

Local Government
OMBUDSMAN

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

North Yorkshire 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 received about North Yorkshire County Council and comments on the authority's performance and complaint-handling arrangements.

I hope that the letter will assist you in improving services by providing a useful perspective on how some people who are dissatisfied 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

I received 51 complaints against the Council, a rise of a little over 45% when compared with the previous year. The numbers though are not large and I would draw no conclusions from this rise other than to note that complaints about education rose quite sharply [18 from 10] as did complaints about planning and related matters [11 from 3]. I have no reasons to express concern about either of these rises but the Council may wish to reflect upon possible reasons for these increases if only to ensure that no trends are emerging to cause problems in the longer term.

Liaison with the Local Government Ombudsman

I believe that my office and officers of the Council, with whom we routinely liaise, enjoy good working relations and I believe that this reflects well on the Council and what I believe to be its positive attitude towards complaints. As you know, I ask all authorities to respond to my initial enquiries within 28 calendar days and I am pleased to note that, as in the previous two years, the Council met this target, this year taking, on average, 24.9 days to reply to my office.

Decisions on complaints

Reports and local settlements

We will often discontinue enquires into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). If an investigation is completed I issue a public report.

I issued one report against the Council during the year. This report concerned the residential care of an elderly person following her discharge from hospital following compulsory detention under the Mental Health Act 1983. A dispute arose about the appropriate residential care home for this lady but I am happy to note that the Council accepted that a placement nearer close family was more appropriate than the home initially selected and I am happy to report that the Council acknowledged that some injustice had been suffered by the complainant, the daughter of the elderly lady, and that the offer of a remedy by way of compensation was appropriate.

Other findings

I determined 48 complaints during the year a figure which differs from the number of complaints received because of work in hand at the beginning and end of the year. Of these complaints 14 were premature and 10 were outside of my jurisdiction. In 8 cases I exercised my general discretion not to pursue the matter while in a further 9 cases I found there to be no evidence of maladministration by the Council. The Council agreed to settle 6 complaints during the year acknowledging that something had gone wrong in each case and recognising the appropriateness of offering a remedy of some form to the complainant. I commend the Council for responding so positively in these cases.

Your Council's complaints procedure and handling of complaints

I refer to premature complaints above and it is the case that one complaint, previously determined by me to be premature and considered by the Council through its own complaints procedure, was re-submitted by the complainant and, on investigating the matter, I found there to be some evidence of maladministration. The Council settled this complaint but I wonder if this is evidence that the Council's own complaints procedure is not as robust as it might be. I draw no conclusions from a sample of one but I would ask the Council to reflect upon this.

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. A detailed evaluation of the training provided to councils over the past three years shows very high levels of satisfaction.

The range of courses is expanding in response to demand. In addition to 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 will customise courses to meet your Council's specific requirements and provide courses for groups of staff from different smaller authorities.

Participants benefit from the complaint-handling knowledge and expertise of the experienced investigators who present the courses.

I enclose information on the full range of courses available together with contact details for enquiries and any further bookings.

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, has 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'. Feedback on special reports is always welcome. I would particularly appreciate information on complaints protocols in the governance arrangements of partnerships with which your Council is involved.

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 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	Transport and highways	Total
01/04/2007 - 31/03/2008	6	4	18	6	11	6	51
2006 / 2007	7	4	10	6	3	5	35
2005 / 2006	14	6	11	5	2	11	49

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	6	0	0	9	8	10	14	34	48
2006 / 2007	0	2	0	0	9	9	7	8	27	35
2005 / 2006	1	6	0	0	10	7	5	16	29	45

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	17	24.9
2006 / 2007	12	27.0
2005 / 2006	23	26.2

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