

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

21 September 2009

Complaints and Ethical Indicators

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to present to the Committee statistics in relation to complaints and compliments received by the Council for Quarter 3 in 2008/2009 and Quarter 1 for 2009/2010. It also presents information in relation to agreed ethical indicators for the period 1 April 2008 to 31 March 2009, which help give an indication of the health of the authority in relation to standards and ethics.

2.0 BACKGROUND

- 2.1 The Committee periodically considers statistical information relating to complaints and compliments received by the Council. A schedule of the corporate compliments and complaints received for Quarter 2 (July to September) in 2008 was considered by the Committee at its meeting on 2 February 2009.
- 2.2 Appendices 1 and 2 comprise comprehensive reports from the Staff Officer to the Chief Executive in relation to compliments and complaints for the periods October to December 2008 and April to June 2009 respectively. The Council's Compliments and Complaints Annual Report 2008/2009 is also attached at Appendix 3 for Members' information. Colour copies of Appendix 2 to the Annual Report will be available at the Committee meeting. A copy of the Local Government Ombudsman Annual Review report is also attached at Appendix 4. Members are requested to consider the detailed information in the reports which cover complaints referred for handling through the Council's complaints system and also matters which have been referred to the Local Government Ombudsman.
- 2.3 Once each year, this information is also accompanied by information in relation to agreed ethical indicators which help give an indication of the health of the authority in relation to standards and ethics. This part of the report covers the period 1 April 2008 to 31 March 2009.

3.0 DISTRICT AUDIT PUBLIC INTEREST REPORTS

- 3.1 2008/9 There were no public interest reports during this period.

| 2004/5 | 2005/6 | 2006/7 | 2007/8 | 2008/9 |
|--------|--------|--------|--------|--------|
| 0 | 0 | 0 | 0 | 0 |

4.0 OBJECTIONS TO THE COUNCIL'S ACCOUNTS

- 4.1 2008/9 There were no objections to the accounts during this period.

| | | | | |
|--------|--------|--------|--------|--------|
| 2004/5 | 2005/6 | 2006/7 | 2007/8 | 2008/9 |
| 0 | 0 | 0 | 0 | 0 |

5.0 REFERRALS TO AND INVESTIGATIONS UNDERTAKEN BY STANDARDS FOR ENGLAND / STANDARDS COMMITTEE

5.1 Standards for England

5.1.1 Member standards complaints sent to Standards for England for the period 1st to 30th April 2008 are set out below. On 1 May 2008, the new local standards regime came into operation, whereby all complaints that Members may have breached the Members' Code of Conduct are sent to local standards committees. Standards Committees are now responsible for all aspects of the handling of such complaints. Complaints information for the period 1 May 2008 to 31 March 2009 is set out in the Standards Committee section at paragraph 5.2 below.

| Status | 2002/3 | 2003/4 | 2004/5 | 2005/6 | 2006/7 | 2007/8 | 1 st to 30 th April 2008 |
|---------------|--------|--------|--------|--------|--------|--------|---|
| Received | 5 | 2 | 1 | 5 | 0 | 5 | 0 |
| Investigated | 2 | 1 | 1 | 2 | 0 | 0 | 0 |
| Code Breached | 2 | 1 | 0 | 0 | 0 | 0 | 0 |
| Penalty | 1 | 0 | 0 | 0 | 0 | 0 | 0 |

5.2 NYCC Standards Committee

5.2.1 Member standards complaints sent to the Council's Standards Committee for the period 1 May 2008 to 31 March 2009 are set out below.

| Status | 2008/9 | | | | | |
|--|---|--|--|--|--|--|
| Total received | 3 (same complaint in respect of 3 Councillors from same complainant) | | | | | |
| Referred to Complaint Assessment Sub-Committee | 3 | | | | | |
| Referred to | 3 | | | | | |

| | | | | | | |
|--|---|--|--|--|--|--|
| Complaint Review Sub-Committee | | | | | | |
| Decision to take no action on complaint | 3 | | | | | |
| Referred to Monitoring Officer for investigation | 0 | | | | | |
| Referred to Monitoring Officer for other action | 0 | | | | | |
| Referred to SBE for investigation | 0 | | | | | |
| Code Breached | 0 | | | | | |
| Sanction | 0 | | | | | |

5.2.2 The three complaints received during the relevant period were originally one complaint from the same complainant in respect of three County Councillors made in January 2009. The Standards Committee's Complaint Assessment Sub-Committee assessed the complaints and decided that no action should be taken in respect of them. Certain elements of the complaints were also assessed to be out of the Standards Committee's jurisdiction.

5.2.3 The complainant requested a review of the decision to take no action on the complaints and also accepted the Monitoring Officer's offer to have the non-jurisdiction matters re-directed to be dealt with via the Council's Corporate Complaints process. Those matters were considered by the Chief Executive who found no action was necessary.

5.2.4 The Complaint Review Sub-Committee subsequently undertook a fresh assessment of the standards elements of the complaints. The Sub-Committee decided that, given further information available since the Complaint Assessment Sub-Committee meeting, one element of the complaints was now out of the Standards Committee's jurisdiction. The remaining elements were assessed and the Sub-Committee decided that no action should be taken on them.

6.0 NUMBER OF WHISTLEBLOWING INCIDENTS REPORTED

| 2004/5 | 2005/6 | 2006/7 | 2007/8 | 2008/9 |
|--------|--------|--|--------|--------|
| 4 | 8 | 73 incidents (21 of those raised through email) | 60 | 71 |

6.1 The table below summarises the main areas investigated by Internal Audit during 2008/09:

| Allegation | Number |
|--|---------------|
| Misuse of IT, email or internet facilities | 12 |
| Theft | 4 |
| Abuse of time recording, overtime, mileage claims and flexitime. | 6 |
| Mismanagement of Direct Payments or other funding | 2 |
| Incorrect or fraudulent payments made to employees | 5 |
| Inappropriate letting of contracts/award of grants or incorrect procurement process followed | 7 |
| Misuse of pool cars | 3 |
| Ineffective or improper accounting, budgetary management or financial reporting | 6 |
| Improper recruitment practices | 5 |
| Victimisation/bullying | 6 |
| Data security breaches | 3 |
| Total Cases Investigated | 59 |

6.2 Internal Audit's audit management and recording system records details of 71 cases reported during 2008/09. 59 of these cases are summarised in the above table whilst the remaining cases relate to one of the following:

- Internal Audit periodically issues 'alerts' to schools in response to potential frauds or scams involving external individuals or organisations.
- Concerns which relate to another department or external body or agency. For example, a reported sale of counterfeit DVDs was passed to Trading Standards for their investigation.
- Cases from previous financial years which require re-opening.

6.3 Of the 59 cases above, 29 were communicated via one of the following:

- Whistleblowers' letter/email
- Whistleblowers' hotline

7.0 NUMBER OF CHALLENGES TO PROCUREMENTS

| | | | | |
|--------|--------|--------|--------|--------|
| 2004/5 | 2005/6 | 2006/7 | 2007/8 | 2008/9 |
| 0 | 0 | 0 | 0 | 1 |

7.1 During 2008/9 there was one challenge made to procurement. An audit review of the subject matter of the complaint has been completed, however the matter is still ongoing.

7.2 Periodic requests are received for FOI information after tender exercises have been completed.

8.0 DISCIPLINARY ACTION RELATING TO BREACHES OF THE MEMBER/OFFICER PROTOCOL

| | | | | |
|--------|--------|--------|--------|--------|
| 2004/5 | 2005/6 | 2006/7 | 2007/8 | 2008/9 |
| 0 | 0 | 0 | 0 | 0 |

8.1 For the period 1 April 2008 to 31 March 2009, a total of 46 cases of disciplinary action were undertaken. None of those related to fraud matters. The majority of cases related to misconduct issues.

9.0 DISCIPLINARY ACTION RELATING TO FRAUD

| | | | | |
|--------|--------|--------|--------|--------|
| 2004/5 | 2005/6 | 2006/7 | 2007/8 | 2008/9 |
| 1 | 3 | 3 | 4 | 0 |

9.1 There was no disciplinary action relating to fraud recorded for 2008/9.

10.0 FREEDOM OF INFORMATION ACT INDICATORS

10.1 Regarding the above statistics for 2008/09, the position to date can be summarised as follows –

| Month | Number of requests received | Number of requests answered | Number of requests answered late | Percentage of requests answered late | Percentage of requests answered within time | Requests outstanding and overdue at month end |
|----------|-----------------------------|-----------------------------|----------------------------------|--------------------------------------|---|---|
| April 07 | 25 | 21 | 4 | 19% | 81% | 6 |

| Month | Number of requests received | Number of requests answered | Number of requests answered late | Percentage of requests answered late | Percentage of requests answered within time | Requests outstanding and overdue at month end |
|--------------|-----------------------------|-----------------------------|----------------------------------|--------------------------------------|---|---|
| May 07 | 30 | 33 | 6 | 18% | 82% | 2 |
| June 07 | 24 | 22 | 2 | 9% | 91% | 5 |
| July 07 | 33 | 35 | 8 | 23% | 77% | 4 |
| Aug 07 | 23 | 31 | 4 | 13% | 87% | 2 |
| Sept 07 | 20 | 19 | 1 | 5% | 95% | 2 |
| Oct 07 | 18 | 17 | 2 | 12% | 88% | 2 |
| Nov 07 | 40 | 43 | 5 | 12% | 88% | 1 |
| Dec 07 | 12 | 23 | 2 | 9% | 91% | 0 |
| Jan 08 | 21 | 14 | 0 | 0% | 100% | 0 |
| Feb 08 | 33 | 27 | 1 | 4% | 96% | 0 |
| Mar 08 | 30 | 26 | 0 | 0% | 100% | 2 |
| Apr 08 | 47 | 40 | 3 | 8% | 93% | 2 |
| May 08 | 57 | 55 | 1 | 2% | 98% | 1 |
| Jun 08 | 35 | 46 | 0 | 0% | 100% | 1 |
| Jul 08 | 47 | 47 | 1 | 2% | 98% | 0 |
| Aug 08 | 52 | 42 | 0 | 0% | 100% | 0 |
| Sep 08 | 41 | 58 | 1 | 2% | 98% | 0 |
| Oct 08 | 36 | 34 | 0 | 0% | 100% | 0 |
| Nov 08 | 49 | 40 | 0 | 0% | 100% | 0 |
| Dec 08 | 36 | 41 | 0 | 0% | 100% | 0 |
| Jan 09 | 59 | 39 | 0 | 0% | 100% | 0 |
| Feb 09 | 46 | 54 | 0 | 0% | 100% | 2 |
| Mar 09 | 68 | 62 | 2 | 3% | 97% | 0 |
| Total | 573 | 558 | 8 | 1% | 99% | 0 |

10.2 The 8 requests responded to outside of the 20 days time limit are spread across all services.

Appeals

10.3 The County Council is obliged to have an appeals process which provides a mechanism for the applicant to lodge an appeal where they are unhappy with a refusal to supply all or some of the information requested. In the period 1 April 2008 to 31 March 2009, 6 such appeals were received. Of these, 5 were not upheld, and no more information was released. The remaining appeal was partially upheld and some of the information requested was released. The exemptions applied to other information were found to have been applied correctly, therefore this data was not released.

