

**The Local Government Ombudsman's  
Annual Review  
Northumberland County  
Council  
for the year ended  
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.



# Contents of Annual Review

<b>Section 1: Complaints about Northumberland County Council 2009/10.</b>	<b>4</b>
Introduction.....	4
Enquiries and complaints received.....	4
Complaint outcomes.....	5
Liaison with the Local Government Ombudsman.....	6
Training in complaint handling.....	6
Conclusions.....	7
<b>Section 2: LGO developments.....</b>	<b>8</b>
Introduction.....	8
New schools complaints service launched.....	8
Adult social care: new powers from October.....	8
Council first.....	8
Training in complaint handling.....	9
Statements of reasons.....	9
Delivering public value.....	9
<b>Appendix 1: Notes to assist interpretation of the statistics 2009/10.....</b>	<b>10</b>
<b>Appendix 2: Local authority report 2009/10</b>	

# Section 1: Complaints about Northumberland County Council 2009/10

## Introduction

This annual review provides a summary of the complaints we have dealt with about Northumberland County Council. I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

We continued to receive and deal with complaints against those district councils which have, since 1 April 2009, been the responsibility of the County Council, namely Alnwick District Council, Berwick Borough Council, Blyth Valley Borough Council, Castle Morpeth Borough Council, Tynedale District Council, and Wansbeck District Council and this review is a summary of the complaints received and determined against each of these councils as well as the County Council. This review reflects the first full year of the Council as a new unitary authority.

There are two appendices to the review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

## Enquiries and complaints received

### The County Council – new Unitary Authority

The Commission received a total of 46 enquiries and complaints against the new unitary County Council during the year. Our Advice Team gave advice on 10 occasions and determined that eight 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 complainants concerned. 28 complaints were forwarded to me for consideration, of which eight were complaints re-submitted by people unhappy with the way in which the Council had dealt with their complaint while 20 were complaints new to me.

### The County Council – Old Authority

The Commission received a total of 13 enquiries and complaints against the old Authority during the year. Our Advice Team gave advice on two occasions and determined that two 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 complainants concerned. Nine 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 six were complaints new to me.

### Alnwick District Council

We received no new complaints against Alnwick District Council this year.

### Berwick Borough Council

The Commission received a total of two complaints about Berwick Borough Council, one of which was forwarded to me as a re-submission of a previously premature complaint. The other complaint was new to me.

### **Blyth Valley Borough Council**

The Commission received a total of four enquiries and complaints about the Council. Advice was given on one occasion and one complaint was deemed to be premature. Two complaints were forwarded to me both of which were re-submissions of previously premature complaints.

### **Castle Morpeth Borough Council**

The Commission received one complaint about this Council which was forwarded to me for consideration.

### **Tynedale District Council**

The Commission received one complaint about this Council which was forwarded to me for consideration.

### **Wansbeck**

The Commission received two enquiries and complaints about this council. One complaint was deemed to be premature and one complaint was forwarded to me for consideration.

## **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.

<b>The County Council – new Unitary Authority</b>	Total decisions	12
	Outside jurisdiction	2
	Closed with general discretion not to pursue the matter	5
	No maladministration	4
	Locally settled	1
<b>The former County Council</b>	Total decisions	16
	Outside jurisdiction	1
	Closed with general discretion not to pursue the matter	6
	No maladministration	4
	Locally settled	1
	Public Reports	4
<b>Alnwick District Council</b>	Total decisions	4
	Outside jurisdiction	1
	No maladministration	1
	Locally settled	2
<b>Berwick Borough Council</b>	Total decisions	4
	No maladministration	3
	Locally settled	1
<b>Blyth Valley Borough Council</b>	Total decisions	6
	No maladministration	5
	Locally settled	1

<b>Castle Morpeth BC</b>	Total decisions	1
	Outside jurisdiction	1
<b>Tynedale District Council</b>	Total decisions	1
	Closed with general discretion not to pursue the matter	1
<b>Wansbeck District Council</b>	Total decisions	4
	Closed with general discretion not to pursue the matter	1
	No maladministration	2
	Locally settled	1

### 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. 26.9% of all decisions on complaints in the Ombudsmen’s jurisdiction were local settlements.

The Council settled a total of seven complaints during the year. One of these complaints related to the former County Council and one to the new unitary authority. Two complaints settled related to the former Alnwick District Council, and one each to the former Berwick, Blyth Valley and Wansbeck councils.

### Reports

When we complete an investigation, we generally issue a report. This year I issued one report covering four separate complaints about the way in which Northumberland County Council had dealt with applications from parents for places at a primary school and the subsequent appeals.

### Liaison with the Local Government Ombudsman

I ask all authorities to respond to my formal enquiries within 28 calendar days. The new Unitary County Council took on average 27 days to respond to my enquiries during the year. This figure excludes responses which involved complaints against authorities for whom the County Council assumed responsibility on 1 April 2009.

