



The Commission for  
Local Administration in England

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

**Trafford 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 72 complaints were received against the Council.

### ***Character***

The largest category of complaint was planning and building control, about which 22 complaints were received. This was a similar number of complaints to those received during the previous year, and in turn over twice as many as the year before that. Each of the other eight identifiable categories of complaint received single figure complaints, with slightly fewer complaints about education (falling from 13 to 9), adult care services (falling from 9 to 6) and transport and highways (falling from 8 to 7) last year.

## **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.

Last year the Council chose to locally settle four complaints, significantly fewer than the 11 complaints which were locally settled during the previous year, and only a quarter of those which it had locally settled in the year before that. In one case I recommended the Council to pay £2000 compensation for its delay in finalising a statement of special education need for a child, which had led to a

prolonged delay in starting a new school during which time the child had received only limited home tuition.

In another case about housing benefit, where the Council had failed to tell the complainant of an overpayment, I recommended the Council to waive the overpayment and pay the complainant £200 in compensation.

When we complete an investigation we must issue a report. Last year I published two reports.

In one case the Council failed to ensure that the complainant understood the change in conditions from 3 to 5 years for repaying renovation grant money when her mental state deteriorated and she subsequently sold her home. I recommended that the Council waive repayment of the grant in full and also devise an appropriate policy on how to deal with waivers of repayments of renovation grant. The Council did not accept my recommendation and, regrettably, it has been necessary to issue a further report.

In the second report the Council delayed carrying out an assessment of special education needs; failed to consult on the amended statement and misrepresented the family's views about which school they would accept for their son. The Council also failed to inform the complainants that the named school had challenged the Statement, leaving it to the Headmaster of that school to inform the complainant's son that he could not attend. I recommended that the Council pay £2000 in compensation for the delay in finalising the Statement and for the distress and frustration caused to the family.

### ***Other findings***

Decisions were taken upon 68 complaints last year of which just under half (29) were premature complaints as the Council had not had an opportunity to consider and respond. Five complaints were outside my jurisdiction and I used my discretion not to pursue another 11 complaints. I found no maladministration in 17 complaints.

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

Though I am pleased to note an email link to our Coventry office, I was disappointed that there is not a hyperlink to the Commission's own website from the Council's complaints procedure upon its own website, as there is upon the website of many other councils. I hope that during the coming year this link may be made for those complainants disappointed by the Council's response through its own corporate complaints procedure who may wish then to access the Commission's complaints procedure.

## **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 in an average of 35.2 calendar days to the enquiries made to investigators upon 18 complaints. This is an improvement upon the previous year when the average time taken by the Council to respond to enquiries upon 26 complaints had been nearly 40 calendar days. However, it is still below the Commission's new target of 28 calendar days, which the Council achieved during 2004/5. It is to be hoped that the Council can during the coming year achieve the Commission's new 28 calendar day target.

Complaints against the Council during the current year are being dealt with by the Coventry office of the Commission, and I hope that a constructive working relationship may develop between that office and the officers of the Council presently dealing with complaints to the Ombudsman.

### **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	6	2	9	2	12	22	6	0	7	72
2005 / 2006	9	4	2	13	4	14	23	5	0	8	82
2004 / 2005	3	4	4	6	8	16	10	4	2	7	64

**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	2	4	0	0	17	11	5	29	39	68
2005 / 2006	0	11	0	0	25	10	5	23	51	74
2004 / 2005	1	16	0	0	20	8	4	17	49	66

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	18	35.2
2005 / 2006	26	39.3
2004 / 2005	27	27.7

**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