11.0 INDUSTRIAL ACTION TAKEN OR NOTIFIED

11.1 There was 1 instance of industrial action in 2008/9. This was one day of strike action by Unison members on 17th July 2008 against the staff pay award offer.

| 2004/5 | 2005/6 | 2006/7 | 2007/8 | 2008/9 |
|-----------------|--------------|------------------|--------------------------|-------------------|
| January – March | April – June | July – September | April – December 2007 | 17th July 2008 |
| 0 | 0 | 0 | 0 | 1 |

12.0 NUMBER OF EMPLOYMENT TRIBUNALS RECEIVED

12.1 2008/09: 16 Employment Tribunal claims were commenced, together with eight further claims in respect of part-time pensions.

12.2 The types of claims are broken down as follows:

| | | |
|----------------------------|----|--|
| Unfair dismissal: | 11 | (one of these claims also included a claim for unlawful deduction of wages and one included a claim for holiday pay) |
| Disability discrimination: | 2 | |
| Age discrimination: | 1 | |
| Sex discrimination: | 1 | |
| TUPE related: | 1 | |

Of those 16 Employment Tribunal claims, two were withdrawn, eight were settled and the remaining six are awaiting dates for hearings.

| 2004/5 | 2005/6 | 2006/7 | 2007/8 | 2008/9 |
|-------------------|--------|---|---|--|
| 9 + 1 Multiple | 10 | 8 + 14 equal pay and 9 part-time pension cases | 11 + 23 new equal pay claims - all now withdrawn/settled | 16 + 8 new part-time pension cases |

| | | | | |
|--|--|--|--|--|
| | | | | |
|--|--|--|--|--|

13.0 CONCLUSION

13.1 These indicators are provided at the request of the Committee to help give the Committee an indication of the health of the authority in relation to standards and ethics.

14.0 RECOMMENDATIONS

14.1 Members are requested to note the report.

CAROLE DUNN
Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Documents:
Standards Committee minutes

County Hall
NORTHALLERTON

11 September 2009

NORTH YORKSHIRE COUNTY COUNCIL
STANDARDS COMMITTEE
21 SEPTEMBER 2009
COMPLIMENTS AND COMPLAINTS QUARTERLY REPORT
QUARTER 3 – OCTOBER TO DECEMBER 2008

Introduction

1. This is the third quarterly report on compliments and complaints for 2008/09 and covers the period October to December 2008.
2. Figures for the previous quarter and for the same quarter last year have been included for comparison, although it should be noted that improvements to recording only started to be made last year and continue to be made, so comparisons will become more meaningful as time goes on.
3. It is important to capture as much data as possible so that we can use it effectively to improve services where necessary. Again, I would like to reiterate the point that it is not the number of complaints received that is most important. The percentage of upheld or partly upheld complaints and complaints dealt with over timescale shows us where problem areas may lie (Appendix 1 shows learning that has been identified to address issues arising). However, those complaints that are not upheld can still help us to improve services and should still be monitored.

Compliments Received

| Compliments Received | Adult & Community | Business & Environment | Chief Executive | Children & Young People | Finance & Central | Total for year/quarter |
|-----------------------------|------------------------------|-----------------------------------|------------------------|------------------------------------|------------------------------|-------------------------------|
| Total 2007/08 | 966 | 624 | 53 | 88 | 45 | 1776 |
| Quarter3 2007/08 | 216 | 130 | 16 | 43 | 2 | 407 |
| Quarter1 2008/09 | 185 | 305 | 12 | 17 | 51 | 570 |
| Quarter 2 2008/09 | 200 | 233 | 4 | 12 | 22 | 471 |
| Quarter 3 2008/09 | 106 | 188 | 12 | 10 | 20 | 336 |

4. A vacant post in ACS has resulted in a backlog of compliments to be logged. Therefore the number of compliments will increase.

Complaints Received Stages 1 - 3

| Complaints Received | Adult & Community | Business & Environment | Chief Executive | Children & Young People | Finance & Central | Total for year/quarter |
|--------------------------|-------------------|------------------------|-----------------|-------------------------|-------------------|------------------------|
| Total 2007/08 | 642 | 51 | 21 | 122 | 11 | 847 |
| Quarter3 2007/08 | 222 | 8 | 3 | 31 | 3 | 267 |
| Quarter 1 2008/09 | 236 | 15 | 7 | 26 | 6 | 290 |
| Quarter 2 2008/09 | 128 | 61 | 3 | 18 | 1 | 211 |
| Quarter 3 2008/09 | 67 | 51 | 1 | 22 | 6 | 147 |

5. Much work has been carried out in making services aware of what should and should not be reported. This has resulted in a large drop of complaints recorded in ACS Community Services.

Timescales

6. A total of 136 (87%) complaints were completed within target timescale and 20 (13%) complaints took longer than 20 working days to resolve. Of these 18 were handled through the statutory procedure for Social Care complaints, which is noted for being generally of a more complex nature requiring specialist input and the involvement of other agencies and occasionally legal advice. The figure for completion within timescale is a 4% drop on the last quarter.
7. Other reasons for delay include staffing issues and joint complaints led by another agency.
8. When complaints do go over timescale complainants are kept fully informed in accordance with procedures.

Outcomes of Complaints by Directorate

| Outcomes | Adult & Community | | Business & Environment | | Chief Executive | | Children & Young People | | Finance & Central | | Total for year/quarter | |
|--------------------------|-------------------|------------|------------------------|-----------|-----------------|----------|-------------------------|-----------|-------------------|----------|------------------------|------------|
| | U | NU | U | NU | U | NU | U | NU | U | NU | U | NU |
| Total 2007/08 | 147 | 472 | 21 | 27 | 14 | 9 | 63 | 50 | 9 | 2 | 254 | 560 |
| Quarter3 2007/08 | 32 | 192 | 1 | 7 | 3 | 0 | 21 | 8 | 3 | 0 | 60 | 207 |
| Quarter 1 2008/09 | 84 | 155 | 7 | 7 | 3 | 0 | 11 | 14 | 3 | 1 | 108 | 177 |
| Quarter 2 2008/09 | 37 | 96 | 32 | 28 | 2 | 2 | 4 | 7 | 1 | 1 | 76 | 134 |
| Quarter 3 2008/09 | 53 | 19 | 22 | 31 | 1 | 1 | 15 | 9 | 3 | 2 | 94 | 62 |

U = Upheld/Partly Upheld NU – Not Upheld

9. Over the last quarter there has been an increase from 36% to 60% of complaints that have been upheld or partly upheld.

10. 21 upheld complaints were to do with facilities at libraries (heating, automatic door, bad smells). These issues have now been resolved. There was no other specific area where a larger number of complaints were upheld or partly upheld.
11. Some complaints will be upheld, but we seek to learn from these and improve our services as a result. Changes that have been made as a result of upheld complaints during quarter 1 are detailed in Appendix 1 'Overview of Learning Outcomes for Upheld Complaints'.

Reason for Complaint

| Category | Poor Service | | No Service | | Delay in Service | | Disagree decision/ policy | | Staff Attitude | | Poor Communication | | Personnel | | Other | |
|--------------------------|--------------|------------|------------|-----------|------------------|-----------|---------------------------|------------|----------------|-----------|--------------------|-----------|-----------|----------|----------|------------|
| | U | NU | U | NU | U | NU | U | NU | U | NU | U | NU | U | NU | U | NU |
| Total 2007/08 | 104 | 243 | 47 | 28 | 13 | 17 | 34 | 115 | 14 | 16 | 42 | 24 | 0 | 1 | 0 | 116 |
| Quarter3 2007/08 | 40 | 114 | 2 | 7 | 3 | 5 | 7 | 23 | 5 | 3 | 16 | 7 | 1 | 0 | 0 | 48 |
| Quarter 1 2008/09 | 77 | 29 | 1 | 3 | 3 | 7 | 15 | 106 | 6 | 3 | 6 | 8 | 0 | 0 | 1 | 20 |
| Quarter 2 2008/09 | 30 | 39 | 4 | 11 | 5 | 1 | 5 | 50 | 24 | 8 | 6 | 5 | 0 | 0 | 3 | 20 |
| Quarter 3 2008/09 | 37 | 7 | 5 | 4 | 9 | 1 | 10 | 40 | 9 | 7 | 13 | 3 | 0 | 0 | 11 | 0 |

U = Upheld/Partly Upheld NU – Not Upheld

12. This quarter 156 stage 1 - 3 complaints were completed. 50 of these fell in the Disagree with Decision/Policy category and 44 in Poor Service.
13. 80% of those complaints in the Disagree with Decision/Policy category were not upheld.
14. 84% of 'Poor Service' complaints were upheld or partly upheld. 21 of these were the library facilities complaints mentioned at paragraph 10. No other specific area contributed greatly to this figure.

Complaints Process

15. During the quarter 138 complaints were received at stage one, seven at stage two and two at stage three.
16. It can be seen that only a small percentage of complaints move on to stages 2 (formal Investigation) and 3 (review of investigation by Chief Executive). This is a reflection of the aims of the procedure.

Ombudsman's Complaints

17. At 1st October 2008 17 Ombudsman complaints were already in progress and a further two were received during the quarter. Six complaints were still in train at the end of the quarter.
18. 13 decisions were made, 11 of which found no maladministration and two were not investigated at the Ombudsman's discretion.
19. All responses were made within the deadline set by the Ombudsman's Office.

Learning from Complaints

20. Appendix 1 shows learning outcomes from complaints that were upheld or partly upheld and where the Ombudsman decision was of Local Settlement.

Conclusion

21. Much good work has been done in directorates to inform staff of the complaints procedure and what should be recorded. It is hoped that more meaningful information will become available as a result.
22. Complaints dealt with within our target of 20 working days have decreased to 87% from 91% last quarter.
23. Upheld and partly upheld complaints have increased to 60% from 36% last quarter.
24. The team of Directorate Complaints Coordinators continue to meet regularly to share best practice.
25. Demonstrations of compliments/comments/complaints recording systems have and continue to take place. Market research is soon to draw to a close and the procurement process will then start.
26. A more flexible programme of training relating to complaints will be provided by the corporate complaints team in the near future. A small range of courses will be programmed, but it is hoped that training will be provided on a needs basis, with more tailored courses for officers' specific requirements. This would be anything from a one on one training sessions or briefing at a team meeting to a full day course for many officers.

