



The Commission for  
Local Administration in England

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

# **Rochdale 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***

Last year 65 complaints were received against the Council, exactly the same number as during the previous year.

### ***Character***

However, complaints against housing services fell from 23 to 18 last year, while complaints about planning and building control services fell from 16 to 11 complaints. The most significant category of complaints to increase (by 100%) was the miscellaneous category, where complaints rose from 9 to 18 complaints. At the same time complaints about public finance fell slightly from 7 to 4 complaints; while complaints about transport and highways rose from 5 to 7 complaints.

## **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.

In one such case the Council failed to take effective and timely action to reports of flooding. The complainants were therefore unable to use their garden as it frequently flooded and possessions were damaged. The Council agreed to provide storage ponds on its own land and to construct a new culvert section at considerable cost. In addition the Council agreed to pay the complainants compensation of £100 for their inconvenience, time and trouble.

No report was published last year critical of the Council.

### ***Other findings***

Last year decisions were taken upon 53 complaints, of which 22 (well over a third) were considered to be 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. Five complaints were found to lie outside my jurisdiction, and in another seven discretion was used not to pursue those complaints. No maladministration was found in a further eleven complaints, but for eight complaints it was decided that the Council should provide some remedy so that the complaint should be locally settled.

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

I am pleased to note that there is a clear link from the Council's own website to the Commission's website, so that those complainants dissatisfied with a response from the Council through its own complaints procedure may be readily advised of the service offered by the Commission, and may pursue their complaint in that quarter.

### **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 accepted an Effective Complaints Handling course in November last year, and I hope that those attending found it useful and instructive.

### **Liaison with the Local Government Ombudsman**

Last year the Council responded to the enquiries made upon 18 complaints within an average of 31.7 calendar days. This was marginally longer than its performance during the previous year, both of which were outside the new target set by the Commission of 28 calendar days. It is to be hoped that the Commission may during the coming year prepare responses within the Commission's new target.

During the year you welcomed the Assistant Ombudsman who now leads the team of investigators dealing with complaints against your Council. This visit was a useful opportunity to explain changes within the Commission's structure, procedures and objectives; discuss complaints; consider training and to meet the staff who deal with our enquiries. I hope that the relationship will continue to be constructive.

## **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)

<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>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	2	3	1	1	18	18	11	4	7	<b>65</b>
<b>2005 / 2006</b>	2	1	1	1	23	9	16	7	5	<b>65</b>
<b>2004 / 2005</b>	1	2	4	0	7	7	4	2	4	<b>31</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	8	0	0	11	7	5	22	31	<b>53</b>
<b>2005 / 2006</b>	0	6	0	0	24	6	3	26	39	<b>65</b>
<b>2004 / 2005</b>	1	3	0	0	14	4	6	4	28	<b>32</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>	18	31.7
<b>2005 / 2006</b>	15	30.1
<b>2004 / 2005</b>	18	24.8

**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