

24 June 2011

*By email*

Mr A Kerr  
Chief Executive  
Wiltshire Council

Dear Mr Kerr

### **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 the Advice Team forwarded to my office and the decisions made on complaints about your council. Not all complaints are decided in the same year 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.

### ***Complaints received during 2010-11***

As you will see, we received 90 complaints and enquiries about the council in 2010/11, 48 of which were referred to our investigative team. Our Advice Team referred 25 complaints to the council to be considered through your own complaints procedure.

As you know, we consider it important to deal with complaints as swiftly as possible and council response times to our enquiries are a significant factor in achieving timely outcomes. From formal enquiries made on 19 complaints during the year, your council's average response time was 33.6 days which is significantly above the 28 day target. Although four responses were received well within the 28 day target. The council took between 45 and 72 days to respond to enquiries on three of the four housing complaints we investigated; responses on three complaints concerning antisocial behaviour took between 37 and 49 days.

### ***Complaint outcomes***

We made decisions on 39 complaints against the council during the year. Two of these were on adult social care cases (for which we used a different recording system); we did not investigate one of these and one concerned a matter outside my jurisdiction. Of the remaining 37 complaints, four were found to concern matters outside my jurisdiction. In 16 cases we did not pursue investigation because no evidence of maladministration was found. In eight cases we decided to discontinue

investigation for other reasons, generally because we considered there was insufficient injustice caused to the complainant to warrant further investigation.

Ten complaints were closed after the council agreed to provide appropriate settlements. This is in line with the national average for local settlements of 27% of all complaints decided. The complaints settled by the council following enquiries from my investigators covered a range of the council's services. Compensation totalling £9,167 was offered by the council for these complaints.

A complaint about the conduct of a school admission appeal which failed to comply with legislation and guidance was settled by the council's agreement to offer a new appeal hearing. Another education complaint, about the provision of home tuition for a child who was out of school for 17 months, was settled when the council agreed to offer apologies and compensation of £1,500 to reflect the injustice suffered. The council had already reviewed its procedures and had trained staff in customer care.

Compensation amounting to £6,047 was agreed after the council failed for a period of over two years to provide appropriate weekend respite care for a child with complex special needs. This sum was based on the cost of the missed respite provision, the devastating effect this had on the complainant and her family and her time and trouble in pursuing her complaint.

Failures in the way the council dealt with an application for sheltered housing led to the offer of apologies and compensation of £750 to reflect the distress and inconvenience suffered by the complainant and his time and trouble in pursuing his complaint as well as a review of the relevant policies and procedures. A homelessness case was settled when the council agreed to apologise, to review procedures and to offer compensation of £400 for the lack of support and uncertainty caused by failures in the council's response to the family's homelessness application.

The council delayed significantly in reviewing a housing and council tax benefit application and in referring the case to the appeal service, as a result of which it agreed to offer compensation of £195 to the complainant.

### ***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, to both the citizen who has complained and to the council, a stand-alone statement of reasons for every decision we make. These statements replace our previous practice of communicating decisions by letter. 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 new decision descriptions which are intended to give a more precise representation of complaint outcomes and also add 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 means 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, some of which had taken up the training. 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/](http://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 would be pleased to arrange for me or a senior manager to meet you and explain our work in greater detail.

Yours sincerely



Dr Jane Martin  
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to [www.lgo.org.uk/CouncilsPerformance](http://www.lgo.org.uk/CouncilsPerformance)

**LGO Advice Team**

<b>Enquiries and complaints received</b>	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	2	2	1	2	6	1	3	1	7	25
Advice given	2	0	0	5	1	1	0	2	6	17
Forwarded in investigative team (resubmitted)	1	0	2	1	1	1	1	0	1	8
Forwarded to investigative team (new)	6	1	2	12	3	3	6	1	7	41
<b>Total</b>	<b>11</b>	<b>3</b>	<b>5</b>	<b>20</b>	<b>11</b>	<b>6</b>	<b>10</b>	<b>4</b>	<b>21</b>	<b>91</b>

**Investigative Team**

<b>Decisions</b>	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
<b>2010 / 2011</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>8</b>	<b>3</b>	<b>37</b>

## Adult social care decisions made from 1 Oct 2010\*

	Not to initiate an investigation	Out of jurisdiction	Total
2010 - 2011	2	1	3

\*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	19	33.6
2009 / 2010	13	29.5

## Provisional comparative response times 01/04/2010 to 31/03/2011

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

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	1	32.0