Amanda Fry
Staff Officer to the Chief Executive
County Hall
NORTHALLERTON

6 February 2008

Overview of Learning Outcomes for Upheld Complaints
Quarter 1: April – June 2008

| STAGE 1 COMPLAINTS | | |
|---|--|--|
| Directorate | Description | Learning Outcome |
| ACS Community | | |
| ACS Social Care | Timing of carer visits | Apology for late calls |
| | Attitude of staff in nursing home | Referred to provider. Apology for any misunderstanding |
| | Quality of service and charging | Improved recording of visits. Apology for any misunderstanding |
| | Quality of service during hospital admission | Joint response with health. Explanation of actions. Apology for any distress caused. |
| | Disagrees with assessment | Re-assessment completed. Alternative service offered |
| | Lack of carer support | Re-assessment offered |
| | Timing of carer visits | Review of staff availability |
| | Delay in OT assessment | Apology for delay. Appointment arranged |
| | Charging for respite care | Apology for lack of clarity. Waiver agreed |
| | Delay in invoicing | Apology |
| | Communication and care planning | Apology for lack of written response. Explanation of current arrangements |
| | Lack of communication and information | Apology for poor communication. Information provided |
| | Quality of service | Apology and explanation for delay |
| | Carer visits | Explanation of timings. Apology for communication difficulties |
| Late invoicing | Apology for delay. Charges waived | |
| BES | Condition of two footpaths in the Spofforth Area | Must keep the public informed of the action that is planned |
| | Dangerous state of the Burnsall Bridge approach wall | Must keep the public informed of the action that is planned |
| | Resurfacing of road across Nosterfield Village Green | Must carry out all work that has been committed to |
| | Harassed by another NYCC employee who was driving an NYCC vehicle in a dangerous manner | The need to remind staff, through Health and Safety meetings, of the NYCC Policy on Driving whilst carrying out Council business |
| | Hartwith Cum Winkley - Diversions | Some complaints can be informative and can lead to a change in working practices |
| | Damaged marker posts have not been repaired | Do not delay in rectifying reported faults |
| | Lack of response to issue raised and lack of contact | Must keep the public informed of the action that is planned |
| | Reinstatement work outside property | Must keep the public informed of the action that is planned |
| | Lack of progress on application for Tourism Signing | Retirement of staff is not a reason for issues being overlooked |
| | Attitude of BBISL supervisor was very poor when asked for a sign to be repositioned | Need continued reminder to contractors of customer service level that is expected |
| | Attitude of a member of staff | Need continued reminder to contractors of customer service level that is expected |
| | Lack of action to rectified drain cover fault that he had previously reported missing | Follow up orders that have been placed with contractors to see the task through to the end |
| | Timing of 'burning off and remarking of yellow zigzag markings outside a school | Need, were possible, for closer liaison between all parties |
| | Attitude and language of a member of staff | Need continued reminder to contractors of customer service level that is expected |
| | Thornton Le Dale - attitude of a member of staff | Need continued reminder to contractors of customer service level that is expected |
| Lack of response to request for information on traffic survey | To supply information, if available, without delay | |
| Lack of access to files on Easingwold Market Place Scheme | Need to establish what the member of the public requires rather than what we think they require. | |

| STAGE 1 COMPLAINTS | | | |
|----------------------|---|--|------------------|
| Directorate | Description | Learning Outcome | |
| BES cont. | Lack of action to replenish salt heaps on Clapgate Lane | Need to carry out actions that we have said we would and if a higher priority comes along then communicate this to person/people who have requested the service | |
| | Misinformation on which authority would deal with planning application | Ensure new staff at aware of the reporting process if they are in any doubt about the information they are giving out. | |
| | Street lighting in Eggborough | Ensure a full explanation is given to make complainants aware of the full process required to repair faults | |
| | Failure to correspond on how issues raised were progressing | Must keep the public informed of the action that is planned | |
| | Lack of action to request for salt heaps to be replenished | Need to carry out actions that we have said we would and if a higher priority comes along then communicate this to person/people who have requested the service | |
| CEG | No response following request for information regarding opportunities for graduates | Procedures reviewed, contact given to provide information | |
| CYPS Social Care | Quality of service | Apology for error and system changed. | |
| | Quality of service | Apology and social worker changed. | |
| | Quality of service | New social worker appointed and to bring communication issues to attention of staff. | |
| | Disagrees with decision/action | Apology and explanation supplied. | |
| | Quality of service | SW to be made aware of issues about communication. Apology given. | |
| | Quality of service | Regular residents meetings to discuss issues. | |
| | Quality of service | Acknowledged that discussions should not have taken place in front of children. | |
| FCS | Unhappy with way query was answered then refused to pay back amount sent out in error due to admin error | Contact with customer should be clear and title of person responding should be given. | |
| | Not sent relevant Members Allowance Scheme & guidance docs so unable to claim for expenses | Apology sent along with information required. Those responsible for circulating the information will review their distribution list and arrangements to ensure that this includes all members sitting on Committees, including the independent members of the Standards Committee. | |
| STAGE 2 COMPLAINTS | | | |
| Directorate | Description | Learning Outcome | |
| ACS Social Care | Unhappy with standard of care | Review of staff guidance on advocacy. Discussion with staff re appropriate case recording | |
| | Quality of care following hospital discharge | Apology for delay in service provision. Review of case allocation process | |
| CYPS Social Care | Quality of service | Apology for delay and confusion re action to be taken. Explanation of social worker role. | |
| FCS | Requested refund of amount invoiced for damaged library book as considered it in excess of replacement cost and was willing to hand in replacement book to library. | It was found that current edition of the book could be purchased at £7.99 not £12.99. Replacement book accepted and cheque sent out along with apology explaining that the error was by a number of staff assuming the price on the original book cover was still correct. In future staff will check pricing accordingly. | |
| STAGE 3 COMPLAINTS | | | |
| Directorate | Description | Learning Outcome | |
| | No stage 3 complaints upheld | | |
| OMBUDSMAN COMPLAINTS | | | |
| Directorate | Description | Decision | Learning Outcome |
| | No Ombudsman complaints upheld or Local Settlement | | |

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

21 SEPTEMBER 2009

COMPLIMENTS AND COMPLAINTS QUARTERLY REPORT

QUARTER 1 – APRIL TO JUNE 2009

Introduction

1. This is the first quarterly report on compliments and complaints this year and covers the period April to June 2009.
2. Figures for the previous quarter and for the same quarter and total for last year have been included for comparison.
3. The percentage of upheld or partly upheld complaints and complaints dealt with over timescale shows us where problem areas may lie (Appendix 1 shows learning that has been identified to address issues arising). However, those complaints that are not upheld can still help us to improve services and should still be monitored.

Compliments Received

| Compliments Received | Adult & Community | Business & Environment | Chief Executive | Children & Young People | Finance & Central | Total for year/quarter |
|-----------------------------|------------------------------|-----------------------------------|------------------------|------------------------------------|------------------------------|-------------------------------|
| Total 2008/09 | 843 | 921 | 47 | 47 | 110 | 1968 |
| Quarter1 2008/09 | 185 | 305 | 12 | 17 | 51 | 570 |
| Quarter 4 2008/09 | 165 | 195 | 19 | 8 | 17 | 404 |
| Quarter1 2009/10 | 166 | 237 | 24 | 12 | 12 | 451 |

4. The figure for FCS for Quarter 1 of 2008/09 appears high in comparison due to underreporting in the previous year being carried forward. Otherwise there is nothing remarkable about this quarter's figures.

Complaints Received Stages 1 - 3

| Complaints Received | Adult & Community | Business & Environment | Chief Executive | Children & Young People | Finance & Central | Total for year/quarter |
|----------------------------|------------------------------|-----------------------------------|------------------------|------------------------------------|------------------------------|-------------------------------|
| Total 2008/09 | 492 | 165 | 14 | 91 | 18 | 780 |
| Quarter 1 2008/09 | 236 | 15 | 7 | 26 | 6 | 290 |
| Quarter 4 2008/09 | 61 | 38 | 3 | 23 | 5 | 130 |
| Quarter 1 2009/10 | 78 | 31 | 7 | 18 | 1 | 135 |

5. Much work has been carried out in making services aware of what should and should not be reported. This resulted in a large drop of complaints recorded in ACS Community Services in relation to the same quarter in 2008/09.

Timescales

6. A total of 109 (87%) complaints were completed within target timescale and 17 (13%) complaints took longer than the deadline set. Of these 13 were handled through the statutory procedure for Social Care complaints, which is noted for being generally of a more complex nature requiring specialist input and the involvement of other agencies and occasionally legal advice. The percentage completed within timescale has dropped from 92% in the last quarter.
7. It should be noted that under the new regulations for Adult Social Care complaints there is no fixed timescale, although internally target response times are in place. These vary dependent upon complexity and a deadline for full response is negotiated with the complainant in each case.
8. Other reasons for delay include staff/complainant availability, complainant's family circumstances and change of adjudicating officer.
9. When complaints do go over timescale complainants are kept fully informed in accordance with procedures.

Outcomes of Complaints by Directorate

| Outcomes | ACS | | | BES | | | CEG | | | CYPS | | | FCS | | | TOTAL | | |
|--------------------------|-----------|----|----|---------|----|----|-------|----|----|---------|----|----|-------|----|----|------------------|-----------|-----------|
| | U | PU | NU | U | PU | NU | U | PU | NU | U | PU | NU | U | PU | NU | U | PU | NU |
| Total 2008/09 | 191 309 | | | 80 83 | | | 7 3 | | | 43 34 | | | 8 7 | | | 329 436 | | |
| Quarter1 2008/09 | 84 155 | | | 7 7 | | | 3 0 | | | 11 14 | | | 3 1 | | | 108 177 | | |
| Quarter 4 2008/09 | 17 39 | | | 19 18 | | | 1 0 | | | 12 3 | | | 1 3 | | | 50 63 | | |
| Quarter 1 2009/10 | 15 | 14 | 49 | 10 | 2 | 13 | 2 | 1 | 6 | 3 | 5 | 5 | 0 | 0 | 1 | 30 | 22 | 74 |

U = Upheld PU = Partly Upheld NU = Not Upheld

10. Last year upheld and partly upheld complaints were counted together. These have now been split.
11. This quarter 24% of complaints were upheld, 17% were partly upheld and 59% were not upheld. Last quarter 44% were upheld or partly upheld and 56% were not.
12. Some complaints will be upheld, but we seek to learn from these and improve our services as a result. Changes that have been made as a result of upheld complaints during quarter 1 are detailed in Appendix 1 'Overview of Learning Outcomes for Upheld Complaints'.

Reason for Complaint

| Category | Poor Service | | | No Service | | | Delay in Service | | | Disagree decision/ policy | | | Staff Attitude | | |
|--------------------------|--------------|----|----|------------|----|----|------------------|----|----|---------------------------|----|-----|----------------|----|----|
| | U | PU | NU | U | PU | NU | U | PU | NU | U | PU | NU | U | PU | NU |
| Total 2008/09 | 155 | | 86 | 11 | | 22 | 22 | | 10 | 36 | | 228 | 48 | | 26 |
| Quarter1 2008/09 | 76 | | 30 | 1 | | 3 | 3 | | 7 | 15 | | 106 | 6 | | 3 |
| Quarter 4 2008/09 | 12 | | 10 | 1 | | 4 | 5 | | 1 | 6 | | 32 | 9 | | 8 |
| Quarter 1 2009/10 | 6 | 6 | 15 | 3 | 1 | 4 | 5 | 1 | 2 | 3 | 6 | 30 | 2 | 1 | 3 |

| Category | Poor Communication | | | Premises* | | | Service Users* | | | Other | | | Total | | |
|--------------------------|--------------------|----|----|--------------|----|----|----------------|----|----|-------|----|----|------------|-----------|------------|
| | U | PU | NU | U | PU | NU | U | PU | NU | U | PU | NU | U | PU | NU |
| Total 2008/09 | 35 | | 18 | New category | | | New category | | | 22 | | 46 | 329 | | 436 |
| Quarter1 2008/09 | 6 | | 8 | New category | | | New category | | | 1 | | 20 | 108 | | 177 |
| Quarter 4 2008/09 | 10 | | 2 | New category | | | New category | | | 7 | | 6 | 50 | | 63 |
| Quarter 1 2009/10 | 11 | 6 | 4 | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 1 | 8 | 31 | 21 | 74 |

U = Upheld PU = Partly Upheld NU = Not Upheld

***New categories – Premises, to do with the fabric of our buildings – Service Users, where complaints have been about the behaviour of other service users.**

13. Last year upheld and partly upheld complaints were counted together. These have now been split. The Directorate Complaints Coordinators Group also agreed to remove the category Personnel as it was not being used and to add two new categories – Premises and Service Users.
14. This quarter 126 stage 1 - 3 complaints were completed. 39 of these fell in the Disagree with Decision/Policy category, 27 in Poor Service and 21 in Poor Communication.
15. 77% of those complaints in the Disagree with Decision/Policy category were not upheld.
16. 22% of 'Poor Service' complaints were upheld and 22% were partly upheld. 52% of 'Poor Communication' complaints were upheld and 29% were partly upheld. These complaints were spread across several service areas and no particular cause for concern has been identified.

