

22 June 2012

Local Government
OMBUDSMAN

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 ended 31 March 2012. 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 forwarded by the Advice Team to my office, and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries.

I will generally not continue an investigation when a council accepts there has been fault and agrees to remedy any injustice caused. I want to draw the Council's attention to two issues arising from my investigations.

1. I investigated eight complaints about appeals for places in infant classes that caused me concern. In all cases my investigators found the Council had not provided the Independent Appeal Panels with enough detailed information to judge whether more places could be given without employing extra teachers to avoid more than 30 pupils in years 1 and 2 being taught by a single teacher. This is generally known as 'infant class size prejudice'. The Council provided a standard document about the special rules relating to infant class sizes but no specific details of current class sizes at the schools in question. It did not explain why the schools could not take measures to allow more children to have places. This left the Appeal Panels ill-equipped to carry out the first stage of the appeal as required by the School Admissions Appeals Code of Practice.

I discontinued the investigations for various reasons. I am taking this opportunity to advise the Council that I think it is acting with maladministration. This practice deprives parents of their right to understand and challenge the Council's or schools' case on infant class size prejudice.

My staff met with Council officers to discuss these cases and the underlying principles.

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Two Council officers came to a meeting in December 2011 for local authorities that covered general good practice guidance on this matter. When we deal with new complaints about admissions to infant schools this year we will check that the Council has provided more detailed information.

2. In November 2011 I began an investigation into a complaint we had referred to the Council in February as 'premature'. It involved the Council's attempts to recover money it claimed it was owed for care. A woman and her partner were given a tenancy with a registered social landlord at an 'extra care scheme'. This was on the basis that she would pay the Council a 'Well Being' charge of £49.80 a week. She had been assessed as needing five hours care a week but after moving in she said she did not need any care. Some three months later the Council reassessed her, agreed that she did not need care services and formally withdrew it.

The woman had signed a tenancy agreement and paid her rent regularly. She had not signed a contract with the Council for care. The information the Council gave to her about the 'Well Being' charge was about how it was collected. It sent a letter explaining the charge to the wrong address.

She did not pay and by the time she complained the Council believed she owed almost £10,000. It put a stop on recovery action while it considered her complaint. The Council then set up a project team to review all care charging policies and told the woman she must pay the Well Being charge.

During my investigation the Council accepted it had not provided clear written information about the Well Being charge and the woman had not agreed to the charge in writing. It agreed to waive the charge apart from the first three months and a short period when care was provided after the woman had been in hospital. It also agreed to pay her £250 in recognition of the stress she experienced during its delay in dealing with her complaint. The Council has withdrawn the Well Being charge at the units where the woman lives and introduced a scheme based on assessments of care needs. It will also implement new arrangements for charges for 'extra care schemes' across the City.

Changes to our role

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

Supporting good local public administration

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on [our website](#).

Publishing decisions

Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely



Page 4
Mr T Reeves

Anne Seex
Local Government Ombudsman

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	Planning & Development	Total
Advice given	1	2	3	9	2	5	0	7	29
Premature complaints	3	10	4	5	7	7	2	19	57
Forwarded to Investigative team (resubmitted)	4	1	1	2	1	3	0	6	18
Forwarded to Investigative team (new)	5	5	3	21	1	10	1	7	53
Total	13	18	11	37	11	25	3	39	157

Investigative team - Decisions

Not investigated			Investigated			Report	Total
No power to investigate	No reason to use exceptional power to investigate	Investigation not justified & Other	Not enough evidence of fault	No or minor injustice & Other	Injustice remedied during enquiries		
7	5	18	17	14	6	1	68

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	17	27.6