

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

**Kirklees Metropolitan
Borough Council**

**for the year ended
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction

This annual letter provides a summary of the complaints received about Kirklees Metropolitan Borough Council and comments on the authority's performance and complaint-handling arrangements.

I hope that the letter will assist you in improving services by providing a useful perspective on how some people who are dissatisfied 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.

Complaints received

Volume

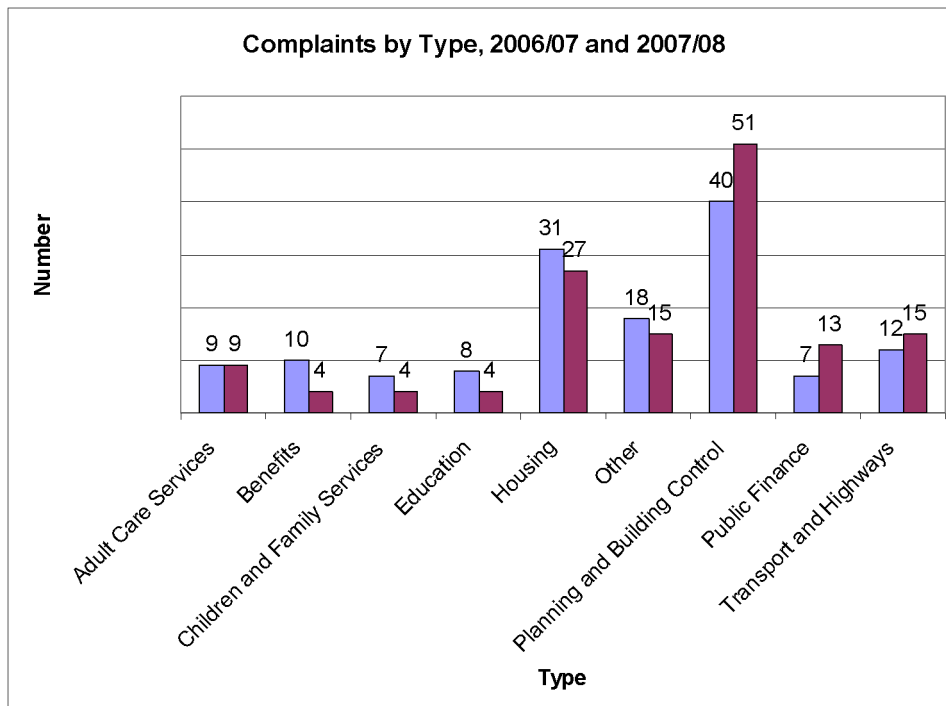
As the attached statistical information shows, I received 142 complaints about the Council in 2007/08. The volume of complaints received has remained constant over the last three years.

Character

As this chart shows, the distribution of complaints by service area is similar to the previous year.

The areas with the highest concentration of complaints are housing and planning. While the numbers here are too small to enable meaningful conclusions to be drawn, you may wish to note that housing complaints accounted for 19% of the total and planning 35%. The national averages were 21% and 23% respectively.

I know the Council takes a proactive approach to complaint management and so you may find it helpful to analyse this information in the context of your own complaint-handling data to identify if there are any trends or common issues.



Liaison with the Local Government Ombudsman

During the 2007/08 year, the Council's liaison officer provided timely responses to our initial enquiries. My staff found him to be approachable, helpful and to demonstrate a clear commitment to handling complaints on behalf of your Council. As the statistical information shows, the average response time fell from 30.3 days in 2006/07 to 22.9 in 2007/08. These times are very good and well within the requested 28 days. I thank your Council for its continued cooperation in this as it helps my staff reduce the time it takes to respond to complaints, ensuring a better service for our complainants.

In addition to the formal enquiries we made, we had reason to contact the Council for initial information to help us decide whether we should instigate an investigation. The sort of information we asked for was: the Council's own responses to complaints; documents referred to by complainants; and updates on situations. These were not recorded as formal enquiries and do not appear in our statistics. Our experience was very positive with the liaison officer providing information promptly and readily.

Additional enquiries were made about some complaints. Our experience of these was mixed, and involved direct liaison with officers and departments other than the liaison officer. In some cases, my investigators have told me that officers were '*very helpful ... acted quickly ... proactive*' while in other cases my investigators have told me officers were '*reluctant ... very slow ... [gave responses that were] confusing*'. I draw no overall conclusions about this beyond saying that the comments suggest there is need for all staff to understand the protocols for responding to my enquiries.