Complaints Process

17. During the quarter 125 complaints were received at stage one, seven at stage two and three at stage three.
18. It can be seen that only a small percentage of complaints move on to stages 2 (formal Investigation) and 3 (review of investigation by Chief Executive). This is a reflection of the aims of the procedure.

Ombudsman's Complaints

19. At 1st April 2009 five Ombudsman complaints were already in progress and a further six were received during the quarter. Nine complaints were still in train at the end of the quarter.
20. Two complaints were decided upon – neither was investigated at the Ombudsman's discretion. Neither of these complaints required a response so there is no comment on timescales this quarter.

Ombudsman's Annual Review

21. The Local Government Ombudsman (LGO) sent their Annual Review to the Council on 16th June 2009. A copy is attached at Appendix 2.
22. 47 enquiries and complaints were received by the LGO Advice Team during the year. Advice was given on seven occasions and 11 complaints were determined to be premature. 29 complaints were forwarded for investigation (3 of which had previously been premature complaints). No trends or themes were identified.
23. 40 decisions were made:
 - 2 Outside Jurisdiction
 - 7 Ombudsman's Discretion not to pursue
 - 17 No Maladministration
 - 1 No Maladministration with report
 - 13 Local Settlements
24. The report issued was in relation to admission arrangements for selective schools and was useful in terms of clarifying arrangements. This was a good example of the LGO and the Council working together to avoid further work in the future. The results were widely publicised as stated in the report.
25. Compensation was paid on two occasions. One concerned a skateboard park at a school in Scarborough, where some fault was found with our planning process. The other concerned a long running dispute in Whitby. We did not agree with the findings here, but agreed to the LGO's recommendation in an effort to try and move the matter forward.
26. Liaison with the LGO's office is recognised to be good, with her staff speaking 'very positively about their working relationship with the Council's liaison officers' and the LGO mentioning 'the positive attitude of the Council towards complaints.' The complaints process is seen as a 'force for good in customer relations.'

Learning from Complaints

27. Appendix 1 shows learning outcomes from complaints that were upheld or partly upheld and where the Ombudsman decision was of Local Settlement.

Conclusion

28. Complaints dealt with within our target of 20 working days have decreased to 87% from 92% last quarter.
29. Upheld and partly upheld complaints have decreased to 41% from 44% last quarter. This can now be split into 24% upheld and 17% partly upheld.
30. The team of Directorate Complaints Coordinators continue to meet regularly to share best practice.
31. The procurement process for the complaints and compliments electronic recording/monitoring/reporting system has been delayed due to training being cancelled at short notice. A requirements specification and evaluation model will soon be finalised. Procurement is expected to start in September 2009.

Amanda Fry
Staff Officer to the Chief Executive
County Hall
NORTHALLERTON

30 July 2009

Overview of Learning Outcomes for Upheld Complaints
Quarter 1: April – June 2009

| STAGE 1 COMPLAINTS | | |
|-----------------------------------|--|---|
| Directorate | Description | Learning Outcome |
| ACS Community | A number of upheld complaints regarding not being able to find the telephone number of library in telephone book | L&IS to review how contact details for libraries are publicised |
| ACS Social Care | Unhappy with case management | Apology for poor communication. Moved to Stage 2 |
| | Quality of service | |
| | Lack of information /poor communication | Apology. Explanation of actions taken |
| | Delay in transport and difficulty contacting staff | Apology, procedures reviewed. |
| | Unhappy with assessment | Apology and re-assessment |
| | Unhappy with hospital discharge arrangements | Meeting with CSM. Apology for lack of contact |
| | Timings of PCAH visits and poor communication | Apology and explanation |
| | Suitability of care and care standards | Move to another placement |
| | Contact from staff following death of service user | Apology and review of recording to ensure not repeated |
| | Quality of service provided by carers | Apology and explanation of actions |
| | Actions of carers | Procedures reviewed |
| | Late visit | Apology. Rota amended, back-up call introduced |
| | Funding of placement | Policy explained, placements agreed |
| | Disagrees with assessment. | Apology and explanation |
| | Delay in support | Apology and appointment re-arranged |
| | Delay in financial assessment and lack of communication | Apology and re-assessment |
| | Behaviour of care staff | Apology. Issues raised with worker and team |
| | Incorrect information re cost of care home | Apology. Waiver of top-up, repayment of over payment |
| | Poor communication | Apology and explanation |
| | Appointment not kept | Apology and explanation |
| | Missed call | Apology. Future calls monitored |
| | Care plan and communication | Care plan changed, review of communication |
| | Lack of care plan | Apology and care plan provided |
| Care visits | Apology and explanation | |
| Communication and quality of care | Meeting with CSM. Apology, explanation and change of worker | |
| BES | Delay in carrying out notified Highway defects | Greater clarity on timescale to be provided. Feedback to be given if delays are necessary. |
| | Lack of agreed Business As Usual signs during road closure | Highlighted issues with contractors - will ensure future works carried out with as much notification and as little impact as possible to residents and businesses. |
| | Lack of notification of a road closure, road also in bad state of repair. | Liaison with Parishes and Members ensured, advanced notification of works, investigating possibility of rolling programme of moving advanced warning signs |
| | Cattle Grid continually blocked with debris - previously reported. | Better communication of anticipated timescale -should have been advised there may be delay due to availability of equipment – general practice to clean cattle grids in batches |
| | Poor verge reinstatement on completion of drainage works -problem previously reported but not satisfied with standard of remedial works. | Ensure that all works are completed before contractor leaves site |
| | Delay in providing a service (road sign) | Better communication required when delays happen |

| STAGE 1 COMPLAINTS | | | |
|-----------------------------|--|---|-------------------------|
| Directorate | Description | Learning Outcome | |
| BES cont. | Misunderstanding on the location of a fault reported | Ensure that all relevant information is correct at all times | |
| | Delay in getting information requested | Better system to be put in place to capture all request at source | |
| | Problem with change of transport arrangements | To Improve communications relating to changes to school transport. | |
| CEG | Delay in dealing with correspondence | Principal instructed Lawyer that more care should be taken to ensure that all letters are replied to according to the statutory 10 days. | |
| | Delay in paying interview expenses, discrimination on application form and at interview | Interview expenses – remedial action taken, claim paid, apology made. Equal opportunities best practice embedded in recruitment procedures. | |
| | Delay – application for land to become village green | Apology | |
| CYPS Social Care | Unhappy about passport application not being processed and no response received ref special guardianship | Sincere apologies given for delay experienced and lack of communication received. To prioritise application, minimise delay and reach a successful outcome. | |
| | Conflicting communication/advice issues given by social care workers | Apologies given for lack of support and timeliness. | |
| STAGE 2 COMPLAINTS | | | |
| Directorate | Description | Learning Outcome | |
| CYPS Other | Concerns about the administration of child's case | Delay caused by admin error – staff retrained on correct procedures | |
| STAGE 3 COMPLAINTS | | | |
| Directorate | Description | Learning Outcome | |
| ACS Social Care | Unhappy with standard of care | Review of staff guidance on advocacy. Discussion with staff re appropriate case recording | |
| OMBUDSMAN COMPLAINTS | | | |
| Directorate | Description | Decision | Learning Outcome |
| | No Ombudsman complaints upheld or Local Settlement | | |

COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2008/09

Introduction

- 12.1 This report summarises the compliments and complaints received during the year 2008/09.

Compliments Received

| Compliments Received | Adult & Community | Business & Environment | Chief Executive | Children & Young People | Finance & Central | Total for year/quarter |
|--------------------------|-------------------|------------------------|-----------------|-------------------------|-------------------|------------------------|
| Total 2007/08 | 966 | 624 | 53 | 88 | 45 | 1776 |
| Quarter 1 2008/09 | 185 | 305 | 12 | 17 | 51 | 570 |
| Quarter 2 2008/09 | 200 | 233 | 4 | 12 | 22 | 471 |
| Quarter 3 2008/09 | 293 | 188 | 12 | 10 | 20 | 523 |
| Quarter 4 2008/09 | 165 | 195 | 19 | 8 | 17 | 404 |
| Total 2008/09 | 843 | 921 | 47 | 47 | 110 | 1968 |

- 12.2 Overall there has been an increase of 192 (11%) compliments received throughout the year compared to 2007/08.
- 12.3 Changes to procedures in Household Waste and Recycling Centres (introducing feedback forms) have led to an increase in the number of compliments received in BES (297, 48%).
- 12.4 The number of compliments was underreported in FCS during 2007/08, so there appears to have been a large increase this year.

Complaints Received Stages 1 - 3

| Complaints Received | Adult & Community | Business & Environment | Chief Executive | Children & Young People | Finance & Central | Total for year/quarter |
|--------------------------|-------------------|------------------------|-----------------|-------------------------|-------------------|------------------------|
| Total 2007/08 | 642 | 51 | 21 | 122 | 11 | 847 |
| Quarter 1 2008/09 | 236 | 15 | 7 | 26 | 6 | 290 |
| Quarter 2 2008/09 | 128 | 61 | 3 | 20 | 1 | 213 |
| Quarter 3 2008/09 | 67 | 51 | 1 | 22 | 6 | 147 |
| Quarter 4 2008/09 | 61 | 38 | 3 | 23 | 5 | 130 |
| Total 2008/09 | 492 | 165 | 14 | 91 | 18 | 780 |

- 12.5 There has been an overall drop of 69 (8%) complaints received compared to the previous year. Numbers are still low given the number of contacts we make with the public and no trends have so far been identified.

- 12.6 During this year a programme has been implemented to increase the awareness of the definition of a formal complaint (as opposed to a comment or suggestion) amongst ACS frontline staff. This has contributed to a reduction in the number of complaints recorded for 2008/09.
- 12.7 There has been an increase of 114 (224%) in BES. There are two reasons for this increase, firstly, the reporting of complaints against contractors contracted to administer the household waste recycling centres were not previously being reported, therefore, not giving a true reflection on the number of complaints levied against a service supplied by NYCC to the public and secondly, the severe weather conditions experienced in North Yorkshire during this year led to more complaints on this issue than in previous years.

