

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

North Somerset 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.

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Section 1: Complaints about North Somerset Council 2009/10

Introduction

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

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

In 2009/10 we received 72 complaints and enquiries against your council, compared with 61 in 2008/09. Four were about adult care services, two about children and family services, four about transport and highways matters, 31 about planning and building control which included a group of 22 complaints about the same matter, nine concerned public finance including local taxation, seven were about benefits, three about housing, four about education and a further eight complaints fell into the "other" category which covers issues such as anti-social behaviour and environmental health.

We treated 13 of these complaints as premature and referred them to the council and in a further nine cases advice was given, usually to make a complaint to the council direct. The remaining 50 complaints were forwarded to the investigative team, of which six were premature complaints that had been resubmitted.

Complaint outcomes

In 2009/10 we took decision on 51 complaints. In 29 cases we found no or insufficient evidence of maladministration. Seven complaints were outside jurisdiction and in six cases the council agreed to settle the complaint locally. Using the Ombudsman's discretion, a further nine cases were not investigated I used my discretion not to investigate a further nine cases. Typically these are cases where even though there may have been some fault by the council, there is no significant injustice to the complainant.

Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2009/10, 22.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority six were local settlements representing 11.7% of complaints decided. We recommended that the council should pay a total of £ 2,884 in compensation in 2009/10.

Benefits

Two of the complaints settled locally concerned housing benefit. In both cases the complaints were made by or on behalf of the landlord. In one case, the council failed to make payments directly to the landlord when it should have, even though information had been provided showing the tenant was more than eight weeks in rent arrears. The council agreed to make a payment of £881 which covered the housing benefit payments that should have been made plus £50 to recognise the complainant's time and trouble. In the other case, the council failed to make payments under the passported benefit scheme. This scheme guarantees that rent payments are made directly to the landlord if the tenant is considered to be "difficult". In this case the council made a payment of £753 which was equivalent to the amount of benefit that should have been paid to the landlord.

Local taxation

This year the council agreed to settle two complaints about council tax. In one case, the council sought to recover arrears under two different accounts resulting in extra court costs being incurred. There was no reason for the council to try to recover the money in this way as all information relevant to the case was provided to it at the same time. The council agreed to withdraw one set of court costs and to look at amalgamating the two accounts to make recovery more straightforward for the complainant.

In the other case, the council made errors regarding council tax liability which resulted in bailiffs being instructed in error. The council agreed to issue an amended bill as well as paying the complainant £500 in respect of the errors.

Adult care services

The council settled one complaint in this category. It failed to provide services to meet the assessed eligible needs of a service user. This failure meant the person had no care services for two weeks. To remedy the situation the council apologised, made a payment of £250 in respect of the errors and looked at ways to ensure it can secure appropriate support services in the future.

Other

The council settled a complaint about contract and business matters which falls into the "other" category. The complaint concerned the process for submitting a tender. As part of the tender process the council invited applicants to make a presentation. An email was sent to the applicant with details of where and when the presentation would take place. Unfortunately, the email was sent to the wrong email address and not the one indicated on the tender documents. As a result the complainant was unable to attend the presentation and was not awarded the contract. We were not able to conclude that the applicant lost the tender as a result of the maladministration as it is possible that other bidders may still have won but the council agreed to pay £500 in recognition of the lost opportunity.

I am grateful to the council for its help in settling these complaints.

Liaison with the Local Government Ombudsman

We made formal enquiries on 39 complaints in 2009/10. In the annual review of 2008/09 my predecessor commented that the council's average response time of 33 days was outside the 28 days requested and that it was hoped the council would improve on this. The average response time this year has not improved and so I would ask you to consider further what can be done to try and meet the 28 day target. If it would be helpful for the AO to visit your council to make a presentation to staff involved in preparing responses to my enquiries please let me know.

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 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.

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 when seeking improvements to your authority's services.

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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/

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

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.

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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	0	1	0	0	3	4	0	3	2	13
Advice given	1	1	1	1	0	0	1	0	4	9
Forwarded to investigative team (resubmitted prematures)	1	0	0	1	0	0	4	0	0	6
Forwarded to investigative team (new)	2	0	3	1	4	5	26	1	2	44
Total	4	2	4	3	7	9	31	4	8	72

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	6	0	0	29	9	7	51

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	39	33.0
2008 / 2009	11	33.1
2007 / 2008	29	32.3

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