Decisions on complaints

Reports and local settlements

We will often discontinue enquires into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). If an investigation is completed I issue a public report.

I did not issue any reports about your Council in 2007/08.

I determined 20 complaints by local settlement. This represents 24% of complaints (excluding premature complaints and those outside my jurisdiction).

The complaints determined by local settlement were across various service areas and a number of issues emerged:

- ÿ Reluctance to accept that there may have been a failure in the delivery of a service
- ÿ Poor communication with complainants, including failure to respond to complaints and to other communication
- ÿ Poor record keeping
- ÿ Delay
- ÿ Failure to take action or address concerns raised by complainants, including delay in implementing recommendations made by my staff.

Concerns about the Council's investigation under statutory social services procedures were also raised by my Assistant Ombudsman. She had concerns that social services complaints did not seem to attract the same corporate commitment as other types of complaint.

Other findings

In total, I made 147 decisions on complaints about your Council. This number differs slightly from the number of complaints received as it includes complaints received in the previous year. As you can see from the statistical information, 45 of these were premature, 17 were outside my jurisdiction and of the 85 other decisions, 40 resulted in a finding of no maladministration.

Your Council's complaints procedure and handling of complaints

We have identified a mixed picture of the Council's complaint-handling. Many cases demonstrated excellent complaint-handling practice. Complaints were dealt with promptly and the Council was proactive in providing responses that led to resolution. Other complaints were dealt with less positively. Of the twenty eight complaints that had been referred to your Council as premature and subsequently resubmitted to me, only three required action and were resolved as local settlements.

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. A detailed evaluation of the training provided to councils over the past three years shows very high levels of satisfaction.

The range of courses is expanding in response to demand. In addition to 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 a course on reviewing complaints for social care review panel members. We will customise courses to meet your Council's specific requirements and provide courses for groups of staff from different smaller authorities.

Participants benefit from the complaint-handling knowledge and expertise of the experienced investigators who present the courses.

I enclose information on the full range of courses available together with contact details for enquiries and any further bookings.

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Feedback on special reports is always welcome. I would particularly appreciate information on complaints protocols in the governance arrangements of partnerships with which your Council is involved.

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
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June 2008

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 | Transport and highways | Total |
|--|----------------------------|-----------------|-------------------------------------|------------------|----------------|--------------|--|-----------------------|-------------------------------|--------------|
| 01/04/2007 - 31/03/2008 | 9 | 4 | 4 | 4 | 27 | 15 | 51 | 13 | 15 | 142 |
| 2006 / 2007 | 9 | 10 | 7 | 8 | 31 | 18 | 40 | 7 | 12 | 142 |
| 2005 / 2006 | 4 | 5 | 8 | 2 | 28 | 13 | 59 | 13 | 9 | 141 |

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 |
|--------------------------------|----------------|-----------|---------------|----------------|---------------|-----------------|-----------------------------|-----------------------------|-----------------------------|--------------|
| 01/04/2007 - 31/03/2008 | 0 | 20 | 0 | 0 | 40 | 25 | 17 | 45 | 102 | 147 |
| 2006 / 2007 | 2 | 13 | 0 | 0 | 55 | 8 | 17 | 62 | 95 | 157 |
| 2005 / 2006 | 0 | 20 | 0 | 0 | 48 | 15 | 12 | 38 | 95 | 133 |

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 |
| 01/04/2007 - 31/03/2008 | 48 | 22.9 |
| 2006 / 2007 | 60 | 30.3 |
| 2005 / 2006 | 49 | 27.1 |

Average local authority response times 01/04/2007 to 31/03/2008

| Types of authority | <= 28 days % | 29 - 35 days % | > = 36 days % |
|---------------------------|------------------------|-----------------------|-------------------------|
| District Councils | 56.4 | 24.6 | 19.1 |
| Unitary Authorities | 41.3 | 50.0 | 8.7 |
| Metropolitan Authorities | 58.3 | 30.6 | 11.1 |
| County Councils | 47.1 | 38.2 | 14.7 |
| London Boroughs | 45.5 | 27.3 | 27.3 |
| National Park Authorities | 71.4 | 28.6 | 0.0 |