Timescales

- 12.8 Throughout the year 92% of complaints were dealt with within the 20 working day timescale, an increase from 89% during 2007/08.
- 12.9 65 of the 765 complaints resolved went over timescale, 46 of which were handled through the statutory procedure for Social Care complaints (which is noted for being generally of a more complex nature requiring specialist input and the involvement of other agencies and occasionally legal advice).
- 12.10 Other reasons for delay include joint complaints led by another agency, staffing availability, complainant availability, awaiting information from other parties and involvement of other agencies.
- 12.11 When complaints do go over timescale complainants are kept fully informed in accordance with procedures.

Outcomes of Complaints Resolved

| Outcomes | Adult & Community | | Business & Environment | | Chief Executive | | Children & Young People | | Finance & Central | | Total for year/quarter | |
|--------------------------|-------------------|------------|------------------------|-----------|-----------------|----------|-------------------------|-----------|-------------------|----------|------------------------|------------|
| | U | NU | U | NU | U | NU | U | NU | U | NU | U | NU |
| Total 2007/08 | 147 | 472 | 21 | 27 | 14 | 9 | 63 | 50 | 9 | 2 | 254 | 560 |
| Quarter 1 2008/09 | 84 | 155 | 7 | 7 | 3 | 0 | 11 | 14 | 3 | 1 | 108 | 177 |
| Quarter 2 2008/09 | 37 | 96 | 32 | 27 | 2 | 2 | 5 | 8 | 1 | 1 | 77 | 134 |
| Quarter 3 2008/09 | 53 | 19 | 22 | 31 | 1 | 1 | 15 | 9 | 3 | 2 | 94 | 62 |
| Quarter 4 2008/09 | 17 | 39 | 19 | 18 | 1 | 0 | 12 | 3 | 1 | 3 | 50 | 63 |
| Total 2008/09 | 191 | 309 | 80 | 83 | 7 | 3 | 43 | 34 | 8 | 7 | 329 | 436 |

U = Upheld/Partly Upheld NU – Not Upheld

- 12.12 Over the year 43% of complaints were upheld or partly upheld, an increase on last year from 31%.

- 12.13 77 of the 329 upheld or partly upheld complaints were due to problems with the WAN. These issues have now been rectified and was the only specific area attracting a number of complaints that have been identified by the directorates during the year. Removing these from the statistics leaves the percentage upheld or partly upheld at 37%. This is still an increase from the 31% upheld last year.
- 12.14 Some complaints will be upheld, but we seek to learn from these and improve our services as a result. Changes that have been made as a result of upheld complaints during the year are detailed in Appendix 1 'Overview of Learning Outcomes for Upheld or Partly Upheld Complaints'.

Reason for Complaint

| Category | Poor Service | | No Service | | Delay in Service | | Disagree decision/ policy | | Staff Attitude | | Poor Communication | | Personnel | | Other | |
|--------------------------|--------------|------------|------------|-----------|------------------|-----------|---------------------------|------------|----------------|-----------|--------------------|-----------|-----------|----------|-----------|------------|
| | U | NU | U | NU | U | NU | U | NU | U | NU | U | NU | U | NU | U | NU |
| Total 2007/08 | 104 | 243 | 47 | 28 | 13 | 17 | 34 | 115 | 14 | 16 | 42 | 24 | 0 | 1 | 0 | 116 |
| Quarter4 2007/08 | 38 | 24 | 38 | 4 | 1 | 7 | 8 | 37 | 1 | 5 | 9 | 10 | 0 | 0 | 0 | 39 |
| Quarter 1 2008/09 | 76 | 30 | 1 | 3 | 3 | 7 | 15 | 106 | 6 | 3 | 6 | 8 | 0 | 0 | 1 | 20 |
| Quarter 2 2008/09 | 30 | 39 | 4 | 11 | 5 | 1 | 5 | 50 | 24 | 8 | 6 | 5 | 0 | 0 | 3 | 20 |
| Quarter 3 2008/09 | 37 | 7 | 5 | 4 | 9 | 1 | 10 | 40 | 9 | 7 | 13 | 3 | 0 | 0 | 11 | 0 |
| Quarter 4 2008/09 | 12 | 10 | 1 | 4 | 5 | 1 | 6 | 32 | 9 | 8 | 10 | 2 | 0 | 0 | 7 | 6 |
| Total 2008/09 | 155 | 86 | 11 | 22 | 22 | 10 | 36 | 228 | 48 | 26 | 35 | 18 | 0 | 0 | 22 | 46 |

U = Upheld/Partly Upheld NU – Not Upheld

- 12.15 264 (34%) of the 765 complaints resolved this year fell in the Disagree with Decision/Policy category. 228 (84%) of these were not upheld. 116 were about the change of policy in relation to charging for internet use at libraries.
- 12.16 241 (32%) complaints were recorded in the Poor Service category, 64% of which were upheld or partly upheld. 80 of these related to the problems with the WAN and library premises problems mentioned at 12.13
- 12.17 Following discussion at the Directorate Complaints Coordinators Group the category Personnel will be removed in the following year (dealt with by other procedures) and two new categories will be added – Premises and Other Service Users.

Complaints Process

- 12.18 During the year 735 complaints were received at stage one, 38 at stage two and seven at stage three.

- 12.19 It can be seen that only a small percentage of complaints move on to stages 2 (formal Investigation) and 3 (review of investigation by Chief Executive). This is a reflection of the aims of the procedure.

Ombudsman's Complaints

- 12.20 At 1st March 2008 twelve Ombudsman complaints were already in progress and a further 34 were received during the year. Four complaints were still in train at the end of the year. We also provided information for a number of complaints regarding admissions to voluntary aided schools where we clerked the appeals.

- 12.21 42 decisions were made, none of which found maladministration.

| | |
|-----------------------------|----|
| No maladministration | 18 |
| No maladministration report | 1 |
| Local Settlement | 13 |
| Ombudsman's Discretion | 7 |
| Outside Jurisdiction | 1 |
| Premature | 2 |

- 12.22 Only one response was sent over the deadline set by the Ombudsman's Office (5 days over), although several telephone conversations with the investigator were made before the formal response was sent.

- 12.23 A full report on Ombudsman complaints for the year 2008/09 will be brought to the Executive on receipt of the Local Government Ombudsman's Annual Letter (due in June).

Learning from Complaints

- 12.24 Appendix 1 shows learning outcomes from stages 1 - 3 complaints that were upheld or partly upheld.

Yearly Comparison

- 12.25 Appendix 2 shows comparisons between 2006/07, 2007/08 and 2008/09 in graphical form.

Conclusion

- 12.26 Complaints dealt with within our target of 20 working days have increased during 2008/09 to 92% from 89% in 2007/08.

- 12.27 Upheld and partly upheld complaints have increased to 43% in 2008/09 from 31% during 2007/08.

- 12.28 The team of Directorate Complaints Coordinators continue to meet regularly to share best practice.

- 12.29 Much good work has been done in directorates to inform staff of the complaints procedure and what should be recorded. It is hoped that more meaningful information will become available as a result. In BES and CYPs work to improve systems and to raise awareness within the Directorate has

been carried out. A representative for each service has been identified to monitor complaints for their area.

12.30 The procurement of a council-wide recording/monitoring/reporting system for compliments, comments and complaints has been delayed due to training requirements. In the meantime a series of demonstrations have been carried out and site visits are planned. This will inform the development of the system specification. The procurement process is due to start at the end of June.

12.31 More comprehensive information will shortly be provided on both the internet and intranet to enable the public to be better informed and to assist staff in dealing with compliments, comments and complaints.

12.32 RECOMMENDATION

To note the contents of the Compliments and Complaints report

Overview of Learning Outcomes for Upheld or Partly Upheld Complaints
April 2008 – 31 March 2009

| STAGE 1 COMPLAINTS | | |
|------------------------------------|--|---|
| Directorate | Description | Learning Outcome |
| ACS Community | 77 Complaints about internet access at Library and Information Centres | Problems with WAN - school holidays should help alleviate the problems temporarily. Transfer to NYNET will solve. |
| ACS Social Care | 15 Complaints about communication issues | Apology, offer of retrospective payment, explanation given, information provided, review of needs |
| | 13 Complaints about delay | Apology, explanation, service provided, small compensation, charges waived, review procedure |
| | 7 Complaints about quality of service/care/environment | Provider repairing damage, issues addressed with provider, explanation given, service improvement plan in place, improved recording, staff training |
| | 6 Complaints about staff attitude | Apology, review of working arrangements, explanation of procedures and actions, referred to provider, new worker allocated |
| | 5 Complaints about missed homecare/visits/calls | Apology, improved communication, review of provision plan, rota system changed, explanation of remedial action taken, clarification of information, change to procedure |
| | 4 Complaints about charges | Apology, charge withdrawn, waiver agreed, pilot of new system for payments, explanation |
| | 3 Complaints about transport | Review of arrangements, apology |
| | 2 Complaints about respite arrangements | Review of arrangements/procedures |
| | 2 Complaints about the timing of carer visits | Review of staff availability, explanation of timings, apology for communication difficulties |
| | 2 Complaints about unhappy with case management | New worker allocated, apology and explanation |
| | 2 Complaints about disagrees with assessment | Re-assessment offered and completed. Alternative service offered |
| | Installation of shower adaptation | Review of decision and referred to District Council for DFG application |
| | Loss of belongings in respite care | Apology and reimbursement |
| | Unhappy with staff response to concerns | Explanation situation/staff actions, acknowledge advocacy issues could have been handled better |
| | Contact with relative | Apology for not following agreed protocol |
| | Change of carer and late visits | Apology and agreement over future arrangements |
| | Administration of exercise arrangements | Referral to outreach service |
| Funding and access to service user | Explanation. Payment for changing locks | |
| BES | 31 Complaints about staff attitude | Staff reminded of expected customer care, need for partners to work with us re customer care |
| | 10 Complaints about lack of response to contacts | Staff concerned reminded customer care standards, recognise need keep customers well informed |
| | 10 Complaints about delay | Keep customers informed, follow up orders with contractors |
| | 8 Complaints about communication issues | Discussions with partners to refine procedures, keep public informed of actions/progress |
| | 3 Complaints where action was already planned | Must keep the public informed of planned actions |
| | Refusal of Officer to meet and explain why a decision not to proceed with a court case was taken | There is always a need to be willing to justify decisions that are taken during the course of performing our duties as an Officer of the County Council |
| | Poor service in not fulfilling promise made to customer | Emphasise to staff the need to follow through actions promised |
| | Poor service: request for home to school transport – IPT | Staff on holiday not a reason for poor service |
| | Hartwith Cum Winksley - Diversions | Some complaints can be informative and can lead to a change in working practices |
| | Harassed by another NYCC employee who was driving an NYCC vehicle in a dangerous manner | The need to remind staff, through Health and Safety meetings, of the NYCC Policy on Driving whilst carrying out Council business |
| | Timing of 'burning off' and remarking of yellow zigzag markings outside a school | Need, were possible, for closer liaison between all parties |
| | Resurfacing of road across Village Green | Must carry out all work that has been committed to |
| | Lack of access to files on Easingwold Market Place Scheme | Need to establish what the member of the public requires rather than what we think they require. |

