



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter to City of Bradford Metropolitan District 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

This annual letter provides a summary of the complaints we have received about your authority. Where possible, we comment on the authority's performance and complaint-handling arrangements to assist with your 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.

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

As you are a local Social Services authority I want to take this opportunity to draw your attention to an issue of significant public interest. In the last two years I have issued reports following complaints from people living in Blackpool, Liverpool and Sheffield about failings in home care services provided under contract.

In each case a vulnerable person was placed at significant risk as a result of carers failing to visit, calling late and failing to provide the specified care. Tragically, in one case the actions of a carer resulted in a death. Complaints had been made to all three Councils but no effective action had been taken. Although the services were provided under contract, it seems clear that similar problems could occur even if the carers are directly employed. I urge you to ensure that senior staff responsible for care services to adults are aware of the issues raised by these reports (which can be found on our web-site) and consider whether action needs to be taken by your Council. The 2006 report of the Commission for Social Care Inspection 'Time to Care? An Overview of Home Care Services for Older People in England' provides very useful contextual information.

Complaints received

Volume

During the year my office received 112 complaints against the Council which is slightly down on the previous year's figure of 115. There is no significance in this fall.

107 decisions were made on complaints against the Council during the year. Of those 33 were premature – ie the Council had not itself been given an opportunity to investigate and respond. We refer such complaints back to the Council to deal with through its complaints procedure. A total of 14 complaints were decided as being outside my jurisdiction.

Last year I commented that rises in complaints about planning, social services and education largely accounted for a rise from 2004/05. In 2006/07 planning and education complaints have reduced. We have had only one complaint about housing which reflects the fact that since early 2003 the Council has transferred its housing stock and so most complaints are outside my jurisdiction.

Decisions on complaints

Reports and local settlements

A 'local settlement' is a complaint that is resolved by the Council taking, or agreeing to take, action which we consider is a satisfactory response to the complaint so that the investigation can be discontinued. In 2006/07 27.7% of complaints dealt with by the three Local Government Ombudsmen (excluding premature and those outside jurisdiction) were resolved by local settlement. When we complete an investigation we must issue a report.

I issued one report against the Council about planning permission where the Council wrongly regarded significant changes to a house in a conservation area as minor. As a result, local people were not properly notified of the changes and lost the opportunity to object. There was no appropriate remedy for the complainant other than the publication of my report.

Other findings

20 complaints were resolved by local settlement.

One of these concerned a woman who became homeless when her landlord locked her out of her home. An agent acting on behalf of the Council lost some records and no one obtained appropriate details from the woman then properly assessed the Council's duties towards her under the law. She lost the opportunity of temporary accommodation. The Council agreed to compensation of £500.

Another involved failures in the way that the Council had dealt with a request from an ex Councillor for a tree preservation order on trees in his ownership. This had an adverse effect on the complainant. Issues around Councillor's interests arose and Government guidance about tree preservation orders was not properly considered. The Council agreed to revoke the order and to develop a proper policy framework for the future.

Your Council's complaints procedure and handling of complaints

No issues have arisen during the year to suggest that there are any problems with the way the Council handles complaints made to it by the public.

Training in complaint handling

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. The feedback from councils that have taken up the training is very positive.

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

Last year I raised concerns about the Council's failures to assess ground levels when dealing with planning applications despite the previous Local Government Ombudsman having specifically brought the issue to the Council's attention. I asked that the Council review its practice and procedures. I am pleased to record that it did so and kept me informed. There were no instances of any similar problems during the year.

We ask for responses to most of our enquiries on complaints to be made within 28 days. Last year the Council took on average 32 days and I asked the Council to aim towards some improvement. The average time in 2006/07 was 32.6 days. Within that average are some unacceptable individual

figures. Two responses took over 80 days and seven others over 40. The Council must improve my staff are willing to assist if possible.

The Council did improve its performance when responding to complaints about school admission appeals. These complaints need a quick resolution and are given priority by asking councils to respond within 14 days. In the previous two years we reported delays that were not acceptable. In 2006/07, whilst the number of enquiries was low (at three) there was a significant improvement. The average time to respond was down to just under 14 days.

During the year an Assistant Ombudsman met some of your staff involved in schools admissions to discuss our intention to disclose to complainants the notes taken by clerks at appeal hearings, that we had previously withheld. The Council raised some legitimate worries but I am pleased to report that the meeting was open, positive and helpful and the Council has co-operated..

Generally, my staff report very good working relations with those involved directly in dealing with our work. We are particularly appreciative of the courtesy and efficiency with which the Liaison Officer deal with us and for a very positive approach to resolving justified complaints.

LGO developments

You may be interested in the development of our initiative to improve the first contact that people have with us. A new Access and Advice Service will provide a gateway to our services for all complainants and enquirers. It will encourage telephone contact but will also deal with email, text and letter correspondence. We will let you have further details about how it will operate and the expected timescales and we will discuss with you the implications for your Council.

I hope you have received our latest special report about telecommunication masts. It draws on our experience of dealing with complaints about planning applications for masts which can be highly controversial. We recommend simple measures that councils can adopt to minimise the chances of maladministration occurring.

In July we will be publishing a special report about the difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships. *Local partnerships and citizen redress* provides advice and guidance on how these problems can be overcome by good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

I welcome this opportunity to comment on our experience of complaints about the Council 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	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	8	5	8	7	1	22	44	5	0	12	112
2005 / 2006	10	6	4	17	4	15	47	1	2	9	115
2004 / 2005	4	1	3	10	7	18	33	2	0	8	86

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	20	1	0	30	9	14	33	74	107
2005 / 2006	1	6	0	0	41	9	7	36	64	100
2004 / 2005	0	11	0	0	38	13	7	18	69	87

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	34	32.6
2005 / 2006	65	32.0
2004 / 2005	40	30.4

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