



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Stockton on Tees 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 71 complaints made against the Council, 12 more than in the previous year, though only two more than the year before that (69).

### ***Character***

Nearly half of these complaints were about planning and building control (34) while the only other category receiving complaints in double figures was housing, where there were 11 complaints, slightly fewer than in the two previous years. Complaints in the seven other categories were in single figures. The number of planning complaints was significantly higher than in the previous year, when there were 20 such complaints. Nationally, planning complaints generally represent some 25% of complaints received last year, so that it is surprising that the number of planning complaints against Stockton on Tees Council should be nearly twice that national average.

## **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 the total sum paid to complainants to locally settle their complaints was just under £1300.

When we complete an investigation we must issue a report.

Last year three reports were published critical of the Council dealing in total with seven separate complaints. In one case the Council changed its procedure for licensing hackney carriage licenses for used vehicles so that applicants had to provide a vehicle registration document with their application instead of later on. The change was decided without consultation with either of the two local taxis association, though the secretaries of both were told about the change at separate meetings within a few days after the policy's introduction. The Council then issued a newsletter implying that the change had been discussed with, and agreed, with both Associations. I found that although the Council was entitled to change its procedure, there was maladministration in failing to consult the Association contrary to its policy; failing to give taxi drivers adequate notice; and publishing a misleading article implying the Associations had agreed to the change. The Council agreed to pay the taxi driver £250 in recognition of his injustice, and I recommended that the Council should also meet the taxi associations to discuss alternative proposals.

A second report, which dealt with the funding for improvements to sports grounds, found that the Council had not supported a rival bid to the detriment of funding for a local council owned sports ground, but the Council had failed to keep the latter group properly informed; misled them about a grant application; and suspended the group without informing its members, some of whom had put in several years of work, and deserved an explanation for the suspension. I considered that the publication of my report and the publicity it received was an appropriate remedy for the maladministration I found.

My third report dealt with complaints about the Council's failure to consider the effect on adjacent properties of a new car jet wash; a replacement car wash; and a shop extension on an existing garage site; and failing to impose proper conditions as part of a planning permission. There was as a result a significant loss of amenity to one of the complainants and his partner. The remedy that I recommended to the Council was not accepted but we are in discussion about it.

### ***Other findings***

Last year decisions were taken upon 73 complaints of which 21 were found to be premature complaints as the Council had not had an opportunity to consider and respond. Another 16 were outside my jurisdiction, with a similar number where no maladministration was found. Eight were closed using my discretion.

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

I am pleased to note both that the Council outlines clearly its own procedure on its website, and also, at the end of that procedure, provides a direct link to the Commission's own website, so that those complainants unhappy with the Council's response through its own complaints procedure may choose to progress their complaint through the Commission's complaints procedure, if they choose to do so.

## **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 am pleased to note that the Council organised a Good Complaints Handling course in December last year, and I am hopeful that those attending found the course to be of use in dealing effectively and swiftly with complaints from their customers.

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

I am pleased to note that having exceeded the Commission's new target of 28 calendar days within which to respond to complaints during the previous year, the Council very nearly achieved that target at an average time of 28.9 calendar days for the 15 complaints upon which enquiries were made last year. Investigators made enquiries on just over half as many complaints as in the previous year. The Council's performance was a significant improvement, and it is to be hoped that during the coming year a further improvement may be made to bring the Council's responses within the target time of 28 calendar days.

### **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**  
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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>	0	4	3	2	11	9	34	2	6	<b>71</b>
<b>2005 / 2006</b>	3	3	3	1	13	10	20	2	4	<b>59</b>
<b>2004 / 2005</b>	0	3	3	4	13	15	25	1	5	<b>69</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>	5	5	2	0	16	8	16	21	52	<b>73</b>
<b>2005 / 2006</b>	0	9	0	0	15	10	5	19	39	<b>58</b>
<b>2004 / 2005</b>	3	11	0	0	19	13	4	17	50	<b>67</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>	15	28.9
<b>2005 / 2006</b>	27	35.1
<b>2004 / 2005</b>	26	27.8

**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