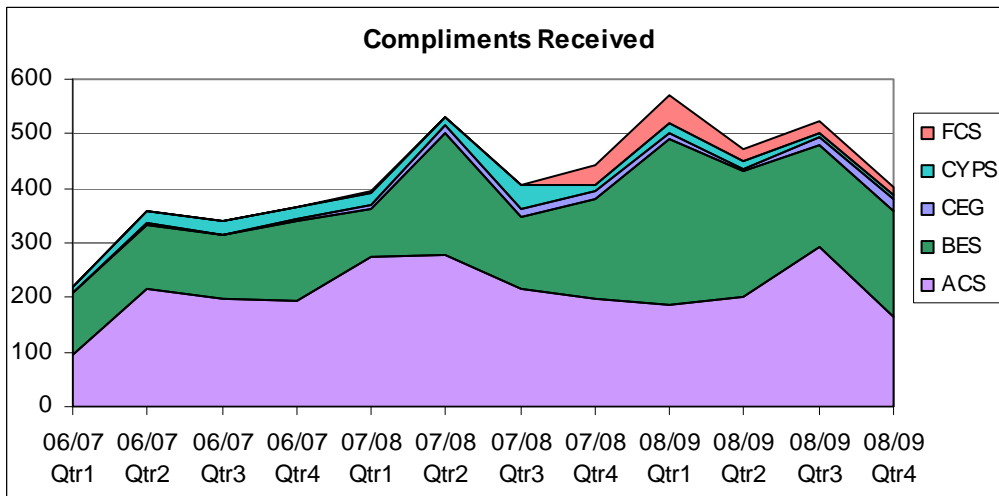
STAGE 1 COMPLAINTS

| Directorate | Description | Learning Outcome |
|--|--|--|
| BES continued | Bus service - concerns about the driver's language | Ensure contractors working on our behalf are continually appraised of the required standards |
| | 2 separate issues re HWRC sites | Ensure that contractors working on our behalf continually appraised of the required standards |
| | Condition of Mewith Lane | Ensure that work carried out all the areas in question |
| | Location of a PROW signpost causing a hazard | Action known problems quicker |
| | Lack of timetable information for bus service | Ensure information available at all times |
| | Workmen clearing the drains in a large lorry at 4:40am | Ensure instructions given to contractors are full and explicit as to times to be adhered to |
| CEG | Poor handling of call | Apology for staff attitude. Staff training implemented. |
| | Non-payment of interview expenses | Apology. Change of process. |
| | Problems dealing with Busy Bees (childminder) | Change of contractor following rising numbers of complaints |
| | Delays around recruitment | Procedures being reviewed |
| | No response - request for info re graduate opportunities | Procedures reviewed, contact given to provide information |
| CYPS Social Care | 6 Complaints about quality of service | Apology, system changed, social worker changed, staff awareness, regular residents meeting |
| | 6 Complaints about communications issues | Apology, explanation of information, breakdown of communications to be resolved |
| | 2 Complaints about staff issues | Apology, issue addressed with worker, another worker allocated with service manager |
| | 2 Complaints about lack of care/support | Apology, new worker allocated, plans for future clarified, explanation of policy/procedures |
| | 2 Complaints about contact arrangements | Changes made to contact agreement, apology, new arrangements made |
| | Confidentiality during child protection conference | Alternative venue used for larger conferences to prevent overhearing |
| | Disagrees with assessment | Service re-instated and re-assessment arranged |
| | Disagrees with decision/action | Apology and explanation supplied |
| | Disagrees with decision/action | Ongoing work with SW to correct issues |
| | Lost files regarding adoption | Apologies for lost file; is still within NYCC; mislaid not lost. Will be informed when found |
| | Unhappy with role of social worker | Re-allocation of case to new Social Worker |
| | Unhappy SWs trying to put back into care for no reason | Explanation about court proceedings and allowances until result |
| | Not receiving reports in advance of meetings | Areas of complaint addressed |
| | Arguments with another resident with threatening behaviour | Complainant to report any incidents to duty supporting care staff. Service Manager to monitor. |
| | No correct payments for childminder minding foster child | Changed payments arrangements |
| | Unhappy - not taking complaint seriously | Assessment of needs looked into |
| | Unhappy about having to go out with relief staff | If circumstances arise again, concerns to be discussed with staff and resolve issues. |
| Not happy with decisions made by staff | Assessment to be completed by end of April 09 | |
| CYPS Other | Unhappy about way in which a complaint was handled | Staff been advised of appropriate course of action and need to provide appropriate guidance |
| | Details regarding the specific transport needs of an SEN child not passed on to new contractor | Procedures now in place to ensure all necessary information regarding the needs of SEN children is passed on when transport contracts change |
| FCS | Unhappy with way query was answered then refused to pay back amount sent out in error | Contact with customer should be clear and title of person responding should be given. |
| | Guidance docs not sent so unable to claim expenses | Apology, information provided, distribution list reviewed |
| | Invoiced for salary overpayment 4 months after resignation. | School needs to ensure County Council informed of all resignations as soon as possible. Chase HR for clearance to pursue overpayment. |

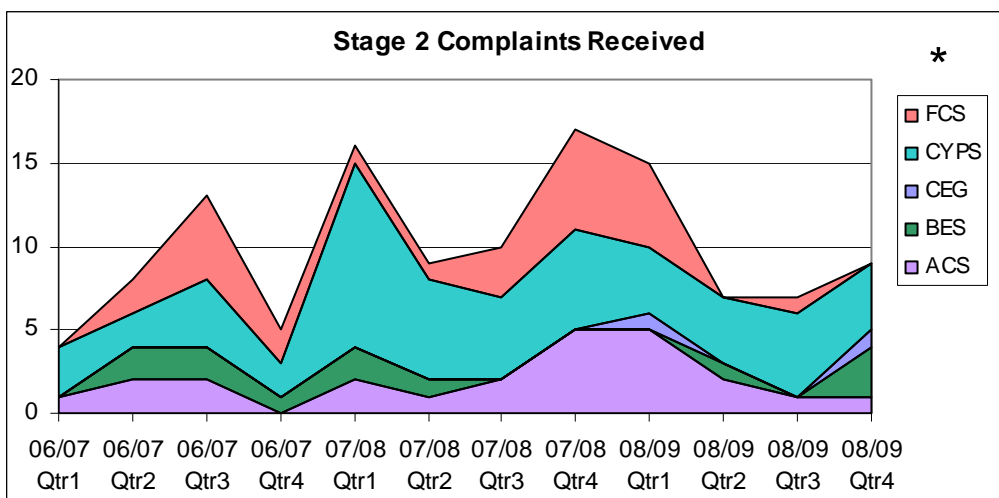
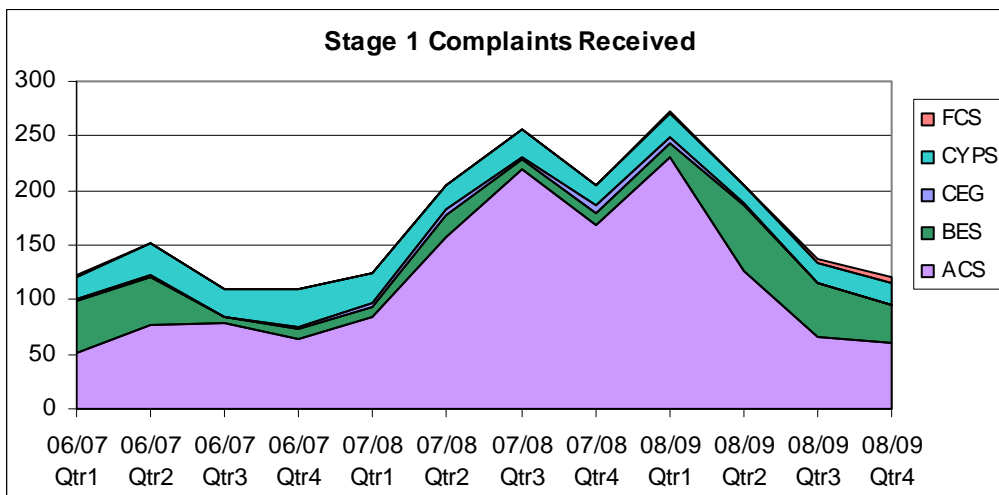
| STAGE 2 COMPLAINTS | | |
|--------------------|--|--|
| Directorate | Description | Learning Outcome |
| ACS Social Care | 3 Complaints about quality of care | More detailed assessment, consider weekend admittance, planned introduction, review staff guidance on advocacy, discussion with staff re case recording, review of case allocation process |
| | 2 Complaints about disagrees with decision | Apology, care plan and decision reviewed, case management reviewed |
| | Care plan and provision of care package | Apology. Joint review of arrangements with health |
| | Missed/late care visits | Apology. Review of arrangements |
| BES | Not being kept informed regarding planning application for the landscaping scheme Barlby School | Must keep the public informed at all stages of processes |
| CEG | Blue badge – had to request form twice upheld | Misunderstanding over whether request had been dealt with – human error |
| CYPS Other | REOTAS provision changed following a meeting which was not attended by a medical professional | Staff made aware of the need to consider whether medical opinion is necessary before changing REOTAS provision. |
| | Health and safety concerns about buses manoeuvring on school site while children entering and exiting school | As a result of the complaint bus timings have been changed to ensure buses do not manoeuvre on the school site when children are entering and exiting the school. |
| CYPS Social Care | Disagrees with decision | Concerns for future noted. New placement already provided |
| | Quality of service | Apology for delay and confusion re action to be taken. Explanation of social worker role. |
| FCS | Message left on home phone - felt breached confidentiality | Collection procedures reviewed and clarified with staff to prevent possibility of future breach |
| | Slowness of service in reinstatement of pension payments | Were awaiting third party (District Council) response so procedural changes could be made before making payments. |
| | Concerned about possible damage to reputation as a result of the report following the CC's contractor (Physique Sports) inspection of Playgroup inspections he has installed at various schools. | Mistakes made by contracted site inspectors. A new contractor will replace former company and re-inspect equipment |
| | No reply to letter and voicemail message incorrect. | Forms not returned which delayed response. Voicemail of staff member was corrected and reminder given to keep up to date. |
| | Requested refund of amount invoiced for damaged library book as considered it in excess of replacement cost and was willing to hand in replacement book to library. | It was found that current edition of the book could be purchased at £7.99 not £12.99. Replacement book accepted and cheque sent out along with apology explaining that the error was by a number of staff assuming the price on the original book cover was still correct. In future staff will check pricing accordingly. |
| STAGE 3 COMPLAINTS | | |
| Directorate | Description | Learning Outcome |
| ACS Social Care | Poor communication and lack of information | Apology and further explanation. |

