



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Bury Metropolitan Borough  
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***

There were 46 complaints against the Council during the last year, a drop of almost exactly a third from the previous year when there were 68 complaints. That level had perhaps been unusually high, as in the year before (2004/5) there had been 45 complaints, a similar number to 2006/7.

### ***Character***

Complaints fell most markedly against planning and building control services: last year there were only 3 such complaints whereas in the previous year there had been 20 complaints and in the year before that 11 complaints. There was also a marked fall in complaints about transport and highways from 11 complaints during the previous year to only 2 last year. Only in two services were there modest rises in the level of complaints: complaints about housing benefits rose from 2 in 2005/6 to 6 last year; while complaints about housing generally rose marginally from 7 in 2005/6 to 9 last year. Otherwise complaint levels remained level and in single figures.

## **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.

There were no reports published against Bury Metropolitan Borough Council last year, but the Council did agree to settle 7 complaints, sometimes making payments of compensation to complainants which totalled £2674. The largest sum of compensation (£2074) arose from a complaint about children and family services where there had been significant delays in dealing with the statutory complaints procedure under the Children Act. The Council had failed to identify that a relevant officer was available to be interviewed and had then failed to notify the complainant in advance that this officer was to attend as a witness at a review panel.

In another case, where there had been a breach of confidentiality by the Council, it agreed to make a payment of £400 to compensate the complainant. In that case the Council also agreed to implement training for staff on data protection issues.

### ***Other findings***

Decisions were made upon 56 complaints last year, 19 of which were premature complaints in the sense that the Council had not yet had a proper opportunity to consider and respond to those complaints as is required by law. No maladministration was found in 23 complaints and 6 lay outside my jurisdiction.

## **Your Council's complaints procedure and handling of complaints**

The fact that just over a third of the complaints upon which I took decisions last year were, as I have explained above, premature, suggests that the Council may not be adequately publicising its own complaints procedure. However, I found the Council's complaints procedure easy to find upon the Internet and was gratified to note that there is linkage there straight across to the Commission's own website where details of making a complaint to my office is clearly explained. The Council may wish to consider during the coming year whether there are other ways in which it may make its own complaints procedure more readily available to its 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 the Council responded to the 17 complaints upon which investigators made enquiries within an average time of 32.5 calendar days. This was four days beyond the new (and longer) target of 28 days. It is disappointing to note that the Council managed to achieve an average response time of only 23.3 days during the previous year upon nearly twice as many complaints (30) though I note that in 2005/06 there were 15 complaints and the Council's response time was 33.1 calendar days. I hope

that during the coming year, the Council may be able to achieve the Commission's new target of 28 calendar days for its responses to my enquiries.

## **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.

**Anne Seex  
Local Government Ombudsman  
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YORK  
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**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Social Services - other</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	4	6	4	6	9	10	3	2	0	2	<b>46</b>
<b>2005 / 2006</b>	4	2	4	5	7	11	20	4	0	11	<b>68</b>
<b>2004 / 2005</b>	3	1	3	0	8	9	11	3	1	6	<b>45</b>

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

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	7	0	0	23	1	6	19	37	<b>56</b>
<b>2005 / 2006</b>	0	11	0	0	16	7	6	24	40	<b>64</b>
<b>2004 / 2005</b>	0	5	0	0	9	5	8	11	27	<b>38</b>

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

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	17	32.5
<b>2005 / 2006</b>	30	23.3
<b>2004 / 2005</b>	15	33.1

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
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