

Local Government
OMBUDSMAN

24 June 2011

Mr T Reeves
Chief Executive
City of Bradford Metropolitan District Council
City Hall, Centenary Square
BRADFORD
BD1 1HY

Dear Mr Reeves

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

The law allows me to discontinue enquiries and I will often do so when a council agrees to remedy the injustice caused to the person who has complained. Those decisions are described as local settlements. Last year there were 16 local settlements. Two of these raised issues that I think it is appropriate to draw to the Council's attention.

1. A man who suffers from mental and physical illnesses took part in the 'Housing for Health' scheme that aimed at improving housing conditions of property owners with chronic illnesses. His sister, who lives over two hundred miles away, complained on his behalf about the way that the Council and its approved contractors dealt with him. Amongst other issues, she complained that the Council did not copy communications and other documents to her even though her brother had written in summer 2007 asking it to do so and had confirmed in September 2007 that he had appointed her as his personal advocate and representative.

My investigator found numerous instances of letters and e-mails being sent to the man and not copied to his sister. In February 2009 a Council manager had written '*...it is incumbent on [the man] and not us to forward copies to you*'.

The Council will be aware of its duties under the Equality Act (and formerly under the Disability Discrimination Act). The officers' actions and the manager's comment could be seen as a failure to make 'reasonable adjustments'. In this case it caused the man and his sister significant unnecessary upset, time and trouble. Although the comment was made over two years ago I am sure that the Council will want to satisfy itself that its employees are briefed and clear about its general statutory duties to disabled people.

My investigator also found that officers had failed on three occasions to respond to complaints and failed to provide information about the Council's complaints procedure. Officers undertook to remind those employees likely to receive correspondence of the need to identify complaints, respond in accordance with the Complaints Procedure and inform people of the next stage.

2. In dealing with a complaint about admissions to secondary school my investigator noted that the only explanation provided in the Council's letter informing parents that their child had not got a place at their chosen school was '*...as there were more children wanting places than the school can take...*' This is inadequate – parents need to know how their child was placed in the criteria used to allocate places e.g. distance between home and school. I appreciate that this requires admission authorities to provide greater detail than many commonly do but it is important in order for parents to judge whether a mistake has been made in applying the criteria and to decide whether they have grounds to appeal. I hope that in 2012 the Council will ensure that the information to parents contains sufficient information.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

The Council took a timely initiative in organising a conference for local authorities on the future of complaint handling in a time of budget restraints. This was very well received by all the participants and I was pleased to see at first hand how much they valued the opportunity to explore and

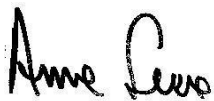
Page 4
Mr T Reeves

discuss the challenges they face. The conference was very well organised and a real 'show case' for some of the important improvements that the Council has made in recent years.

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink that reads "Anne Seex". The signature is written in a cursive style with a large initial 'A'.

Anne Seex
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	4	10	0	2	5	5	1	1	9	37
Advice given	1	1	0	10	2	0	2	3	8	27
Forwarded in investigative team (resubmitted)	1	0	1	2	1	2	2	0	5	14
Forwarded to investigative team (new)	5	6	1	23	4	1	1	0	5	46
Total	11	17	2	37	12	8	6	4	27	124

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	16	0	0	20	16	4	56

Adult social care decisions made from 1 Oct 2010*

	Not to initiate an investigation	Total
2010 - 2011	3	3

*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	16	23.5
2009 / 2010	23	21.0
2008 / 2009	37	19.4

Provisional comparative response times 01/04/2010 to 31/03/2011

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0