be congratulated upon responding so swiftly to such a relatively large number of complaints.

### **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**  
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**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>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	5	2	6	6	18	6	9	4	2	<b>58</b>
<b>2005 / 2006</b>	3	3	3	4	31	9	6	3	3	<b>65</b>
<b>2004 / 2005</b>	2	4	0	4	19	15	4	0	4	<b>52</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>	1	6	0	0	16	3	7	16	33	<b>49</b>
<b>2005 / 2006</b>	0	7	0	0	17	10	6	24	40	<b>64</b>
<b>2004 / 2005</b>	1	10	0	0	15	14	5	14	45	<b>59</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>	20	22.4
<b>2005 / 2006</b>	26	25.2
<b>2004 / 2005</b>	27	21.1

**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