Overview of Compliments and Complaints
2006/07 to 2008/09

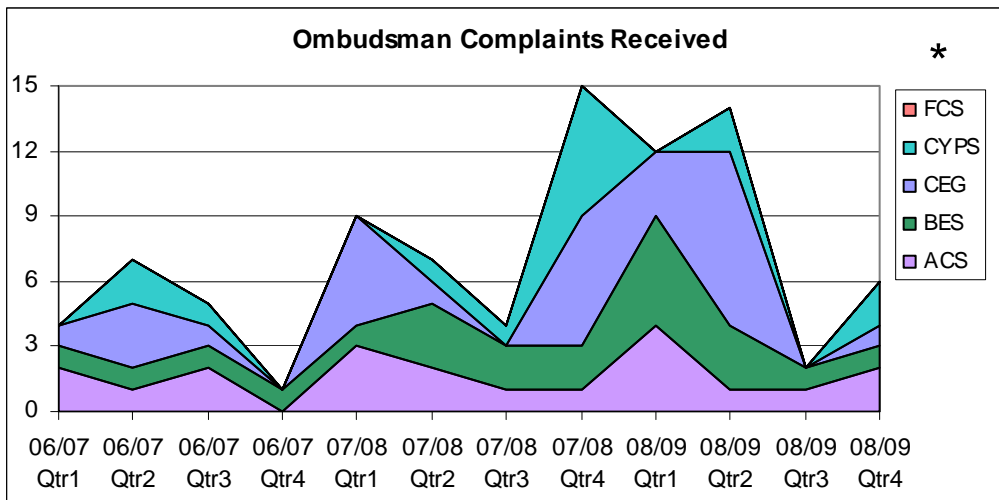
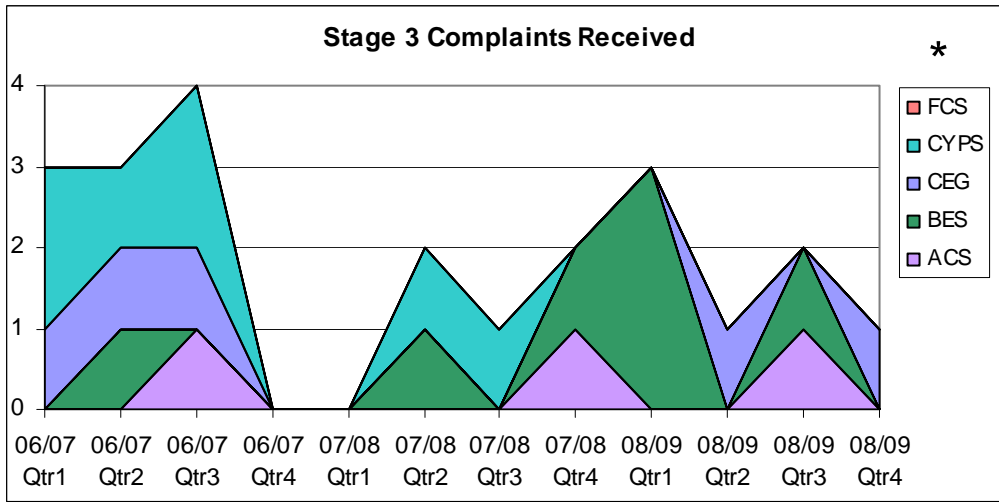
Compliments Received



Complaints Received



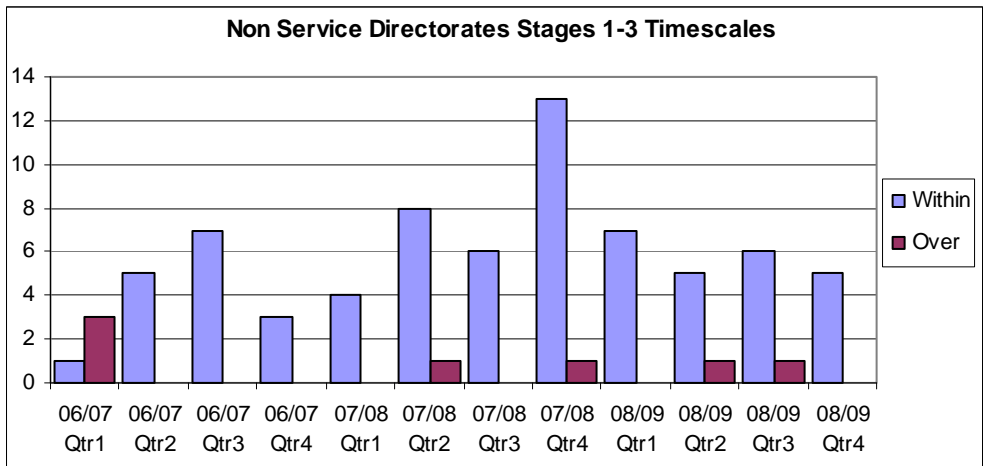
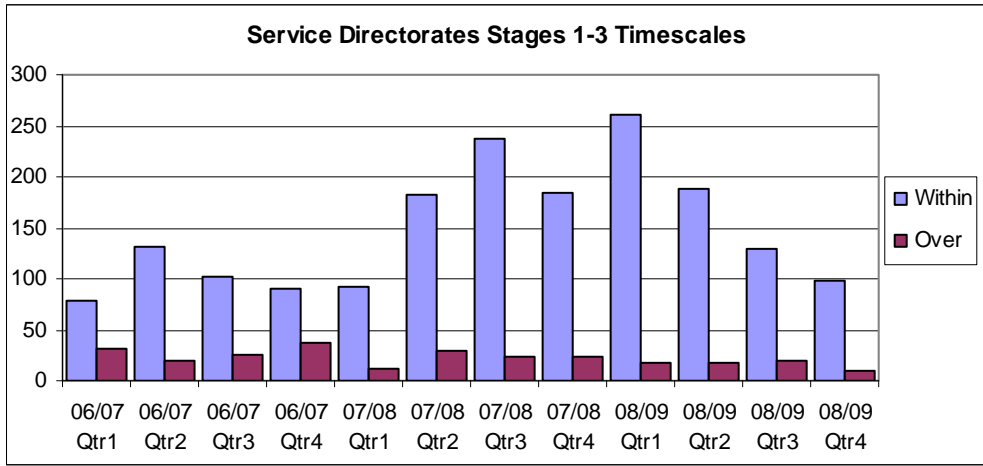
* nb - note low numbers indicated on lhs



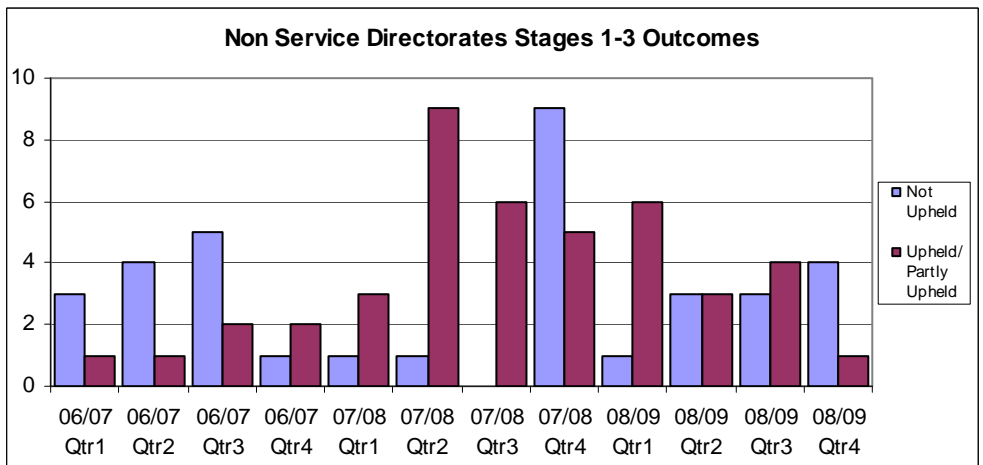
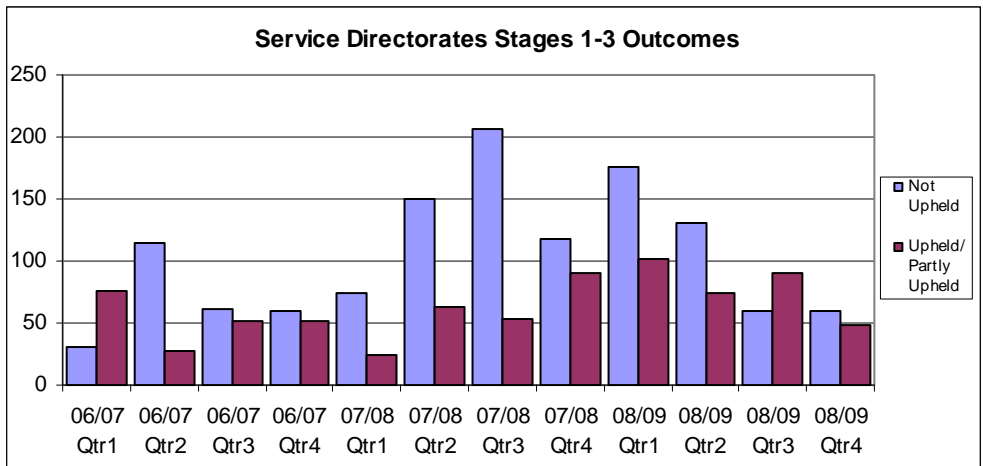
* nb - note low numbers indicated on lhs

Complaints Resolved Stages 1 - 3

Timescales



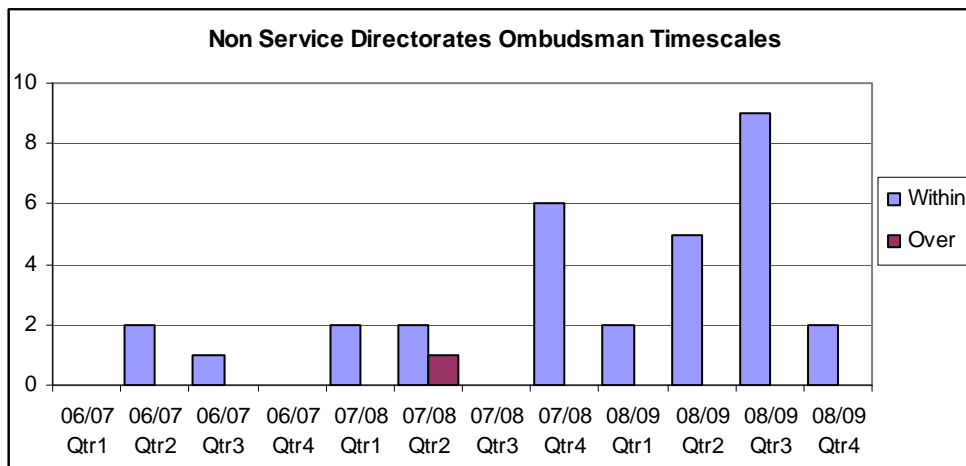
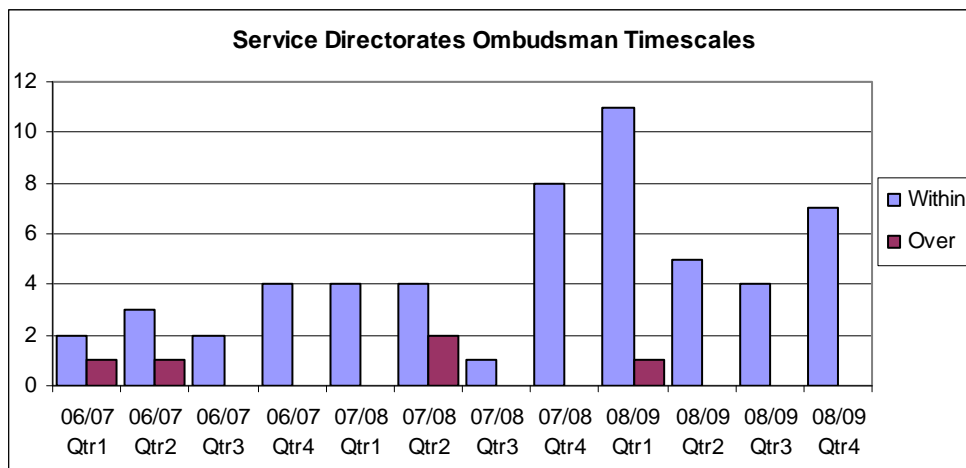
Outcomes



