

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

**Wigan Metropolitan Borough
Council**

**for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use 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 Wigan Metropolitan Borough Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Wigan 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.

There are two appendices to the review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

Our Advice Team deals with all initial contacts to the Ombudsmen and advises people who want to make a complaint. The Advice Team recorded 68 enquiries about your Council in 2009/10, 43 of which were complaints for my office to consider. The Council had not had an opportunity to consider and respond to 20 complaints and these were referred to you, as premature.

The complaints investigated were spread across a number of departments, with the largest single number (9) being about adult care services.

Complaint outcomes

In any one year, there can be a difference in the number of complaints received and the number of decisions made by my office. This is because some decisions will have been made on complaints received in the previous year and not all the complaints received in 2009/10 will have been decided by 31 March.

We made decisions on 45 complaints during the year. Five were found to be outside jurisdiction, and in 14 cases I exercised my powers to discontinue the investigation. In 15 cases there was no evidence of maladministration.

Local settlements

We will often discontinue enquiries 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. 26.9% of all decisions on complaints in the Ombudsmen's jurisdiction were local settlements. Of the decisions on complaints about your authority, 11 were settled in this way.

Three settlements concerned adult care services. One, about services for the complainant's brother who has severe physical disabilities, was quickly settled by the arrangement of a multidisciplinary meeting to assess the needs. Another, about delay in commencing work on adaptations to a complainant's bathroom, was also quickly settled, this time by the Council agreeing to pay the cost of tiling the bathroom. The third complaint, about failings in the way that the Council responded to the needs of a family where one of the members had mental health problems, was settled by an apology and the payment of a total of £1750 compensation to family members.

Two complaints about the way that the Council responded to allegations about antisocial behaviour by neighbours were settled by the payment of £1000 in each case. The Council is addressing the deficiencies identified in its procedures.

A complaint about problems caused to the complainant's access to a parking area because of a planning permission was settled by an alteration to the new development.

A Council tenant whose home had been damaged by a leaking water tank was given a £250 decoration allowance to settle the complaint.

A complaint about delay by the Council in taking action to remove a building from land behind the complainant's home was resolved by the Council taking court action.

In another case the Council paid £50 compensation to a complainant for the time and trouble taken in pursuing a complaint about inaccurate records of the size of Council properties. The records were amended to show the true size of his property.

A complaint about the Council's delay in taking action over encroachment by a neighbour on to the complainant's property, which is rented from the Council, was settled by the Council paying £500 compensation for the loss of use of part of the garden and £250 for time and trouble in pursuing a complaint.

The final settlement involved an unreasonable delay in dealing with the complaint about the height of a neighbour's hedge. The Council undertook to investigate the complaint within eight weeks, and to pay £100 for the delay and the time and trouble in pursuing the complaint.

Liaison with the Local Government Ombudsman

Enquiries have been made of the Council on 11 occasions. The average time taken to respond was 19.7 days, against my target of 28 days. This represents an improvement on the already adequate performance of the last two years when responses took around 24 days.

I am pleased to note that the Council was able to send a member of staff to the seminar in York for officers responsible for liaison with 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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

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

Conclusions

The relatively small number of complaints against the Council that I see does not put me in a position to make generalised comments about the Council's overall performance. However, the speed of response to enquiries from my office, and the readiness to agree local settlements where something has gone wrong, indicates that the Council does take complaints seriously.

If there are any issues that you wish to discuss, I or one of my senior colleagues would be happy to meet with the Council.

**Mrs A Seex
Local Government Ombudsman
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June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We 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 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.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

**Mrs A Seex
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June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

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.

Premature complaints: 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to 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 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 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 LGO 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 LGO'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 LGO'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 2009/10

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	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	3	0	2	1	5	2	6	20
Advice given	0	0	0	3	0	0	1	1	5
Forwarded to investigative team (resubmitted prematures)	0	1	1	2	1	3	0	2	10
Forwarded to investigative team (new)	9	1	5	7	0	4	1	6	33
Total	10	5	6	14	2	12	4	15	68

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	11	0	0	15	14	5	45

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	11	19.7
2008 / 2009	27	23.9
2007 / 2008	31	24.5

Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20