

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

# **Stockport Metropolitan Borough Council**

**for the year ended  
31 March 2009**

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 reviews.

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# Section 1: Complaints about Stockport Metropolitan Borough Council 2008/09

## Introduction

This annual review provides a summary of the complaints we have dealt with about Stockport Metropolitan Borough Council.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

## Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of telephone calls to our service has increased significantly since then to more than 3,000 a month. Our advisers now provide comprehensive information and advice to people who telephone, write or email. It enables citizens to make informed decisions about whether to put their complaint to us.

This means that direct comparisons with some previous year-statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

## Enquiries and complaints received

During the year the Advice Team received 100 enquiries and complaints against the Council. Of these, 47 were forwarded to the investigative team for investigation. Education complaints made up the greatest single number (10) of complaints passed to investigation, followed by transport and highways (nine) and planning and building control (six).

## Complaint outcomes

47 complaints were determined by my office during the year, of which six were found to be outside jurisdiction. In 16 cases discretion was exercised not to investigate further, with no maladministration being found in a further 17 complaints.

## 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 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority, eight were locally settled. I will mention these below.

## *Highway management*

Two complaints were settled in this category. The first of these related to a failure to deal effectively with a claim that damages to a car resulted from a faulty grid in the highway. The

Council remedied this by giving the complainant details of the contact person in the utility company responsible for the grid, and offering £50 compensation for their time and trouble in pursuing a complaint.

The other complaint concerned a delay in making a decision about the provision of a disabled parking bay. This was remedied by the decision that the bay would be installed and work would commence in the near future.

### ***Housing repairs***

There were two settlements in this category. In the first case, the failure to keep appointments for repairs led to the complainant taking unnecessary time off work. The Council apologised, changed its policy and offered £200 compensation. The other case was about dampness in the complainant's home. The Council agreed to carry out repairs identified as necessary by my Investigator.

### ***Land***

A request to lease a piece of Council-owned land for a use as a parking space was refused by an officer. The decision should have been taken by the relevant committee under the Council's policy. The Council agreed to refer the decision back to the committee, and gave the complainant the right to speak at the meeting.

### ***Leisure and culture***

The one complaint settled under this heading came from a sports club complaining that charges for pitches were significantly higher than those of a neighbouring authority. The complainant also complained about the standard of maintenance of the pitch and about inadequate facilities. There was a delay in dealing with the complaint under the Council's internal procedure. The Council remedied this by apologising for the delay in dealing with the complaint and refunding part of the pitch fee. It reviewed its policy on fees and decided not to increase them for the forthcoming year.

### ***School admissions***

The Council accepted that it had not sent out all the necessary information prior to a school admission appeal panel hearing. This was remedied by the offer of a new hearing.

### ***Special educational needs***

In the one case under this heading settled by the Council, the Council had failed to provide any secondary education for a pupil who had by now passed the school leaving age. The investigation revealed that this was not entirely the Council's fault, as the pupil had refused to attend school or to co-operate with other provision. The Council agreed to pay £500 compensation to the pupil's mother, and £500 to the pupil on completion of six months of training or further education. The Council also undertook to work with the pupil to encourage involvement in future training. Issues arising out of this case were to be discussed at a multi-disciplinary seminar aimed at preventing a recurrence in other similar cases.

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

My office made enquiries of the Council on 26 occasions during the year and the average number of days taken to respond by the Council was 23.1, against a target of 28 days. This represents an improvement on the previous year (28.6 days) and on 2006/07 (25.8 days).

### **Training in complaint handling**

I am pleased that during 2008/09 we provided training in Effective Complaint Handling to staff from your authority on two occasions. Both courses were well received by those attending.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

### **Conclusions**

I have seen a number of positive comments from my investigators about co-operation from Council officers, and in particular a willingness to settle complaints where it is apparent that something has gone wrong. This is pleasing, but the Council does need to be aware that a number of complaints to me have included comment on delays by the Council in dealing with complaints internally before they reach me. I hope that the Council will monitor its own performance in this regard during the coming year.

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.

**Mrs A Seex  
Local Government Ombudsman  
Beverley House  
17 Shipton Road  
YORK  
YO30 5FZ**

**June 2009**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

### Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

### Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

### Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

### Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.

### **Adult Social Care Self-funding**

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

### **Internal schools management**

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

### **Further developments**

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

**Mrs A Seex  
Local Government Ombudsman  
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**June 2009**

# Appendix 1: Notes to assist interpretation of the statistics 2008/09

## Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

### Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

**Formal/informal prematures:** The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

**Forwarded to the investigative team (resubmitted prematures):** These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

**Forwarded to the investigative team (new):** These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.



## Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the Ombudsman's jurisdiction.

## Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.-

## Table 4. Average local authority response times 2008/09

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

**LGO Advice Team**

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	0	1	8	0	4	5	3	12	34
Advice given	2	4	1	2	0	1	1	2	6	19
Forwarded to investigative team (resubmitted prematures)	1	1	0	1	0	0	0	2	2	7
Forwarded to investigative team (new)	2	2	10	3	2	2	6	7	6	40
<b>Total</b>	<b>6</b>	<b>7</b>	<b>12</b>	<b>14</b>	<b>2</b>	<b>7</b>	<b>12</b>	<b>14</b>	<b>26</b>	<b>100</b>

**Investigative Team**

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	8	0	0	17	16	6	47

**Average local authority response times 01/04/2008 to 31/03/2009**

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	26	23.1
2007 / 2008	14	28.6
2006 / 2007	19	25.8

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	60	20	20
Unitary authorities	56	35	9
Metropolitan authorities	67	19	14
County councils	62	32	6
London boroughs	58	27	15
National park authorities	100	0	0