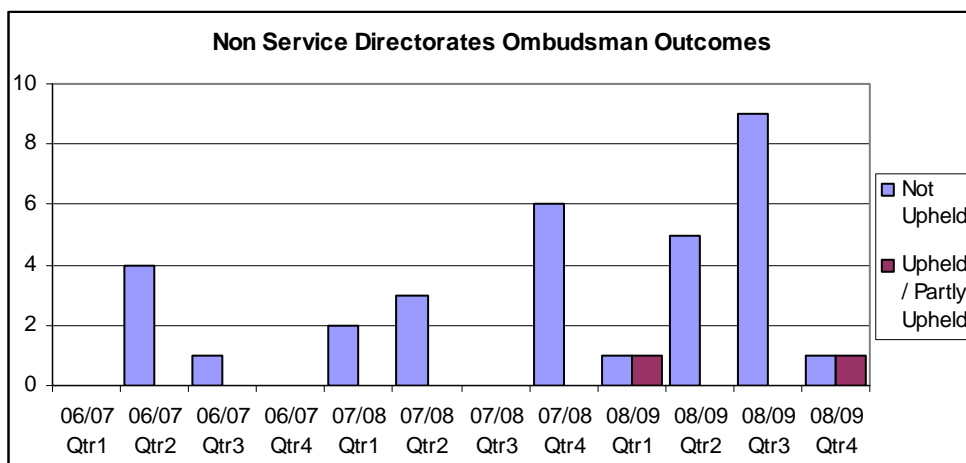
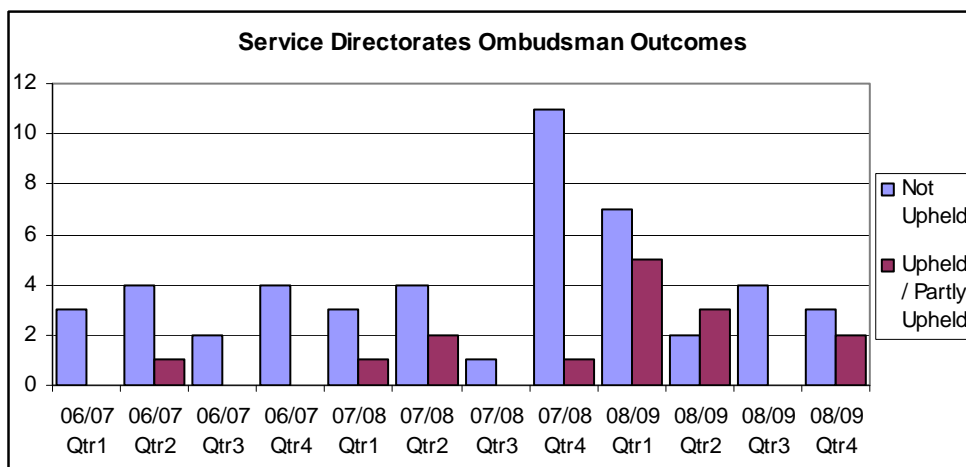
Please note non service directorates graph split from service directorates graph because of low figures for non service directorates - hence change in scale between graphs (lhs) needs noting.

Ombudsman Complaints

Timescales



Outcomes



Only one complaint found maladministration – in quarter 2 of 2007/08. Findings of Local Settlement have been counted as upheld/partly upheld, although it is accepted that this does not necessarily infer any wrong doing.

**The Local Government Ombudsman's
Annual Review
North Yorkshire County
Council for the year ended
31 March 2009**

The Local Government Ombudsman (LGO) provides 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, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 reviews.

Contents of Annual Review

| | |
|---|----------|
| Section 1: Complaints about North Yorkshire County Council 2008/09 | 3 |
| Introduction | 3 |
| Enquiries and complaints received | 3 |
| Complaint outcomes | 3 |
| Liaison with the Local Government Ombudsman | 4 |
| Training in complaint handling | 4 |
| Conclusions | 5 |
| Section 2: LGO developments | 6 |
| Introduction | 6 |
| Council First | 6 |
| Statement of reasons: consultation | 6 |
| Making Experiences Count (MEC) | 6 |
| Training in complaint handling | 6 |
| Adult Social Care Self-funding | 7 |
| Internal schools management | 7 |
| Further developments | 7 |
| Appendix 1: Notes to assist interpretation of the statistics 2008/09 | 8 |
| Appendix 2: Local authority report 2008/09 | |

Section 1: Complaints about North Yorkshire County Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about North Yorkshire County Council.

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 2008/09 and a note to help the interpretation of the statistics.

Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of telephone calls to our service has increased significantly since then to more than 3,000 a month. Our advisers now provide comprehensive information and advice to people who telephone, write or e-mail. It enables citizens to make informed decisions about whether to put their complaint to us.

This means that direct comparisons with some previous year-statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

Enquiries and complaints received

The Commission received 47 enquiries and complaints about the Council during the year. Our Advice Team gave advice on seven occasions and determined that 11 potential complaints were in fact premature in the sense that it appeared that the Council had not been given a reasonable opportunity to address the issues raised by the citizens concerned. Twenty nine complaints were forwarded to me for my consideration. Of these, three were complaints re-submitted by people unhappy with the way in which the Council had dealt with their complaint while 26 complaints were new to me.

The number of complaints submitted to me was not large and no trends or themes emerged to cause me any concern. Of the complaints I received, 12 were about education matters [11 about education admission appeals, one about school transport], six concerned highways matters, while there were four complaints each about adult social care and children and family matters. There were two other complaints of a miscellaneous nature.

Complaint outcomes

I determined 40 complaints against the Council during the year a figure which differs from the number of complaints received because of work in hand at the beginning and at the end of the year. Of the complaints I dealt with, two were not within my jurisdiction while I determined seven others exercising the general discretion available to me not to pursue the matters raised with me. I found no evidence of maladministration by the Council in 17 cases while the Council agreed to

settle 13 further complaints accepting that something had gone wrong and that it was appropriate to offer a remedy for the complainants.

We will often discontinue enquiries into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. The 13 complaints settled by the Council this year amounted to 35% of the total number of decisions on complaints within my jurisdiction.

I saw no trends emerge during the year, or issues of great public interest, which would justify detailed reference to each of the complaints settled by the Council but two issues are perhaps worthy of mention. Two complaints, to which a number of people were parties, concerned the same issue namely the approval of a skateboard park in Scarborough. The Council agreed to pay £600.00 in compensation to each of the complainants accepting that the impact of the park upon the residential amenity of near neighbours had not been taken into account properly when the matter was considered by the Council. The Council agreed to pay compensation in one further case, the sum of £700, which reflected delay in responding to complaints about the contamination of land from Council owned land. I recognise that the Council was disappointed by my findings in this case but I give the Council credit for its willingness to agree to settle this complaint despite this fact.

When I complete an investigation, I generally issue a report. This year I issued one report [08 006 687] following a complaint about an education admission appeal matter. Although I found no evidence of maladministration by the Council I judged it to be right, in the public interest, to issue a report. The issues here were the admission arrangements for selective schools, the importance for aggrieved parents to understand the options available to them and the respective roles of the Ombudsman and the Schools Adjudicator. I thought that there was a lack of clarity in these areas and I sent a copy of my report to all the primary schools in the two areas of the County served by the selective schools concerned and I asked the Council and those schools to make my report available on their websites.

Liaison with the Local Government Ombudsman

I ask all authorities to respond to my formal enquiries within 28 calendar days and, as in previous years, I am happy to record that the Council comfortably exceeded this target. The responses of the Council reached me, on average, within 18.3 days and I thank the Council for the effort it clearly makes to respond to my office in a timely fashion.

My staff speak very positively about their working relationship with the Council's liaison officers finding them both co-operative and constructive in the assistance they provide. I know that officers of the Council approach my office when they believe that it is appropriate to ask for advice about complaints and I believe that this reflects the positive attitude of the Council towards complaints.

One of my management team spoke to a meeting of council members during the year and I saw the invitation from the Council here to be further evidence of the willingness of the Council to engage not only with my office but also with the complaints process as a force for good in customer relations.

Training in complaint handling

I would like to take this opportunity to remind the Council that 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. All courses are presented by experienced investigators. They give participants the opportunity to practise 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.

I am pleased that during 2008/09 we provided training in both Good Complaint Handling and Effective Complaint Handling to staff from your authority. We have recently extended the range of courses we provide and I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

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.

**Mrs A Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

June 2009

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.

Adult Social Care Self-funding

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

Internal schools management

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

Further developments

I 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 local 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.

**Mrs A Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

June 2009

Appendix 1: Notes to assist interpretation of the statistics 2008/09

Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

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.

Formal/informal prematures: 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 back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

Advice given: These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

Forwarded to the investigative team (resubmitted prematures): These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

Forwarded to the investigative team (new): These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted 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 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 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 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.

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 2008/09

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 | Planning and building control | Transport and highways | Other | Total |
|--|---------------------|------------------------------|-----------|----------|-------------------------------|------------------------|----------|-----------|
| Formal/informal premature complaints | 4 | 2 | 0 | 0 | 0 | 4 | 1 | 11 |
| Advice given | 1 | 0 | 3 | 1 | 1 | 0 | 1 | 7 |
| Forwarded to investigative team (resubmitted prematures) | 0 | 1 | 1 | 0 | 0 | 0 | 1 | 3 |
| Forwarded to investigative team (new) | 4 | 3 | 11 | 0 | 1 | 6 | 1 | 26 |
| Total | 9 | 6 | 15 | 1 | 2 | 10 | 4 | 47 |

Investigative Team

| Decisions | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Total |
|-------------------------|---------|----|--------|---------|--------|----------|----------------------|-------|
| 01/04/2008 / 31/03/2009 | 0 | 13 | 0 | 1 | 17 | 7 | 2 | 40 |

Average local authority response times 01/04/2008 to 31/03/2009

| Response times | FIRST ENQUIRIES | |
|------------------------|------------------------|----------------------------|
| | No. of First Enquiries | Avg no. of days to respond |
| 1/04/2008 / 31/03/2009 | 16 | 18.3 |
| 2007 / 2008 | 17 | 24.9 |
| 2006 / 2007 | 12 | 27.0 |

| Types of authority | <= 28 days % | 29 - 35 days % | > = 36 days % |
|---------------------------|--------------|----------------|---------------|
| District councils | 60 | 20 | 20 |
| Unitary authorities | 56 | 35 | 9 |
| Metropolitan authorities | 67 | 19 | 14 |
| County councils | 62 | 32 | 6 |
| London boroughs | 58 | 27 | 15 |
| National park authorities | 100 | 0 | 0 |