



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Middlesbrough 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

Last year 24 complaints were received against the Council, a drop of nearly a third upon the previous year (34), and a return to the levels of complaint received during the year before (25).

Character

The largest category of complaints was against planning and building control services, where seven complaints were received, just over twice the number received during the previous year. However, housing complaints fell significantly from ten during the previous year to three last year, and numbers in other complaint categories remained low.

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.

No report against the Council was published last year, nor in the previous two years. However, as in previous years the Council was required to locally settle three complaints, and in one case a payment of £500 to the complainant was required to settle that complaint. The complaint was about the Council's unreasonable delay in processing a request for an appeal against a housing benefit decision and a failure to respond to correspondence. I am pleased to note that the Council readily accepted the suggestion that compensation be paid.

Other findings

Decisions were taken upon 37 complaints last year, of which over a quarter (ten) 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. Four complaints lay outside my jurisdiction and I found no maladministration in a further 17 complaints.

Your Council's complaints procedure and handling of complaints

I was pleased to note that there is a good outline of the Council's own complaints procedure upon its website and was also pleased to note there a hyperlink to the Commission's own website, so that those complainants disappointed by the Council's response through its own complaints procedure, may progress their complaint by making a complaint to this office.

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.

I am pleased to note that the Council took advantage of the training offered by the Commission and two Effective Complaint Handling courses were held in Middlesbrough in June 2006 and February 2007, with a further Effective Complaint Handling course held in April 2007, which falls within the period covered by next year's Annual Letter. It is to be hoped that these courses enable the Council's own staff to deal promptly with complaints they receive, thus lessening the numbers of complaints which require reference to the staff of this office.

Liaison with the Local Government Ombudsman

Last year the Council responded to enquiries made upon ten complaints within an average of 25.7 calendar days, well within the Commission's new target of 28 calendar days, and therefore a commendable performance, even though the time taken was marginally longer than in both of the two previous years. It is to be hoped that the Council can sustain this performance during the coming year.

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
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

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	1	2	1	1	3	7	7	1	0	1	24
2005 / 2006	1	1	3	1	10	9	3	2	1	3	34
2004 / 2005	0	0	1	2	4	11	4	1	0	2	25

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	3	0	0	17	3	4	10	27	37
2005 / 2006	0	4	0	0	5	4	2	5	15	20
2004 / 2005	0	9	0	0	6	11	2	5	28	33

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	10	25.7
2005 / 2006	14	22.8
2004 / 2005	5	19.4

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