

**The Local Government Ombudsman's
Annual Review
Wiltshire Council
and the former County and District
Councils
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 Wiltshire Council and the former County and District Councils 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Wiltshire Council. It also covers complaints about the former County Council and the Kennet, North Wiltshire, Salisbury and West Wiltshire District Councils. Complaints about these former councils are now dealt with by Wiltshire Council, as successor authority.

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

During 2009/10 we received enquiries on a total of 61 complaints concerning the new unitary council. Of these 14 complaints were found to be premature and were referred back to be dealt with under the council's own complaints procedure; on 10 enquiries advice was given and 37 complaints were referred to the investigative team. Three of those complaints forwarded to the investigative team had previously been referred to the council as premature.

Of the 61 complaints and enquiries dealt with, 10 were about Education matters and 10 about Planning; seven concerned Transport and Highways; six were about Housing issues; three concerned Adult Care Services and three Children and Family Services. There were two complaints about Benefits and three about Public Finance and Local Taxation. The remaining 17 concerned a variety of other council functions.

The advice team also dealt with enquiries and complaints about the former councils. Advice was given on three enquiries on matters concerning Wiltshire County Council and six complaints were forwarded to our investigative team. Two complaints about Kennet District Council were considered premature and were referred back to the council to be considered under the council's complaints procedures and one complaint was passed to the investigative team. Advice was given on an enquiry concerning North Wiltshire District Council. Four complaints/enquiries on Salisbury District Council were received: advice was given on one, another was treated as premature and referred back to the council and two complaints were referred to the investigative team. Of four enquiries on West Wiltshire District Council one was referred back to the council as premature and three were forwarded to the investigative team.

Of the 20 complaints and enquiries about the former councils, four each concerned Education, Planning and Transport and Highways; two were about Adult Social Care and one about Children and Family Services; one each on Benefits and Public Finance and Local Taxation; and four on other council functions.

The total of 81 enquiries and complaints received for the new council and the five former councils compares with a total of 111 received during 2008/09 for the five former councils.

Complaint outcomes

Decisions were made on 21 complaints against the council. On 15 of those no evidence of maladministration was found. Investigation of four complaints was discontinued for other reasons; typically these are cases where even though there may have been some fault by the council there is no significant injustice to the complainant. One complaint was not investigated because it concerned an issue outside jurisdiction.

On some complaints still being considered concern has been expressed that complainants had been unsure about how the council was dealing with their complaints and how correspondence fitted into the complaints process. You may therefore find it helpful to review the information provided to complainants about the complaints procedures when responses are sent to them.

For the former councils decisions were made on a total of 22 complaints. Eight of those were against the former County Council. Three of these complaints concerned matters outside my jurisdiction, no evidence of fault was found on three; one was discontinued because the complainants decided they no longer wished to pursue it; and another was the subject of a local settlement.

For Kennet District Council one complaint was outside jurisdiction and on another no evidence of maladministration was found.

One complaint against North Wiltshire District Council was outside jurisdiction.

Decisions were made on eight complaints against Salisbury District Council: two were the subject of local settlements, one was discontinued when no evidence of maladministration was found and discretion was exercised not to pursue investigation of another; three complaints were outside jurisdiction.

Of four complaints against West Wiltshire District Council one was the subject of a local settlement, on one no evidence of fault was found and two were outside jurisdiction.

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, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority only one complaint on a Housing Benefit issue was settled locally.

In that complaint we found delay in chasing up a response on a benefit appeal which had been passed to the Appeals Tribunal Services but where no response had been received. This meant that the claimant was unable to challenge the council's decision on their benefit claim for an unnecessarily long time. However during that time the claimant was receiving a Discretionary Housing Payment so that they were not left financially disadvantaged. The council agreed to offer a formal apology for the delay and gave a commitment to review procedures so that similar delays do not recur.

