



The Commission for  
Local Administration in England

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

# **Sefton 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**

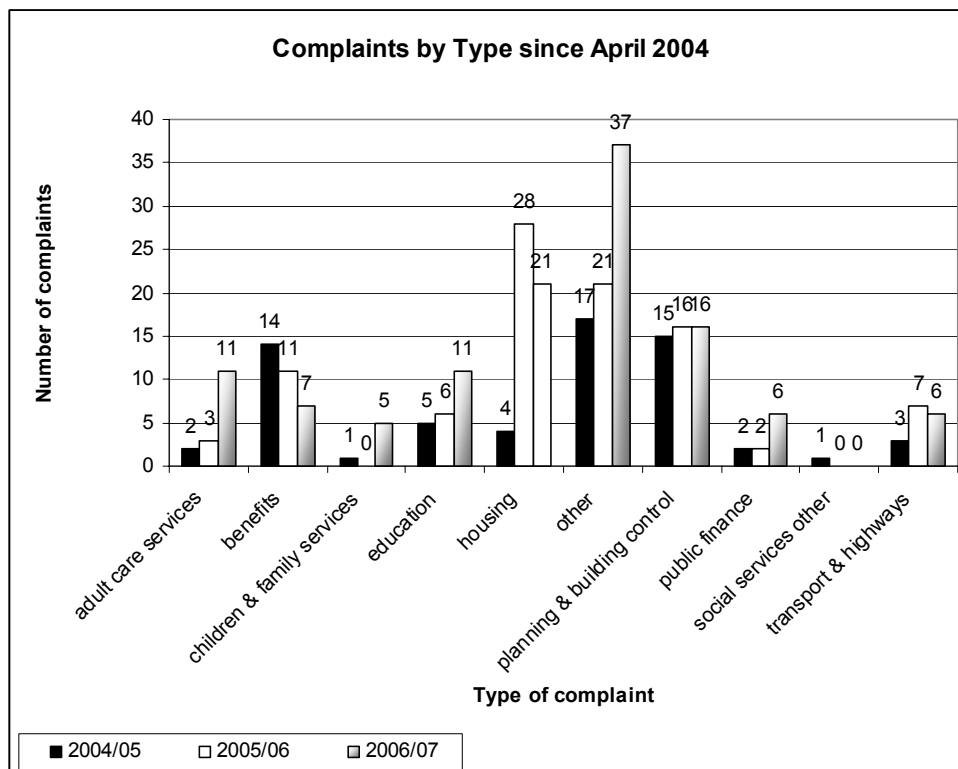
### ***Volume***

I received 120 complaints about your Council in the 12 months up to 31 March 2007. This is an increase of 28% on the 94 I received in the previous year and an increase of 88% since April 2004. I draw no definite conclusions from this data as many factors can influence the number of complaints made. However, the Council should consider whether there may be particular reasons for the increase.

### ***Character***

To try to gain a more insightful overview of complaints against your Council, I have also considered the breakdown of the complaints against your Council, by comparing the numbers of complaints by category over the three year period and what proportion of the total each of those categories comprises.

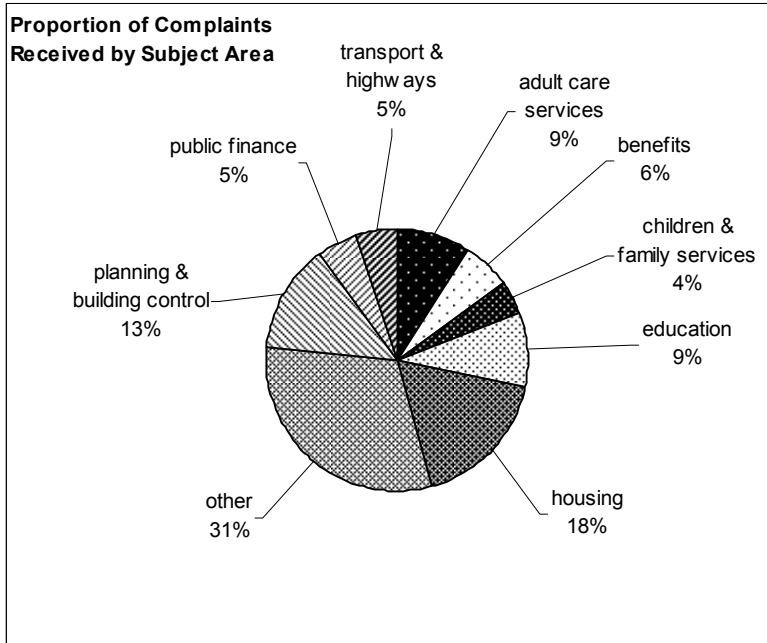
As the chart illustrates, the complaints which have seen the largest rises since 2004 are adult care services, housing and 'other'.



The number of housing complaints received is the least significant for the Council as its housing stock was transferred to One Vision Housing in October 2006. As a large number of the complaints were about matters for which One Vision is now responsible, and that organisation is not in my jurisdiction, I would expect to see a fall in housing complaints in the current year. I also considered the overall volume of complaints in the context of this knowledge. If housing related complaints are disregarded, the total number of complaints for the three years since April 2004 is 99, 66 and 60 respectively; a rise of 65% over the period. The Council may wish to reflect on this increase in the context of feedback and information from its own complaints handling.

