

24 June 2011

Mr E Boylan  
Chief Executive  
Stockport Metropolitan Borough Council  
Town Hall  
Edward Street  
STOCKPORT  
SK1 3XE

Dear Mr Boylan

**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 seven local settlements.

I want to express my appreciation of the way that the Council's Corporate Complaints Team responded in a case that had become protracted, partly because it had generated a large volume of information and comments from the citizen served to obscure the key issues. I found that the Council had not:

- produced a timely and adequate care plan for a severely disabled woman
- established the reasonable costs of services that would meet her needs
- consider the level of direct payments that it should make to her
- clarified its roles and responsibilities in relation to those of the Independent Living Fund (ILF) or act to resolve confusion about the woman's 'package of payments'
- reviewed the situation when asked to do so
- responded to complaints and correspondence.

Through the Corporate Complaints Team, the Council readily agreed to appoint someone independent of its Adult Services Department and with suitable financial expertise and qualifications to confirm what payments should have been made over a five year period and to pay the difference between that and what it had paid to the woman. It also agreed to make a new assessment of her needs, draw up a proper care plan and determine the level of direct payments appropriate to her circumstances. A payment of £1,000 to her representative who brought the complaint was also agreed in recognition of the impact on him of an inadequate care plan and his trouble in pursuing the complaint. The Corporate Complaints Team staff were efficient, professional and sensitive throughout.

For completeness I should also record that I found that the Council had not acted with maladministration in: identifying that there might be issues about the woman's capability to deal with Direct Payments; recognising that there was potential for safeguarding issues to arise; wanting to communicate with her directly without her representative present; expecting to have a dialogue with the ILF without involving the representative; making comments; and expecting financial 'returns' about the direct payments.

### ***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/](http://www.lgo.org.uk/training-councils/)

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



Anne Seex  
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to [www.lgo.org.uk/CouncilsPerformance](http://www.lgo.org.uk/CouncilsPerformance)

**LGO Advice Team**

<b>Enquiries and complaints received</b>	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	1	3	0	3	7	2	0	0	2	18
Advice given	3	1	0	1	2	0	2	4	1	14
Forwarded in investigative team (resubmitted)	0	0	1	1	1	0	1	0	0	4
Forwarded to investigative team (new)	8	3	0	17	4	2	2	0	8	44
<b>Total</b>	<b>12</b>	<b>7</b>	<b>1</b>	<b>22</b>	<b>14</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>11</b>	<b>80</b>

**Investigative Team**

<b>Decisions</b>	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
<b>2010 / 2011</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>10</b>	<b>4</b>	<b>36</b>

## Adult social care decisions made from 1 Oct 2010\*

	To discontinue investigation, other	Total
2010 - 2011	1	1

\*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	13	19.5
2009 / 2010	18	23.1
2008 / 2009	26	23.1

## 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

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	1	35.0