



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Wiltshire County 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

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

There are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

Volume and Character

This year I received 33 complaints against your Council, an increase of eight over the previous year. The areas where the greatest increase was seen were adult care services (an increase from two in 2005/06 to eight this year) and children and family services (seven complaints up from two the previous year). There has also been a steady increase in complaints about education: in 2004/05 we received four, the next year nine and this year 11. Even so, the numbers remain small, given the size of the Council's responsibilities.

Decisions on complaints

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

I did not find it necessary to issue any reports against your Council this year. Eight complaints were settled locally: two relating to children and families, three education complaints and three regarding transport and highways.

Where it is not possible to put a complainant back into the position he or she would have occupied but for maladministration, it is appropriate for authorities to pay a suitable level of compensation. Overall, the Council paid a total of £54,362 in compensation this year.

The largest single payment was made to reimburse a trust fund for school fees paid for a child with Special Educational Needs. This reflected a period during which the Council was unable to make any suitable educational provision for him in the school it considered appropriate, and when an appeal as to which school he should attend was pending. As the Council had not offered a placement at any school, the parents placed their son at the school of their choice, the only school within daily travelling distance which could offer him a place immediately. The Appeal Tribunal later confirmed that this was the most suitable school for his particular needs. Although the Council had apparently acted in good faith, and may not have been to blame for the fact that no alternative place was available during this period, it was nevertheless responsible for making suitable provision meanwhile, but had taken no steps whatever to make alternative arrangements. I am pleased that the Council was eventually able to accept responsibility and to refund the sum of £37,540: but I felt that the Council should have seen that it might have been in breach of its statutory duty and that, but for the trust fund, the complainants' son would probably have had no educational provision whatever.

A further complaint concerned unreasonable delays in finalising a statement of Special Educational Needs. The Council had attempted to agree provision with the parents, but had allowed negotiations to run on unreasonably long before issuing a final statement. Although statute and good practice

require authorities to allow parents a reasonable opportunity to reach agreement with the authority as to the provision to be made, this does not provide free rein to consult without limit of time. It is for the authority, not the parents, to take responsibility for bring the process to a close.

As agreement between the Council and parents was not reached, the appeal was delayed and the complainant's child missed about one term's worth of special educational provision. Compensation for the cost of this provision plus a further sum for the parents' time and trouble in complaining was agreed at £4,050.

Two complaints about the way in which parents were treated during child protection investigations were each settled, compensation totalling £3,000. In both cases it was necessary for an investigation to be made: but careful adherence to procedures might have lessened the distress these investigations inevitably involve.

The Council also paid total compensation of £2250 following a significant delay in dealing with a request to divert a footpath and a further £7,552 following advice relating to highways aspects of a planning application which was not available to the officer who later responded to the planning application consultation. In both cases the complainants were unable to retrieve their former position and the compensation represented contributions to out of pocket expenses and their time and trouble in pursuing their complaint. I am pleased to note that, in the latter case, the Council had already made the offer of compensation through its own complaints procedure.

The two remaining cases which were settled locally were resolved in terms of practical action. I am grateful for the Council's readiness to provide redress when things have gone wrong.

Other findings

Of 20 other complaints decided during the year, nine were returned to you because the Council had not had a reasonable opportunity to resolve them before the complaint came to me. We refer to these complaints as 'premature'. Four others were about matters lying outside my jurisdiction, five investigations were discontinued because there was little or no evidence of maladministration, and three complaints were rejected for various other reasons.

Your Council's complaints procedure and handling of complaints

Your Council's corporate complaints procedure, which is modelled on the statutory procedure used for Social Services complaints, generally works well where it is followed. It can come up with a fair resolution, as seen in the highways case referred to above. But in other cases I have seen, the process seems to peter out before a Review Panel hearing; and I believe the procedure may well be too cumbersome and time consuming, especially in many less complicated and straightforward cases. Although the procedure is clearly accessible through the Council's website, it seems that it is not being used as much as it might be, and that may be hindering the Council's ability to obtain feedback from complaints, and to resolve them speedily and efficiently. I understand that the Council has it in mind to review the complaints process once the outcome of the bid for unitary status is known, and my officers would be happy to offer the benefit of their experience at that time. You may also find the following remarks about training useful.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and 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. We 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 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.

Liaison with the Local Government Ombudsman

Thank you for hosting the seminar I gave for Wiltshire authorities at County Hall on 6 December. I was pleased to welcome 11 officers from your Council, and I hope they found it useful.

Your officers have worked hard to improve liaison with my investigators during what has undoubtedly been a difficult year for the Council, and this is much appreciated. Average response times have improved and responses are now received within our target timescale. Given that some of the complaints dealt with this year have been complex, that is to the Council's credit.

I would, however, like to add a word about the Council's culture in respect of complaints and complainants. Every organisation makes mistakes from time to time. The art of effective complaint handling is to recognise quickly where things have gone wrong, and to put them right before attitudes have a chance to harden. During the past year or two, some complainants have commented that the Council seems unwilling to admit any fault, or to reach any compromise with them over their differences of opinion. While their complaints have not always been found to be fully justified, these remarks reflect an occasional reluctance to accept responsibility for the faults found during my investigations.

I felt this was especially the case in the Education Service and perhaps this is something which might usefully be discussed within the Council.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

Conclusions and general observations

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 Council's services.

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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	Children and family services	Education	Other	Planning & building control	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	8	7	11	2	1	0	4	33
2005 / 2006	2	2	9	0	0	0	12	25
2004 / 2005	2	2	4	5	0	1	3	17

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

Decisions	MI 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	8	0	0	5	3	4	9	20	29
2005 / 2006	0	4	0	0	3	4	5	6	16	22
2004 / 2005	0	3	0	0	5	0	6	3	14	17

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

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	12	26.8
2005 / 2006	12	30.2
2004 / 2005	5	23.6

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

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