

# Local Government OMBUDSMAN

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

## **Trafford 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 we have received about Trafford Metropolitan Borough Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can 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.

## **Complaints received**

### ***Volume***

We received 56 complaints against your Council during the year, 16 fewer than last year. We welcome this fall in numbers which was mainly due to a decrease in complaints about planning and building control (down from 22 to eight) and those categorised under 'other' (down from 12 to six). This continues a pleasing downward trend we have seen with your Council over the last few years. I know that the Council is working hard on its own complaints process and it may be that the decrease in complaints to me this year reflects that it is dealing with more complaints itself to the satisfaction of complainants.

### ***Character***

Eight complaints were about planning and building control, eight concerned benefits (mainly housing benefit), eight public finance, nine transport and highways, and seven education (the majority being about school admissions). There were five complaints about adult care services, three about children and family services and two about housing. With the exception of planning and those complaints referred to below, there has been little variation in the numbers of complaints in each subject area.

I know that the Council is confident that there will be fewer council tax complaints next year as the changes to bills this year, which led to some complaints, will not be repeated. I also know that there are changes in admission to local grammar schools and this in turn may affect the number of school admissions complaints.

The remaining six complaints were recorded in the 'other' category. They included complaints about employment and pensions (matters outside my jurisdiction), environmental health, licensing and waste management.

## **Decisions on complaints**

### ***Reports and local settlements***

When we complete an investigation we issue a report.

My colleague, Mrs Seex, the Ombudsman in York who was previously responsible for your Council, issued a report this year about adult care services. She found that the Council failed to meet the service user's needs, failed to plan effectively within the transitional period of 12 months from March 2004, failed to conduct comprehensive needs assessments at appropriate times and failed to provide support for care at home. Her recommendations were that the Council should make a payment of £1,000 per week for each week since August 2005 that the complainants have cared for the service user at home, should make a payment of £3,000 for distress, anxiety and time and trouble, and should take appropriate action. I understand that the Council has not accepted some of these recommendations and that Mrs Seex issued a further report in January 2008.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 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).

Nine complaints (or 24% of all complaints decided this year excluding 'premature' complaints and those outside our jurisdiction) were settled locally and a total of £3,916 in compensation was paid. The number of settlements is only slightly below the national average and my staff tell me that the Council is very amenable to putting things right when mistakes have been made. I welcome this because it results in a speedy and satisfactory outcome for the complainant. My staff also tell me that, in some instances and without any prompting from me, the Council has provided appropriate redress to a complainant once it can be shown that things have gone wrong.

The following examples highlight where satisfactory complaint resolution has been achieved. In the first, the Council agreed to erect barriers to resolve a complaint about antisocial behaviour caused by youths playing ball games adjacent to the complainant's home.

Three complaints about highways management were settled locally. In one case about a Parking Charge Notice, the Council failed to send the Notice to Owner to a car owner and made a payment of £90 in settlement. In another, the complainant believed that the Council was not providing value for money in carrying out crossover works in the area and considered he could do them more cheaply. The Council provided the complainant with the specification and standards for the works to demonstrate why it was more cost effective for it to undertake them rather than put them out to private tender. In the third complaint, about disrepair to a lane, the Council settled it by meeting the complainant and undertaking to consider ways of repairing and maintaining the lane.

Errors in calculating and paying housing benefit featured in two complaints and the Council made payments totalling £3,626 in compensation.

In a complaint about special educational needs, the Council wrongly blamed the complainants for two referrals that should have been made for their child but weren't and which also denied them the opportunity for an early appeal to the Special Educational Needs and Disability Tribunal. It settled the complaint by apologising and making a payment of £200 for distress.

The remaining complaints raised no issues of significance.

## **Other findings**

Sixty six complaints were decided during the year. Of these nine were outside my jurisdiction for a variety of reasons, 19 (or 29% of all those decided) were premature and, as I mentioned earlier, one was the subject of a report and nine were settled locally. The remaining 28 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, for example, no or insufficient injustice flowed from the fault alleged.

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

Last year 43% of complaints decided were premature. This year the figure has fallen to 29% which is more in line with the national average of 27%. I welcome this and I believe it reflects the work the Council has done in this area. It has recently introduced a more formalised complaints handling process and appointed a complaints co-ordinator in each department.

Six complaints that had been determined as premature were resubmitted. One of these resulted in a local settlement, three were outside my jurisdiction and in one there was no or insufficient evidence of maladministration. The sixth complaint had yet to be determined by 31 March 2008.

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

Enquiries were made on 25 complaints during the year and your Council's average response time was just over 35 days, the same as last year although there were seven fewer complaints then. This is slightly disappointing when set against our target of 28 days but I think the timescale is affected by late responses on a few complaints rather than indicative of any breakdown in your processes.

In five cases, transport and highways (three) and planning and building control (two), it took more than 50 days for a response to be received. But I know that your officer liaised with my staff on these and other cases where the Council's comments would be delayed and so I am not unduly concerned. I also know that the Council is very conscious of the time it takes to respond to complaints. I understand that it regularly discusses this with my office, it keeps my staff routinely updated on what is happening in particular complaints, and it has introduced a new complaints tracking system. A number of staff have also been on our Good Complaint Handling course. The Council has suggested the possibility of training for planning complaints staff as identifying planning complaints has, in its view, caused some problems. I believe that these steps and the increased use of email will help to speed things up and I hope that we will see a marked improvement in your times this year.

When responses are received the quality is good and your staff are always willing to deal with initial and subsequent enquiries by email and telephone. This has helped us reach decisions more quickly than would otherwise have been the case. On occasion the Council has arranged for my Investigator to discuss a complaint directly with officers and this openness of approach has been most helpful and can provide a speedy resolution to a complaint.

In February 2008 I was pleased to visit the Council with my Deputy and meet with you, the Leader of the Council and Director of Legal and Democratic Services. I look forward to continuing a very positive and constructive relationship with your Council.

In the previous September, my Investigator also visited the Council and spoke to your officers about how we both deal with complaints. I welcome this willingness by Trafford to continue to improve its complaint handling.

## **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. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are 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 a course on reviewing complaints for social care 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.

In November 2007, I was pleased to welcome one of your officers to the seminar I held in Coventry. I hope he found it helpful.

In January of this year, we delivered a Good Complaint Handling course to some of your officers and I hope they derived benefit from the knowledge and expertise of the trainers.

I have enclosed some 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, have 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'. I would appreciate your feedback on how useful you have found these reports, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships involving your Council.

## **Conclusions and general observations**

My staff tell me that they find working with Trafford is positive and constructive. I would like to thank the Council for the forward looking way in which it continues to handle complaints and, as I say above, its willingness to put things right when they have gone wrong. And I am very much aware what a personal contribution particular members of your staff make in this important area of service delivery.

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**J R White**  
**Local Government Ombudsman**  
**The Oaks No 2**  
**Westwood Way**  
**Westwood Business Park**  
**COVENTRY CV4 8JB**

**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	5	8	3	7	2	6	8	8	9	56
2006 / 2007	6	6	2	9	2	12	22	6	7	72
2005 / 2006	9	4	2	13	4	14	23	5	8	82

**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	1	9	0	0	17	11	9	19	47	66
2006 / 2007	2	4	0	0	17	11	5	29	39	68
2005 / 2006	0	11	0	0	25	10	5	23	51	74

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	25	35.1
2006 / 2007	18	35.2
2005 / 2006	26	39.3

**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