



The Commission for  
Local Administration in England

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

We received 84 complaints about your Council during 2006/07, a reduction of twenty-three on the previous year and similar to the number received in 2004/05. Looking at the types of complaint received, there was an increase in education complaints, mainly due to six complaints on the same education transport issue. There were reductions in housing, planning and building control and transport and highways complaints, reversing the increases in planning and building control and highways complaints last year. Complaint numbers were steady across the other subject areas. These changes are well within the normal fluctuations seen in the numbers and types of complaints.

I note that your Council feels premature complaints should not be counted amongst complaints received, as it creates a false picture. However it is important that the Ombudsman highlights the number of complaints received, regardless of the decision made on them, because it is an indicator of how local people feel about the services they receive and how easy it is to complain to the Council. These complaints are counted in the same way for all Councils.

## **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 reports were issued about your Council during 2006/07. Thirteen complaints across a range of subjects led to local settlements. These were 24.1% of the substantive complaints considered (that is excluding premature complaints and those outside jurisdiction), a slight reduction on the corresponding figure of 28.6% last year. The national figure is 27.7%. Local settlements led to payments of £6,350, as well as the Council agreeing to update procedures regarding the way tenants' choices on repairs and improvements are recorded. One investigation found that there were two different notes of a meeting on the file. One was a signed note of the meeting: the Council was unable to offer an explanation for the other note. Whilst this did not affect the outcome of the complaint, it is clearly wrong that two different notes should be produced in this way. There are no other broader issues about service delivery arising from these complaints.

I was particularly pleased with the positive response of the Director of Children's Services to a complaint from a former foster carer and her willingness to provide the remedy that I recommended.

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

Your Council averaged 34.7 days to respond to our initial enquiries, a small improvement on last year but still slower than the 28 day target for responding. Enquiries on adult care services, housing and other complaints took the longest to respond to, with one complaint on land taking 75 days and another on adult care 72 days. Response times to planning complaints were quicker this year and averaged 26.5 days overall. The Council generally provides full responses to enquiries, however it is also important that these are timely, since this is an important factor in the quality of the service my office provides to complainants.

We decided 101 complaints during the year, 39.6% of which were premature, that is the Council had not had a reasonable opportunity to respond to them. The proportion of premature complaints is very similar to last year. Of the complaints decided, thirteen were premature complaints resubmitted to my office because the complainant was unhappy with the Council's response (12.9%), with the national figure being 10%. Two of these complaints (15.4%) resulted in a local settlement, well below the figure for the last two years of 50%.

My investigators have commented that investigations through your complaints procedures are generally thorough and that officers are helpful and co-operative in trying to resolve complaints.

Last year's Annual Letter highlighted problems of delay in the statutory social services complaints procedure. None of the complaints decided this year identified substantial delays.

I am pleased that you have added a direct link to the Commission's website from the pages on the Council's website which tell local people how they can complain.

### **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**

I attended a meeting of the Council's Corporate Management Team last summer and felt we had a very useful discussion about the Annual Letter and about complaints and the relationship between our two organisations more generally. I hope we can continue this constructive dialogue in the future. I was pleased to meet with a number of councillors and senior officers earlier this year when I gave a session on the Role of the Local Government Ombudsman as part of your training programme for Members.

### **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	6	2	8	10	16	26	6	5	0	5	84
2005 / 2006	7	0	5	1	23	30	20	2	3	16	107
2004 / 2005	6	1	7	4	26	15	5	6	2	3	75

**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	13	0	0	29	12	7	40	61	101
2005 / 2006	0	14	0	0	18	17	7	34	56	90
2004 / 2005	0	15	0	0	17	11	7	22	50	72

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	23	34.7
2005 / 2006	45	35.8
2004 / 2005	26	28.7

**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