### 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. All courses are presented by experienced investigators. They give participants the opportunity to practise 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 hope this review provides a useful opportunity for you to reflect on how the Council deals with those complaints that residents make to my office. If there are any issues that you wish to discuss, I or one of my senior colleagues would be happy to meet with the Council.

**Mrs A Seex  
Local Government Ombudsman  
Beverley House  
17 Shipton Road  
YORK  
YO30 5FZ**

**June 2010**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

### New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at [www.lgo.org.uk/schools/](http://www.lgo.org.uk/schools/)

### Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

### Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at [www.lgo.org.uk/guide-for-advisers/council-response](http://www.lgo.org.uk/guide-for-advisers/council-response)



## **Training in complaint handling**

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

## **Statements of reasons**

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

## **Delivering public value**

We 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 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.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

**Mrs A Seex  
Local Government Ombudsman  
Beverley House  
17 Shipton Road  
YORK  
YO30 5FZ**

**June 2010**

# Appendix 1: Notes to assist interpretation of the statistics 2009/10

## 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.

**Premature complaints:** 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

**Forwarded to the investigative team (resubmitted premature and new):** These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to 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 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 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 LGO 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 LGO'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 LGO'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 2009/10**

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	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	1	0	1	1	1	2	0	1	8
Advice given	0	0	1	1	0	2	3	0	3	10
Forwarded to investigative team (resubmitted prematures)	1	0	0	1	0	0	2	1	3	8
Forwarded to investigative team (new)	2	2	1	4	2	2	3	1	3	20
<b>Total</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>7</b>	<b>3</b>	<b>5</b>	<b>10</b>	<b>2</b>	<b>10</b>	<b>46</b>

**Investigative Team**

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	1	0	0	4	5	2	12

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	4	27.0

## Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

**LGO Advice Team**

<b>Enquiries and complaints received</b>	<b>Adult care services</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Benefits</b>	<b>Planning and building control</b>	<b>Transport and highways</b>	<b>Other</b>	<b>Total</b>
Formal/informal premature complaints	0	1	0	0	1	0	0	0	2
Advice given	0	0	0	1	0	0	0	1	2
Forwarded to investigative team (resubmitted prematures)	1	0	0	0	0	1	0	1	3
Forwarded to investigative team (new)	0	0	1	0	1	0	1	3	6
<b>Total</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>13</b>

**Investigative Team**

<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>Total</b>
2009 / 2010	4	1	0	0	4	6	1	16

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
2008 / 2009	8	19.6
2007 / 2008	8	24.9

## Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

**LGO Advice Team No enquiries received against Alnwick DC (ex) in the period  
01/04/2009 - 31/03/2010**

**Investigative Team**

Alnwick DC (ex)

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	2	0	0	1	0	1	4

**Response times**

	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
2008 / 2009	2	37.5
2007 / 2008	9	33.1

**Average local authority resp times 01/04/2009 to 31/03/2010**

Types of authority	≤ 28 days %	29 - 35 days %	≥ 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20



## LGO Advice Team

Enquiries and complaints received	Planning and building control	Total
Forwarded to investigative team (resubmitted prematures)	1	1
Forwarded to investigative team (new)	1	1
<b>Total</b>	<b>2</b>	<b>2</b>

## Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	1	0	0	3	0	0	4

## Response times

	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
2008 / 2009	3	32.3
2007 / 2008	5	29.6

## Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

**LGO Advice Team**

Enquiries and complaints received	Housing	Planning and building control	Other	Total
Formal/informal premature complaints	0	0	1	1
Advice given	1	0	0	1
Forwarded to investigative team (resubmitted prematures)	1	1	0	2
<b>Total</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>4</b>

**Investigative Team**

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	1	0	0	5	0	0	6

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	2	59.5
2008 / 2009	4	35.0
2007 / 2008	5	18.6

**Average local authority resp times 01/04/2009 to 31/03/2010**

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

**LGO Advice Team**

Enquiries and complaints received	Public Finance inc. Local Taxation	Total
Forwarded to investigative team (new)	1	1
<b>Total</b>	<b>1</b>	<b>1</b>

**Investigative Team**

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	0	0	0	0	0	1	1

**Average local authority resp times 01/04/2009 to 31/03/2010**

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
2008 / 2009	2	13.5
2007 / 2008	2	6.5

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

**LGO Advice Team**

Enquiries and complaints received	Planning and building control	Total
Forwarded to investigative team (new)	1	1
<b>Total</b>	<b>1</b>	<b>1</b>

**Investigative Team**

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	0	0	0	0	1	0	1

**Average local authority resp times 01/04/2009 to 31/03/2010**

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
2007 / 2008	3	18.0

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

**LGO Advice Team**

Enquiries and complaints received	Planning and building control	Other	Total
Formal/informal premature complaints	0	1	1
Forwarded to investigative team (new)	1	0	1
<b>Total</b>	<b>1</b>	<b>1</b>	<b>2</b>

**Investigative Team**

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	1	0	0	2	1	0	4

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
2008 / 2009	3	17.7
2007 / 2008	4	15.3

**Average local authority resp times 01/04/2009 to 31/03/2010**

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20