



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter to Warwickshire 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

Complaints received at my office about the Council rose to 39 compared to 33 in the previous year. This is unexceptional and causes me no anxiety. Nor are there any issues arising from the distribution of these complaints as between departments.

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 have not issued any reports against the Council during the year. Nine cases merited my staff seeking some form of remedy. No less than seven of those concerned education admission appeals.

We did identify a systemic problem arising from some of these. It became clear that the Council had misdirected itself about what to do in a specific situation (which I need not rehearse here). It had accordingly misadvised the independent appeal panels who hear these appeals. I have some sympathy with the Council as advice from central government contains the same flaw at one point.

There was a meeting between an Assistant Ombudsman from my office and one of the Council's solicitors and the issue was resolved in a positive way. The affected complainants were offered fresh appeals and the advice was corrected.

In other school admission cases there were faults in the way the panels went about their business. The Council is not directly responsible for the conduct of these panels but will, I trust, seek to train them so that failures can be avoided. Staff at this office remain willing and able to help with that task.

Other findings

In all, 33 cases were decided by my staff of which six were premature – ie the Council had not been given a prior opportunity to investigate and respond. Such complaints are simply referred back to the Council to allow that to happen. One complaint was outside my jurisdiction, and in four cases my Investigators exercised their discretion not to pursue the complaints. In 13 cases, no evidence of maladministration was found.

Your Council's complaints procedure and handling of complaints

I am not aware of any problems with the way the Council deals with complaints from members of the public.

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 Assistant Ombudsman then responsible for the team covering the Council visited in February of this year to give a presentation on complaints handling, primarily for Councillors involved in dealing with issues raised by children and young people (although there were a number of officers also present). He reports on a lively, open and positive meeting.

The Council has for a number of years, on average, consistently met our general target of responding to enquiries within 28 days. It has done so again although the averages hide a few minor blemishes. For example, we ask for responses to complaints about school admissions within 14 days (speed being of the essence). The average is fine at 15 days but some responses took 20 days or more and I

ask the Council to do all it can in this emotive area to avoid that in future. One other complaint, about the management of a caravan site, is listed as having taken 83 days. However, there were mitigating circumstances in that case and it would be unfair to dwell upon it.

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	Other	Planning & building control	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	6	5	16	4	0	0	8	39
2005 / 2006	2	3	12	5	3	3	5	33
2004 / 2005	3	4	12	3	3	3	12	40

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	9	0	0	13	4	1	6	27	33
2005 / 2006	2	9	0	0	16	5	1	9	33	42
2004 / 2005	0	5	0	0	19	6	0	7	30	37

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	22	26.2
2005 / 2006	15	26.9
2004 / 2005	32	25.3

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