

**The Local Government Ombudsman's
Annual Review
Northumberland County
Council**

successor authority to the former Northumberland County Council, the former Alnwick District Council, the former Berwick-upon-Tweed Borough Council, the former Blyth Valley Borough Council, the former Castle Morpeth Borough Council, the former Tynedale District Council and the former Wansbeck District Council.

**for the year ended
31 March 2009**

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 reviews.

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Section 1: Complaints about Northumberland County Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about Northumberland County Council. On 1 April this year the County Council assumed responsibility for the areas and responsibilities formerly covered by the following Councils: Alnwick District Council, Berwick Borough Council, Blyth Valley Borough Council, Castle Morpeth Borough Council, Tynedale District Council and Wansbeck District Council. As Northumberland County Council is now responsible for the communities formerly served by these councils this review is a summary of the complaints received and the complaints determined against each of these councils as well as the County Council. This information will, hopefully, give the County Council some understanding of the likely number and the type of complaints it may have to deal with in 2009/2010 and beyond.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of telephone calls to our service has increased significantly since then to more than 3,000 a month. Our advisers now provide comprehensive information and advice to people who telephone, write or email. It enables citizens to make informed decisions about whether to put their complaint to us.

This means that direct comparisons with some previous year-statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

Enquiries and complaints received

The County Council

The Commission received a total of 27 enquiries and complaints against the County Council during the year. Our Advice Team gave advice on five occasions and determined that four potential complaints were premature in the sense that the Council appeared not to have been given a reasonable opportunity to address the issues raised by the citizens concerned. Eighteen complaints were forwarded to me for consideration of which three were complaints re-submitted by people unhappy with the way in which the Council had dealt with their complaint while 15 were complaints new to me. Eight of the complaints forwarded to me concerned education matters but no trends or themes emerged to cause me any concern.

Alnwick District Council

The Commission received a total of 13 enquiries and complaints about Alnwick District Council. Advice was given in four cases while two complaints were deemed to be premature. Seven complaints were forwarded to me for consideration of which four were re-submitted complaints while three were new to me. No themes, trends or issues of public interest arose from these complaints.

Berwick Borough Council

The Commission received a total of 20 complaints about Berwick Borough Council. Advice was given in one case while seven complaints were deemed to be premature. Twelve complaints were forwarded to me of which three complaints were re-submitted to me while nine complaints were new to me. Of these 12 complaints, seven were about planning matters but no other themes emerged to give cause for concern.

Blyth Valley Borough Council

The Commission received a total of 18 enquiries and complaints about the Council. Advice was given on two occasions and seven complaints were deemed to be premature. Nine complaints were forwarded to me of which five complaints were re-submitted to me while four complaints were new to me. There was no pattern to the type of complaints submitted to me that would warrant comment.

Castle Morpeth Borough Council

The Commission received 11 enquiries and complaints in total about this Council. Advice was given on three occasions and four complaints were deemed to be premature. Four complaints were forwarded to me for consideration and of these one was a re-submitted complaint while three were new complaints. Each of the four complaints submitted to me concerned a different subject matter.

Tynedale District Council

The Commission received 12 enquiries and complaints about this council. Advice was given on five occasions while two complaints were judged to be premature. Five complaints were forwarded to me of which one was a re-submitted complaint while four were new to me. All five of these complaints concerned planning matters.

Wansbeck

The Commission received 21 enquiries and complaints about this council. Advice was given on one occasion while nine complaints were deemed to be premature. Four complaints were re-submitted to me while seven complaints were new to me. Of the 11 complaints forwarded to me, four concerned planning matters.

Summary

The total number of enquiries and complaints received by the Commission during the year for the County Council and all those council areas for which it now has responsibility was as follows.

122 enquiries and complaints were made. Of these, 21 calls ended with us simply providing advice. Those complaints deemed to be premature complaints amounted to 35 while, in total, I was asked to consider 66 complaints. These figures should give the Council some indication of the likely volume of complaints, in which I have an involvement, it may have to deal with in the future.

Complaint outcomes

The number of decisions taken in the year will differ from the number of complaints received because of work in hand at each end of the year.

