

22 June 2012

*By email*

Mr J Taylor  
Chief Executive  
Rochdale Metropolitan Borough Council  
Performance & Development  
Floor 6, Telegraph House  
Baillie Street  
ROCHDALE OL16 1JA

Dear Mr Taylor

### **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 am pleased to say that I have no concerns about your authority's response times.

I will generally not continue an investigation when a council accepts that it has been at fault and agrees to remedy any injustice caused to the person affected. Two such investigations raised serious concerns that I want to draw to the Council's attention:

1. A young asylum seeker complained that the Council changed its assessment of his age to be older. The change meant he was no longer considered to be a child and he lost both support from the Council, the right to welfare benefits and the right to remain in the UK.

My investigator examined the Council's files and found the records of both the first and second age assessments were very poor.

The Council said that it changed its assessment because of information from a dentist. It claims the dentist reported the development of the young man's wisdom teeth suggested he was older than the Council had originally assessed. My investigator could find no record of the dental appointment or of any communication from the dentist.

The Council says three people reassessed the young man by observations over a period. My investigator found there were no records or notes of any observations and one of the people had not been employed by the Council at the time. The young man was not told he was being observed and was never interviewed as part of the reassessment.

Documents that pre-date the second age assessment state that the young man was now '...over 18 after observations made by the Dentist.'

Even if the young man was as old as in the changed assessment, he was 17 and so still a child when he was first assessed and accommodated. The Council made a mistake in deciding that the second age assessment meant he did not qualify for support. Whether he was 16years 10 months or 17 years 10 months when first accommodated by the Council, he was entitled to advice and practical help.

The Council agreed to apologise to the young man and pay him £1,500. It also said it had reviewed and updated its policies and procedures for Asylum Seeking children.

2. The second complaint revealed poor practices by the Council that officers were not willing to address. The investigation was discontinued because the Council's actions had not caused any injustice beyond justifiable annoyance.

The complaint was about the way the Council dealt with a woman accused of anti-social behaviour. The Council wrote to her before it had done any investigation and in terms that suggested it accepted the allegations as true. It wrote to her landlord at the same time saying '...this behaviour is unacceptable and is causing distress...' It did not try to interview the woman and refused to give her details of the allegations but offered to give them to her landlord.

Public authorities should apply the rules of natural justice in their work. In 2005 the Local Government Ombudsmen issued a Special Report on neighbour nuisance and anti-social behaviour. It stresses how important it is for councils to first decide whether allegations are valid and give alleged perpetrators to opportunity to respond and give their own account.

I urge the Council to review its procedure and practice so that it:

- does not suggest that someone is guilty based only on allegations; and
- does not tell third parties about allegations unless and until its investigations show it is necessary to do so.

## ***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***

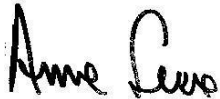
Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance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

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

**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	2	2	0	1	1	0	0	0	6
Premature complaints	0	4	0	3	1	1	1	2	12
Forwarded to Investigative team (resubmitted)	2	2	0	0	0	0	0	2	6
Forwarded to Investigative team (new)	8	2	1	9	1	0	3	4	28
<b>Total</b>	<b>12</b>	<b>10</b>	<b>1</b>	<b>13</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>8</b>	<b>52</b>

**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		
3	0	5	16	8	6	0	38

Response times to first enquiries	No of first enquiries	Avg no of days to respond
	11	24.5