

Local Government OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter**

Devon County Council

for the year ended

31 March 2008

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Devon County Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can 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.

Complaints received

Volume

We received 51 complaints against your Council during the year, four more than last year and sixteen fewer than in 2005-2006. We do expect to see fluctuations in the number of complaints we receive year on year and I see nothing significant in the variation.

Character

Twenty four complaints, approximately half of all those received were about highways and transportation. This represents a fourfold increase on last year's figure but is on a par with the number received in 2005-2006.

Eight complaints were received about education matters this year, five fewer than in 2006-2007. There was a similar reduction in the number of complaints about planning and building control (three). Two complaints were received about public finance.

We received a similar number of complaints to previous years in the areas of adult care services (four) and children and family services (five).

Of the five complaints received in the 'other' category, two were classed as miscellaneous. Single complaints were received about drainage and waste management, and about employment and pensions, which are outside my jurisdiction.

Decisions on complaints

Reports and local settlements

When we need to complete an investigation we issue a report. I issued one report against your Council this year about rights of way. I found that footpath orders had not been published in a timely way which denied the complainant access to the statutory appeals procedure. Your Council accepted my recommendations and agreed to fund £500 of new footpath work in the area.

I am sorry that we had to agree to differ on this case, but the questions your Council raised about personal injustice for the complainant were a matter for my determination in the end. Nonetheless I am confident that what has been an excellent working relationship over the years will continue, and I recognise that despite registering your disagreement with the outcome the Council still went on to provide the remedy that I sought, for which I am grateful.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued.

In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by way of local

settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Three complaints were settled locally, and compensation totalling £2,250 was paid.

In a complaint about a tenancy, the Council did not make it clear that it might not carry out the building works the complainant felt were needed to enable him to work his smallholding. In settlement of the complaint your Council readily agreed to make the complainant a payment of £1,000 in compensation and to arrange a meeting to discuss the future of the tenancy.

Two complaints about school admissions were locally settled, one by the offer of another appeal panel. The other complaint essentially concerned incorrect advice that the complainants were given by the Council which resulted in one of their children not obtaining a school place. I am grateful to your Council for deciding to offer the child a place, to agreeing to review procedures and to make a payment of £750 in settlement of the complaint.

Other findings

In 19 cases I took the view that the matters complained of were outside my jurisdiction. The remaining 24 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

Ten complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

The relatively constant number of complaints made to me indicates that your Council has an accessible complaints procedure. This view is supported by the fact that the ten complaints decided as premature represent 18% of the total number of complaints determined this year. This is significantly less than the national average, which this year is 27%.

Seven complaints that had been determined as premature were resubmitted. Six of these were not pursued because there was no evidence of maladministration and the other was still under consideration at the end of the year.

Liaison with the Local Government Ombudsman

Enquiries were made on ten complaints during the year. Your Council's average response time of just under 28 days meets my target timescale of 28 days. I appreciate the clear and effective way in which your Council deals with my enquiries.

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. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are 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 a course on reviewing complaints for social care 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.

It is some time since any of your officers attended out complaint manager's seminar and if you would be interested in receiving further information, please contact my personal assistant, Mrs L McCaig (email: l.mccaig@lgo.prg.uk).

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on how useful you have found these reports, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships involving your Council.

Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

J R White
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June 2008

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	Public finance	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	4	5	8	5	3	2	0	24	51
2006 / 2007	5	4	13	11	8	0	0	6	47
2005 / 2006	4	8	4	11	14	0	3	23	67

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
01/04/2007 - 31/03/2008	1	3	0	0	18	6	19	10	47	57
2006 / 2007	0	6	0	0	21	4	7	10	38	48
2005 / 2006	0	4	0	0	22	9	9	23	44	67

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
01/04/2007 - 31/03/2008	10	27.7
2006 / 2007	19	26.1
2005 / 2006	25	29.7

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0