The County Council	Total decisions	12
	Outside jurisdiction	4
	Closed with general discretion not to pursue the matter	2
	No maladministration	2
	Locally settled	4
Alnwick District Council	Total decisions	11
	Outside jurisdiction	1
	No maladministration	8
	Locally settled	2
Berwick Borough Council	Total decisions	12
	Closed with general discretion not to pursue the matter	5
	No maladministration	4
	Locally settled	3
Blyth Valley Borough Council	Total decisions	7
	Closed with general discretion not to pursue the matter	3
	No maladministration	3
	Locally settled	1
Castle Morpeth BC	Total decisions	5
	Closed with general discretion not to pursue the matter	2
	No maladministration	2
	Public report with a finding of maladministration causing injustice	1
Tynedale District Council	Total decisions	4
	Closed with general discretion not to pursue the matter	1
	No maladministration	2
	Locally settled	1
Wansbeck District Council	Total decisions	14
	Outside jurisdiction	3
	Closed with general discretion not to pursue the matter	2
	No maladministration	5
	Locally settled	4

Local settlements

We will often discontinue enquiries 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 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements.

The County Council was asked to pay compensation [£100.00] in only one of the four complaints it agreed to settle this year. Two of these complaints concerned highways management issues, one concerned land [a joint complaint against Wansbeck District Council] while the final complaint concerned special educational needs. My staff noted the very swift and high quality response of the Council and its officers in response to the two complaints about highways management and I would like to record my thanks to the Council for the very positive approach adopted in these two cases.

Alnwick District Council settled two complaints and agreed to pay £500.00 in compensation in one of these cases. Both cases concerned planning matters.

Berwick Borough Council agreed to pay compensation amounting to £1,000.00 in two of the three complaints it agreed to settle. £500.00 was paid to a complainant because of delay by the Council in dealing with his CRB clearance for his taxi licence. The Council agreed to pay £500.00 following delay in the processing of a housing grant application and further delay in responding to my enquiries despite many reminders and the threat from me of more formal action.

Blyth Valley Borough Council failed properly to assess the housing needs of a complainant and their family and agreed to apologise, to arrange a management let of a suitable property with some urgency and to pay £250.00 in compensation.

Castle Morpeth Borough Council settled no complaints during the year.

Tynedale District Council settled one planning complaint during the year and did so very positively and willingly. No compensation was called for in this instance.

Wansbeck District Council settled four complaints and paid compensation [respectively of £100.00 and £250] in two cases. I have referred above to the joint complaint against the County Council and the agreement of each council to pay £100.00 to the complainant. The other complaint, a local taxation matter, came to a close with the agreement of the Council to apologise for the actions of bailiffs acting on its behalf and to pay £250.00 in compensation.

Reports

When I complete an investigation, I generally issue a report. This year I issued only one report against any authority in Northumberland and this was against Castle Morpeth Borough Council [05/C/17283]. In this case I found that the Council had been inconsistent in the application of contract conditions following the sale of plots for self build timber homes. This led to the complainants being forced to use higher [unnecessarily high] specifications than their neighbours and incurring higher costs for no reason. The injustice to the complainants amounted to £5440 and I asked the Council to add £500.00 to this sum to reflect the distress, time and trouble of the complainants.

Liaison with the Local Government Ombudsman

I ask all authorities to respond to my formal enquiries within 28 calendar days. Response times for the County Council and the other councils for which it is now the successor authority were as follows.

County Council	19.6 days
Alnwick District Council	37.5 days
Berwick Borough Council	32.3 days
Blyth Valley Borough Council	35 days
Castle Morpeth Borough Council	13.5 days
Tynedale District Council	18 days
Wansbeck District Council	17.7 days

I would like to place on record my appreciation for the clear effort the County Council made to meet my target and to respond to me in so timely a fashion.

Training in complaint handling

I would like to take this opportunity to remind the Council that 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. All courses are presented by experienced investigators. They give participants the opportunity to practice the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

We have extended the range of courses we provide and I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

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 in giving some indication of the likely volume and nature of contacts it may have with my office in the coming year.

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June 2009

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.

Adult Social Care Self-funding

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

Internal schools management

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

Further developments

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

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June 2009

Appendix 1: Notes to assist interpretation of the statistics 2008/09

Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Formal/informal prematures: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

Advice given: These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

Forwarded to the investigative team (resubmitted prematures): These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

Forwarded to the investigative team (new): These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.—

Table 4. Average local authority response times 2008/09

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	0	1	1	0	1	1	0	4
Advice given	1	0	1	1	0	1	1	5
Forwarded to investigative team (resubmitted prematures)	0	0	0	0	1	2	0	3
Forwarded to investigative team (new)	2	0	8	0	0	2	3	15
Total	3	1	10	1	2	6	4	27

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	4	0	0	2	2	4	12

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	8	19.6
2007 / 2008	8	24.9
2006 / 2007	11	29.3

Average local authority response times 01/04/2008 to 31/03/2009

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	60	20	20
Unitary authorities	56	35	9
Metropolitan authorities	67	19	14
County councils	62	32	6
London boroughs	58	27	15
National park authorities	100	0	0