

Local Government
OMBUDSMAN

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

Warrington 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 Warrington Council and comments on the authority's performance and complaint-handling arrangements.

As a result of the Secretary of State's decision on the future structure of local government in Cheshire this is the last Annual Letter that I shall be sending to the Council. I should like to take this opportunity of thanking all the members and officers who have dealt with my office for their courtesy and co-operation and wish you well for the future.

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

During the year I received 51 complaints against the Council a figure which is consistent with the number of complaints sent to me in recent years. No trends or patterns emerged during the year to give rise to concern. Complaints about planning matters remain the largest single category of complaints sent to me but these complaints showed a very slight fall in numbers when compared with the two previous years [from 19 to 15].

Liaison with the Local Government Ombudsman

I ask all authorities to respond to my initial enquiries within 28 calendar days and I am pleased to record that the Council, in response to 21 requests for detailed comments, responded, on average, within 27.2 days. I am grateful to the Council for this effort which shows a marked improvement in response times when compared with the previous two years.

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 issued one report against the Council during the year and although I was critical of the Council for the way in which it handled the question of responsibility for dealing with contaminated land, I am pleased to place on record the very positive response of the Council to my suggestion of a local settlement.

Other findings

I determined 65 complaints during the year, a figure which differs from the number of complaints sent to me because of work in hand at the beginning of the year. Of these complaints, 16 were premature and I sent each of these to the Council so that it would have the opportunity to address the issues. Seven complaints were outside of my jurisdiction and in 10 cases I exercised the general discretion available to me not to pursue the complaints. I found no evidence of maladministration in 21 cases while in 10 cases the Council agreed to settle the matter accepting that something had gone wrong and acknowledging that it was appropriate to offer some form of remedy. Subject only to what I say in the paragraph below I commend the Council for the willingness shown in settling complaints so readily.

Your Council's complaints procedure and handling of complaints

Although no issues arose during the year to suggest that there are any problems with the way in which the Council handles complaints against the Council I would like to raise one question with the Council. The number of complaints, already considered by the Council, which reach me and then are settled because of acknowledged problems prompts me to ask if the Council's internal complaints procedures are as robust as they should be in order to hold the Council to account, criticise it when appropriate and to suggest a remedy for the complainant. I have no further observations to make, I simply pose the question and ask the Council to reflect upon it. If there is anything I can do to assist the Council in that process then do please let me know.

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
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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 | 2 | 0 | 5 | 5 | 9 | 5 | 15 | 2 | 8 | 51 |
| 2006 / 2007 | 1 | 1 | 5 | 5 | 9 | 9 | 19 | 0 | 1 | 50 |
| 2005 / 2006 | 2 | 0 | 7 | 1 | 10 | 14 | 17 | 0 | 0 | 51 |

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 | 10 | 0 | 0 | 21 | 10 | 7 | 16 | 49 | 65 |
| 2006 / 2007 | 0 | 3 | 0 | 0 | 12 | 6 | 4 | 14 | 25 | 39 |
| 2005 / 2006 | 1 | 4 | 0 | 0 | 21 | 10 | 6 | 12 | 42 | 54 |

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 | 21 | 27.2 |
| 2006 / 2007 | 14 | 35.8 |
| 2005 / 2006 | 25 | 33.4 |

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 |