

20 June 2007

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The Commission for
Local Administration in England

Mrs A Burns
Chief Executive
Borough Council of Darlington
DX 69280
DARLINGTON

Anne Seex
Local Government Ombudsman

Neil Hobbs
Deputy Ombudsman

Our Ref: Annual Letter 07/AS4/jm
(Please quote our reference when contacting us)

If telephoning contact: Mr Corney's Personal Assistant on 01904 380242
If e-mailing: st4york@lgo.org.uk

Dear Mrs Burns

Annual Letter 2006/07

I am writing to give you a summary of the complaints about your authority that my office has dealt with over the past year and to draw any lessons learned on your authority's performance and complaint-handling arrangements. I hope you find this letter a useful addition to other information you have on how people experience or perceive your services.

The format of the annual letter is slightly different to last year and is set out as a separate document attached. I would again very much welcome any comments you may have on the form and content of the letter.

We will publish all the annual letters on our website (www.lgo.org.uk) and share them with the Audit Commission, as we did last year. We will again wait for four weeks after this letter before doing so, to give you an opportunity to consider the letter first. If a letter is found to contain any material factual inaccuracy we will reissue it.

I would again be happy to consider requests for myself or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

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Mrs A Burns

I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the council and post it on your website should you decide to do this.

Yours sincerely

A handwritten signature in cursive script that reads "Anne Seex".

Anne Seex
Local Government Ombudsman



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter to
Darlington Borough Council
for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction

This annual letter provides a summary of the complaints we have received about your authority. Where possible, we comment on the authority's performance and complaint-handling arrangements to assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people 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.

As you are a local Social Services authority I want to take this opportunity to draw your attention to an issue of significant public interest. In the last two years I have issued reports following complaints from people living in Blackpool, Liverpool and Sheffield about failings in home care services provided under contract.

In each case a vulnerable person was placed at significant risk as a result of carers failing to visit, calling late and failing to provide the specified care. Tragically, in one case the actions of a carer resulted in a death. Complaints had been made to all three Councils but no effective action had been taken. Although the services were provided under contract, it seems clear that similar problems could occur even if the carers are directly employed. I urge you to ensure that senior staff responsible for care services to adults are aware of the issues raised by these reports (which can be found on our web-site) and consider whether action needs to be taken by your Council. The 2006 report of the Commission for Social Care Inspection 'Time to Care? An Overview of Home Care Services for Older People in England' provides very useful contextual information.

Complaints received

Volume & Character

There has been an increase in the number of complaints received by my office as compared to the previous year – from 27 to 40, although I am not aware of any particular factor that explains this. Within departmental areas the only point to note is the fairly sharp increase (from four to nine) in complaints about housing (excluding Housing Benefit). Whilst the numbers remain modest, the Council might like to see if there is any general cause that lies behind this increase.

Decisions on complaints

Reports and local settlements

A 'local settlement' is a complaint that is resolved by the Council taking, or agreeing to take, action which we consider is a satisfactory response to the complaint so that the investigation can be discontinued. In 2006/07 27.7% of complaints dealt with by the three Local Government Ombudsmen (excluding premature and those outside jurisdiction) were resolved by local settlement. When we complete an investigation we must issue a report.

I have not issued any reports against the Council during the year. Settlements were sought and obtained in three cases which fell across separate departments. One case threw up a common and very basic failure, to keep proper records. This is as easy to avoid as it is to describe. I do not seek detailed or verbatim notes in every case but a written contemporary record is vital evidence when something goes wrong (and desirable anyway).

Other findings

In total, 28 complaints were decided by my staff. 15 of those were premature –ie the Council had not been given a prior chance to investigate and respond itself to the complainant. That is quite a high percentage of the total. Whilst I have nothing much else to go on, this might indicate a need for the Council to ensure that its own complaints procedure is sufficiently well known both to its staff and to citizens.

Of the rest, four complaints lay outside of my jurisdiction and no maladministration was found in six others.

Liaison with the Local Government Ombudsman

The Council responded to our enquiries on average in just under 36 days compared to our deadline of 28 days. This is a large increase on the previous year at 27.5 days. Within that figure are two cases which took over 50 days and one which took over 60 days. This is wholly unacceptable and I would ask the Council to look into the cause of delays and let me know what it intends. I trust there will be no repetition next year.

The Council might like to flag this point up to its staff. In two of the complaints the relevant investigators here noted rather conflicting accounts of how the council responded. One thought the response 'good' whilst the other noted that it was a pity the Council had to be prompted to a remedy (of £250). A good complaints procedure must be sensitive to the need for appropriate remedies.

Working relationships between our two offices remain good.

Your Council's complaints procedure and handling of complaints

See my comment in the previous section.

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. The feedback from councils that have taken up the training is very positive.

The range of courses is expanding in response to demand. In addition to the generic 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 have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

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

LGO developments

You may be interested in the development of our initiative to improve the first contact that people have with us. A new Access and Advice Service will provide a gateway to our services for all complainants and enquirers. It will encourage telephone contact but will also deal with email, text and letter correspondence. We will let you have further details about how it will operate and the expected timescales and we will discuss with you the implications for your Council.

I hope you have received our latest special report about telecommunication masts. It draws on our experience of dealing with complaints about planning applications for masts which can be highly controversial. We recommend simple measures that councils can adopt to minimise the chances of maladministration occurring.

In July we will be publishing a special report about the difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships. *Local partnerships and citizen redress* provides advice and guidance on how these problems can be overcome by good governance arrangements that include an effective complaints protocol.

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
Local Government Ombudsman
Beverley House
17 Shipton Road
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June 2007

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	5	4	3	4	9	6	7	0	0	2	40
2005 / 2006	1	2	1	5	3	4	6	1	0	4	27
2004 / 2005	1	1	3	4	2	6	7	1	2	3	30

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	Ml reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	0	3	0	0	6	0	4	15	13	28
2005 / 2006	2	2	0	0	10	3	4	11	21	32
2004 / 2005	0	13	0	0	10	5	2	5	30	35

See attached notes for an explanation of the headings in this table.

Average local authority response times 01/04/2006 to 31/03/2007

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	10	35.8
2005 / 2006	11	27.5
2004 / 2005	14	25.9

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0

Notes to assist interpretation of the LGO's local authority statistics

1. Local authority report

This information forms an integral part of the Annual Letter to your council. Again this year, the Annual Letter will be published on our website, at www.lgo.org.uk

The detailed information in the printouts is confidential.

2. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we refer back to the council for consideration. The figures may include some complaints that we have received but where we have not yet contacted the council.

3. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. 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.

Premature complaints: decisions that the complaint is premature. 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 to the council as a 'premature complaint' to see if the council can itself resolve the matter.

Total excl premature: all decisions excluding those where we referred the complaint to the council as 'premature'.

4. 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.

5. Average local authority response times 2006/07

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

6. Categories of complaint

From 1 April 2007 we have amended our complaint category system, and you may notice some changes in the descriptions used in our decision letters and on the printouts attached.

The major change is that we now split social services cases between 'adult care services' and 'children and family services', in order that complaints relating to children and young people can be easily identified.

7. Complaints about personnel matters (employment and pensions)

We receive some complaints from members of council staff about personnel matters. These are usually outside our jurisdiction, and our practice is now to advise you that we have received the complaint without informing you of who made it.

For that reason, any such complaints on the attached printouts will show a blank space for the complainant's name.