

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

County Durham 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 County Durham Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about County Durham 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 complaints against those district councils which have, since 1 April 2009, been the responsibility of the County Council, namely Chester-le-Street, Derwentside, Durham City, Easington, Sedgefield, Teesdale and Wear Valley 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 new unitary County Durham Council

The Commission received a total of 105 enquiries and complaints about the new County Council during the year. Our Advice Team gave advice on 17 occasions and determined that 37 potential complaints to be premature in the sense that it appeared that the County Council had not been given the opportunity to address the concerns of the complainants involved. 51 complaints were forwarded to me for consideration.

Of these, 12 were complaints initially determined by our Advice Team as premature but re-submitted to me by complainants dissatisfied with the way in which the Council had dealt with their complaint. The remaining 39 complaints were new complaints.

Durham County Council

We received a total of 22 enquiries and complaints about the County Council during the year relating to its actions before re-organisation. Our Advice Team gave advice on two occasions and determined five potential complaints to be premature. 15 complaints were forwarded to me for consideration.

Chester-le-Street

We received a total of four enquiries and complaints about this Council during the year. Our Advice Team determined two potential complaints to be premature. Two complaints were forwarded to me for consideration.

Derwentside

We received a total of five enquiries and complaints about this Council during the year. Our Advice Team gave advice on one occasion and determined two potential complaints to be premature. Two complaints were forwarded to me for consideration.

Durham City Council

We received a total of four enquiries and complaints about this Council during the year. Our Advice Team gave advice on one occasion and determined one potential complaint to be premature. Two complaints were forwarded to me for consideration.

Easington

We received a total of five enquiries and complaints about this Council during the year. Our Advice Team determined three potential complaints to be premature. Two complaints were forwarded to me for consideration.

Sedgefield

We received a total of five enquiries and complaints about this Council during the year. Our Advice Team gave advice on one occasion and determined two potential complaints to be premature. Two complaints were forwarded to me for consideration.

Teesdale

We received one complaint about this Council during the year which was forwarded to me for consideration.

Wear Valley

We received a total of nine enquiries and complaints about this Council during the year. Our Advice Team gave advice on two occasions and determined one potential complaint to be premature. Six complaints were forwarded to me for consideration.

Complaint outcomes

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

The County Durham Council – Unitary Authority	Total decisions	36
	Outside jurisdiction	9
	Closed at discretion of the Ombudsman	7
	No maladministration	16
	Local settlements	4
Durham County Council	Total decisions	20
	Outside jurisdiction	2
	Closed at discretion of Ombudsman	5
	No maladministration	6
	Local settlements	7
Chester-le-Street	Total decisions	5
	No maladministration	5
Derwentside	Total decisions	6
	Closed at discretion of the Ombudsman	2
	No maladministration	3
	Local settlements	1
Durham City	Total decisions	8
	Closed at discretion of the Ombudsman	3
	No maladministration	2

	Local settlements	3
Easington	Total decisions	1
	No maladministration	1
Sedgefield	Total decisions	7
	Outside jurisdiction	1
	Closed at discretion of the Ombudsman	1
	No maladministration	4
	Local settlements	1
Teesdale	Total decisions	2
	Outside jurisdiction	1
	Closed at discretion of the Ombudsman	1
Wear Valley	Total decisions	5
	Outside jurisdiction	1
	No maladministration	4

Reports

I issued no public reports against any of the Council this year.

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 16 complaints. Seven related to the former County Council and four to the new unitary County Council. Three related to Durham City Council, with one relating to both Derwentside District Council and Sedgefield Borough Council.

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 23.9 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.

I am pleased to note that the County of Durham Council sent two representatives to the Liaison Officer's Seminar held in York this year.

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
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17 Shipton Road
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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.

**Mrs A Seex
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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.