

Local Government
OMBUDSMAN

24 June 2011

Mrs A Burns
Chief Executive
Borough Council of Darlington
Town Hall
Feethams
DARLINGTON
DL1 5QT

Our Ref: Annual Review/AS/DH

(Please quote our reference when contacting us and, if using email, please put the reference number in the email subject header)

Dear Mrs Burns

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

The law allows me to discontinue enquiries and I will often do so when a council agrees to remedy the injustice caused to the person who has complained. Those decisions are described as local settlements. Last year there were seven local settlements. Two of these raised issues that I think it is appropriate to draw to the Council's attention.

A mother complained to me that the Council had unreasonably refused to install a 'dropped kerb' and unreasonably installed fencing around the grass verge outside her home. Two of her three children were disabled and it was particularly important for her to be able to get them in and out of

her car safely. The woman complained and her Member of Parliament became involved. The Council only acted to resolve the matter when my investigator queried whether it was complying with its duties under the Equality Act (or formerly under the Disability Discrimination Act). This suggests that Council officers across a range of disciplines are not aware of important, statutory general duties and the Council may wish to take action to ensure that all employees are briefed.

Prospective adopters complained that the possibility of sexual abuse before the children whom they were to adopt were taken into care had not been properly investigated and that after being taken into care the children had been poorly looked after in foster care.

My investigator found that the Council had responded swiftly and effectively to the concerns about foster care, found it to be unsatisfactory and had deregistered the foster carer. An independent reviewing officer had been appointed and the documentation regarding children in placement was reviewed and changed where appropriate. The policy and procedures for reviewing foster carers were revised. Procedures were introduced to identify concerns about foster carers and to ensure that sufficient visits to foster carers are made. Training has also been improved for foster carers. By responding to a complaint in such a positive and rigorous way, before my involvement, the officers demonstrated the Council's declared ethos of '*...a one council, one team approach, with shared ownership, accountability and a shared desire to do our best for the people of Darlington*'. The Council had also concluded that the prospective adopters had not been properly advised of concerns about the possibility that the children had been abused. However, on inspecting the Council's files my investigator was concerned about the conclusion of a member of staff that information in the files did not justify a strategy meeting to consider the possibility that the children had been abused. The Council agreed to have this further reviewed by a multi-agency meeting and to create a trust fund for the children.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and

concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

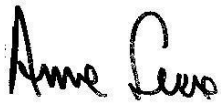
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink that reads "Anne Seex". The signature is written in a cursive style with a large initial 'A'.

Anne Seex
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	0	0	0	1	1	1	1	0	2	6
Advice given	2	0	0	0	0	0	2	1	1	6
Forwarded in investigative team (resubmitted)	0	0	0	0	0	0	0	0	2	2
Forwarded to investigative team (new)	1	2	1	13	5	3	2	0	5	32
Total	3	2	1	14	6	4	5	1	10	46

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	7	0	0	12	5	4	28

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	10	25.5
2009 / 2010	7	18.9
2008 / 2009	8	21.8

Provisional comparative response times 01/04/2010 to 31/03/20 11

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0