An apology was also considered to provide an appropriate remedy in a complaint against the former County Council. In that case evidence was found of delays and poor communications in the way the council dealt with a statement of special educational needs. It was acknowledged that the length of time taken to complete the statement and identify an appropriate educational placement also resulted from the complexity of the pupil's needs.

Two complaints against Salisbury District Council were closed as local settlements. In one case the council delayed in resolving a tenant's concerns about a fault in the airing cupboard heater, as a result of which the tenant had suffered significant time and trouble, for which the council offered compensation of £100. In another case the council delayed in completing adaptations to the complainant's home including resurfacing to provide a non-slip area outside the front door. The council offered compensation of £150 and agreed to complete the necessary works. In that case the complainant remained very dissatisfied and the council agreed to enter mediation with the complainant, to be provided through my office.

On a complaint against West Wiltshire District Council we found poor record keeping and delay of six months in following up action points agreed at a meeting to discuss problems caused by stone throwing from council-owned premises towards the complainant's home. The complaint was settled by the council taking the agreed follow up action.

Liaison with the Local Government Ombudsman

We made formal enquiries on 12 complaints against the council during 2009/10 and the council achieved an average response time of 29.9 days. This is slightly outside the target time of 28 days and I hope that there will be scope to improve this average during next year as complaints systems become more established across the new council.

In September 2009 my predecessor was invited to make a presentation to the council's Standards Committee on the role of the Local Government Ombudsman on the annual review for 2008/09. I believe that this proved informative and would be happy to attend future meetings.

Training in complaint handling

I am pleased that a member of your Complaints Team attended one of our training courses on Good/Effective Complaint Handling, which was delivered in February this year.

As you know, 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 practice 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, such as the course in February this year.

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

Conclusions

The first year of the new authority will have offered many challenges and I am pleased to note that a positive start has been made in the area of complaints handling.

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.

**Dr Jane Martin
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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.

**Dr Jane Martin
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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 | 3 | 1 | 3 | 0 | 2 | 1 | 2 | 2 | 14 |
| Advice given | 0 | 0 | 3 | 0 | 0 | 0 | 1 | 3 | 3 | 10 |
| Forwarded to investigative team (resubmitted prematures) | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 3 |
| Forwarded to investigative team (new) | 3 | 0 | 6 | 2 | 2 | 1 | 7 | 2 | 11 | 34 |
| Total | 3 | 3 | 10 | 6 | 2 | 3 | 10 | 7 | 17 | 61 |

Investigative Team

| Decisions | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Total |
|-------------|---------|----|--------|---------|--------|----------|----------------------|-------|
| 2009 / 2010 | 0 | 1 | 0 | 0 | 15 | 4 | 1 | 21 |

Response times

FIRST ENQUIRIES

| Response times | FIRST ENQUIRIES | |
|------------------------|------------------------|----------------------------|
| | No. of First Enquiries | Avg no. of days to respond |
| 1/04/2009 / 31/03/2010 | 12 | 29.9 |

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 |

LGO Advice Team

| Enquiries and complaints received | Adult care services | Education | Transport and highways | Total |
|---------------------------------------|---------------------|-----------|------------------------|----------|
| Advice given | 0 | 0 | 3 | 3 |
| Forwarded to investigative team (new) | 2 | 4 | 0 | 6 |
| Total | 2 | 4 | 3 | 9 |

Investigative Team

| Decisions | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Total |
|-------------|---------|----|--------|---------|--------|----------|----------------------|-------|
| 2009 / 2010 | 0 | 1 | 0 | 0 | 3 | 1 | 3 | 8 |

Average local authority resp times 01/04/2009 to 31/03/2010

| Response times | FIRST ENQUIRIES | |
|----------------|------------------------|----------------------------|
| | No. of First Enquiries | Avg no. of days to respond |
| 2008 / 2009 | 9 | 29.9 |
| 2007 / 2008 | 10 | 34.9 |

| 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 |

LGO Advice Team

| Enquiries and complaints received | Benefits | Planning and building control | Other | Total |
|---------------------------------------|----------|-------------------------------|----------|----------|
| Formal/informal premature complaints | 1 | 1 | 0 | 2 |
| Forwarded to investigative team (new) | 0 | 0 | 1 | 1 |
| Total | 1 | 1 | 1 | 3 |