The 'other' category is made up of a number of subjects. In 2006/07 the largest proportion of 'other' complaints was in relation to leisure and culture, when 11 people separately all complained about the same issue. But for these related complaints, the spread of 'other' complaints was even over a number of areas and does not give rise to concerns.

This brings me to the third area, adult care services. As you can see from the supporting data and the chart, the actual number of complaints since 2004/05 has risen from two, to three, to 11 last year when it accounted for 9% of the total complaints I received about your Council. Consider this in conjunction with children and family services which have also risen and it can be seen that social services related complaints have risen since 2004/05 from three to 16, a more than five-fold increase.



I draw no conclusions from these observations. I simply raise them as issues the Council might wish to consider itself, taking into account data and feedback from the social services complaints it receives and investigates through the statutory social services complaints procedure.

## **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 did not issue any reports about your Council in 2006/07 but I did ask for local settlements in 37 cases.

The breakdown of these 37 local settlements was: benefits, three; education, three; housing, nine; highways, one; public finance (administration of Council Tax), three; and other, 18. Of that 18, 14 were in respect of leisure and culture and were separate complaints made about the same issue.

The faults I found in these complaints ranged from delay, failure to administer a service in line with its own policy and failure to investigate complaints. The most prevalent maladministration I found was delay. This was not confined to one service area.

### ***Decisions***

In addition to the 37 local settlements, I determined 92 complaints in 2006/07. The total number of 129 differs from the number of complaints received because of work in hand at the start and end of the year.

Of those 92 decisions: 10 complaints were outside my jurisdiction, 11 I exercised discretion not to investigate, in 30 I found no evidence of maladministration and 41 were 'premature' (in our view the Council had not been given adequate opportunity to investigate and resolve them for itself, so were returned to the Council to consider through its internal complaint procedure).

### ***Other findings***

As you are aware, we ask for comprehensive responses to our enquiries within 28 days. It was disappointing to see response times from your Council have dropped from 21.9 days in 2005/06 to an average of 35 days last year.

The figure is skewed by a single response it took your Council 164 days to make. Even taking into account that response, your Council took an average of 31 days. Enquiries that took the longest to respond to were in relation to Council Tax, taking an average of 53 days.

To be fair to your Council, we ask for urgent responses to complaints about school admissions appeals and your Council responded to these in an average of 16 days. Thank you for your cooperation in this respect.

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

My investigations have not identified general issues in relation to the way in which your Council handles complaints. The information it publishes on how to make complaints is clear and readily accessible. I am pleased to see it contains clear reference to the LGO.

## **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**

On a work-a-day basis, your Council is helpful and responsive to requests for information. However, the complaints I have settled locally over the 2006/07 year have given me some cause for concern.

This is best summarised through the example of one of the complaints we settled. This complaint was originally premature and referred to the Council for investigation. The Council failed to investigate it and the complainant came back to me. The Council took 61 days to respond to our enquiries. We asked the Council to settle the complaint on 04 September 2006 and did not receive a final response (after chasing) until 13 October.

This example concerns me in a number of ways: the premature complaint was referred to the Council via the designated liaison arrangements, how did it come to be missed by the Council? The designated liaison arrangements are open and professional between our two organizations but I question how effective they are within the Council given the response times and the amount of chasing my staff have to do? It is in the Council's interests to respond in good time and comprehensively to enquiries and to do that, the staff appointed to act as our liaison point need to be able to co-ordinate and liaise effectively, with authority, within the Council. This experience is not unique to this complaint.

I recognise that when complaints are complex and require a lot of information they take time and may involve several departments. As you are aware, we have recently changed the way in which we send our enquiries to the Council and ask for information, it is hoped that this will enable easier coordination within the Council and ensure that the responses cover all the points raised and questions asked.

In fairness, there have been examples of very prompt action by the Council, and when asked to expedite individual complaints, the liaison staff in the Council are always very helpful.

I and my Assistant Ombudsman are very happy to meet with you to discuss liaison arrangements if it should be of help.

## **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**

Encs: 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
<b>01/04/2006 - 31/03/2007</b>	11	7	5	11	21	37	16	6	0	6	<b>120</b>
<b>2005 / 2006</b>	3	11	0	6	28	21	16	2	0	7	<b>94</b>
<b>2004 / 2005</b>	2	14	1	5	4	17	15	2	1	3	<b>64</b>

**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
<b>01/04/2006 - 31/03/2007</b>	0	37	0	0	30	11	10	41	88	<b>129</b>
<b>2005 / 2006</b>	0	14	0	0	17	12	11	17	54	<b>71</b>
<b>2004 / 2005</b>	0	12	0	0	23	7	5	16	47	<b>63</b>

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
<b>01/04/2006 - 31/03/2007</b>	42	35.0
<b>2005 / 2006</b>	39	21.9
<b>2004 / 2005</b>	35	23.3

**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