



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Wigan 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 69 complaints were received against the Council compared with 87 during the previous year and 85 the year before that. Complaints have therefore fallen by a fifth between last year and the year before.

### ***Character***

An almost equal number of complaints were made about planning and building control (18) and housing (17), more or less the same number as in the previous year. However, complaints fell against transport and highways (from 11 to 6) and against adult care services (from 6 to 2), while increasing very slightly against children and family services (from 7 to 8).

## **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 nine complaints were locally settled and payments totalling £300 made to three of those complainants. In one case, there was a delay in completing the core assessment for the complainant's son, and there was poor communication between the Council and the family during this

period. In addition to paying the complainant £150, the Council agreed to review and tighten procedures for communicating with families in similar situations.

In another case the Council attached an unenforceable planning condition to a planning application, and then misled the complainant as to the extent to which it might be enforced by the Council. Compensation of £100 was paid to the complainant by the Council.

### ***Other findings***

Decisions were made upon 65 complaints, just over half of which (13) 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. I found seven complaints to lie outside my jurisdiction, while in 11 complaints I found no maladministration, a smaller proportion than in previous years.

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

I am pleased to note that in addition to outlining its own corporate complaints procedure, there is a direct link to the Commission's own website. This enables complainants who are unhappy with the response to a complaint made under its own corporate complaints procedure to readily access the Commission's own complaints procedure, so that the complainant may pursue their complaint through my 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.

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

Last year the Council responded within an average time of 29.7 calendar days upon the 22 complaints where enquiries were made. While this was a little longer than during the previous year when the council had responded within an average time of 23.7 calendar days upon 33 complaints, it is only marginally above the Commission's new target of 28 calendar days. I hope that during the coming year the Council may achieve that target for responding to enquiries from investigators.

## **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	2	8	1	17	13	18	2	6	<b>69</b>
<b>2005 / 2006</b>	6	2	7	3	17	21	16	4	11	<b>87</b>
<b>2004 / 2005</b>	9	2	3	5	28	17	10	3	8	<b>85</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	9	0	0	11	5	7	33	32	<b>65</b>
<b>2005 / 2006</b>	0	16	0	0	29	16	6	28	67	<b>95</b>
<b>2004 / 2005</b>	1	8	0	0	26	10	10	27	55	<b>82</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>	22	29.7
<b>2005 / 2006</b>	33	23.7
<b>2004 / 2005</b>	33	24.3

**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