Investigative Team

| Decisions | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Total |
|-------------|---------|----|--------|---------|--------|----------|----------------------|-------|
| 2009 / 2010 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 2 |

Average local authority resp times 01/04/2009 to 31/03/2010

| Response times | FIRST ENQUIRIES | |
|----------------|------------------------|----------------------------|
| | No. of First Enquiries | Avg no. of days to respond |
| 2008 / 2009 | 3 | 17.7 |
| 2007 / 2008 | 3 | 21.7 |

| 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 |

LGO Advice Team

| Enquiries and complaints received | Other | Total |
|-----------------------------------|----------|----------|
| Advice given | 1 | 1 |
| Total | 1 | 1 |

Investigative Team

| Decisions | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Total |
|-------------|---------|----|--------|---------|--------|----------|----------------------|-------|
| 2009 / 2010 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |

Average local authority resp times 01/04/2009 to 31/03/2010

| Response times | FIRST ENQUIRIES | |
|------------------------|------------------------|----------------------------|
| | No. of First Enquiries | Avg no. of days to respond |
| 1/04/2009 / 31/03/2010 | 1 | 43.0 |
| 2008 / 2009 | 8 | 26.9 |
| 2007 / 2008 | 7 | 32.6 |

| 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 |

LGO Advice Team

| Enquiries and complaints received | Planning and building control | Transport and highways | Other | Total |
|--|-------------------------------|------------------------|----------|----------|
| Formal/informal premature complaints | 1 | 0 | 0 | 1 |
| Advice given | 0 | 0 | 1 | 1 |
| Forwarded to investigative team (resubmitted prematures) | 0 | 1 | 0 | 1 |
| Forwarded to investigative team (new) | 1 | 0 | 0 | 1 |
| Total | 2 | 1 | 1 | 4 |

Investigative Team

| Decisions | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Total |
|-------------|---------|----|--------|---------|--------|----------|----------------------|-------|
| 2009 / 2010 | 0 | 2 | 0 | 0 | 1 | 1 | 3 | 7 |

| Response times | FIRST ENQUIRIES | |
|------------------------|------------------------|----------------------------|
| | No. of First Enquiries | Avg no. of days to respond |
| 1/04/2009 / 31/03/2010 | 2 | 34.5 |
| 2008 / 2009 | 11 | 44.4 |
| 2007 / 2008 | 6 | 87.5 |

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 |

LGO Advice Team

| Enquiries and complaints received | Children and family services | Public Finance inc. Local Taxation | Planning and building control | Other | Total |
|--|------------------------------|------------------------------------|-------------------------------|----------|----------|
| Formal/informal premature complaints | 1 | 0 | 0 | 0 | 1 |
| Forwarded to investigative team (resubmitted prematures) | 0 | 0 | 0 | 1 | 1 |
| Forwarded to investigative team (new) | 0 | 1 | 1 | 0 | 2 |
| Total | 1 | 1 | 1 | 1 | 4 |

Investigative Team

| Decisions | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Total |
|-------------|---------|----|--------|---------|--------|----------|----------------------|-------|
| 2009 / 2010 | 0 | 1 | 0 | 0 | 1 | 0 | 2 | 4 |

Response times

| | FIRST ENQUIRIES | |
|------------------------|------------------------|----------------------------|
| | No. of First Enquiries | Avg no. of days to respond |
| 1/04/2009 / 31/03/2010 | 2 | 33.5 |
| 2008 / 2009 | 2 | 37.0 |
| 2007 / 2008 | 10 | 46.7 |

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 |