



The Commission for
Local Administration in England

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

Barnsley Metropolitan Borough Council

**for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2006/07 - Introduction

This annual letter provides a summary of the complaints we have received about your authority. Where possible, we comment on the authority's performance and complaint-handling arrangements to assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

As you are a local Social Services authority I want to take this opportunity to draw your attention to an issue of significant public interest. In the last two years I have issued reports following complaints from people living in Blackpool, Liverpool and Sheffield about failings in home care services provided under contract.

In each case a vulnerable person was placed at significant risk as a result of carers failing to visit, calling late and failing to provide the specified care. Tragically, in one case the actions of a carer resulted in a death. Complaints had been made to all three Councils but no effective action had been taken. Although the services were provided under contract, it seems clear that similar problems could occur even if the carers are directly employed. I urge you to ensure that senior staff responsible for care services to adults are aware of the issues raised by these reports (which can be found on our web-site) and consider whether action needs to be taken by your Council. The 2006 report of the Commission for Social Care Inspection 'Time to Care? An Overview of Home Care Services for Older People in England' provides very useful contextual information.

Complaints received

We received 123 complaints about your Council during 2006/07, fourteen more than the previous year and close to the number (125) received in 2004/05. Looking at the types of complaint received, there were small increases in benefits, education, planning and building control, public finance and transport and highways complaints. There were small reductions in children and family services and housing complaints. These changes are within the normal range of variation we see in complaints over time.

Decisions on complaints

Reports and local settlements

A 'local settlement' is a complaint that is resolved by the Council taking, or agreeing to take, action which we consider is a satisfactory response to the complaint so that the investigation can be discontinued. In 2006/07 27.7% of complaints dealt with by the three Local Government Ombudsmen (excluding premature and those outside jurisdiction) were resolved by local settlement. When we complete an investigation we must issue a report.

We did not issue any reports about your Council during 2006/07. Twenty-eight complaints led to a local settlement, more than double the eleven local settlements the previous year. Thirteen settlements related to housing, resulting in payments of £5,250. A substantial proportion of this figure related to one complaint about long delays in investigating cracks in the structure of a house and in arranging for temporary accommodation whilst repair work was carried out. Three further complaints where a payment was made related to the same regeneration scheme and concerned problems with street cleansing near a depot which resulted in dirt and dust getting into neighbouring homes. Eight settlements were on planning and building control complaints resulting in two payments totalling £450 and in another case an agreement to serve notices on a Building Control complaint. The remaining seven complaints resulted in payments of £1,142, including nearly £700 compensation for damage to

a newly installed vehicle crossing caused by planned highway maintenance works, and agreement to prioritize action on a drainage problem.

Other findings

An education admissions complaint highlighted that decision notices sent to parents/ guardians after an education admissions appeal panel hearing did not clearly explain the reasons if the panel's decision was not to offer the child a place at the school. The decision notice also failed to highlight any other issues raised by the parent and considered by the panel. Both of these are requirements of the School Admissions Appeals Code.

Your Council's complaints procedure and handling of complaints

As I highlighted in last year's annual letter, the time taken for your Council to respond to first enquiries is very slow, and has increased further over the last year to 48.5 days. This is very considerably slower than the target of 28 days. Whilst we appreciate the work that goes into each response and that quality is important, the fact that response times have continued to increase despite the measures introduced to speed them up is unacceptable and greatly reduces the quality of service the Ombudsman is able to offer to complainants. Looking at the figures by topic, there are delays in all service areas, with only four responses (7%) received within 28 days. I am aware that the Council has recently been considering further measures to improve response times. It would be helpful to meet with you during the year to evaluate the effect of those measures.

We decided 111 complaints during the year, 27% of which the Council had not had a reasonable opportunity to respond to (known as premature complaints). Seventeen of these decisions (15.3%) were made on premature complaints resubmitted to my office and four of them (23.5%) resulted in local settlements. The figures for your Council are slightly higher than the national figures of 10% and 21.5% respectively, but do not give any particular cause for concern.

Three complaints highlighted problems with the corporate complaints procedure. One premature complaint referred by my office did not receive a written response. It is important that complainants do receive a full written response to their complaint, so that they can understand what the Council has decided and why. Another two complaints suffered significant delays before receiving a response.

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. The feedback from councils that have taken up the training is very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), we now offer these courses specifically for social services staff and have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

LGO developments

You may be interested in the development of our initiative to improve the first contact that people have with us. A new Access and Advice Service will provide a gateway to our services for all complainants and enquirers. It will encourage telephone contact but will also deal with email, text and letter correspondence. We will let you have further details about how it will operate and the expected timescales and we will discuss with you the implications for your Council.

I hope you have received our latest special report about telecommunication masts. It draws on our experience of dealing with complaints about planning applications for masts which can be highly controversial. We recommend simple measures that councils can adopt to minimise the chances of maladministration occurring.

In July we will be publishing a special report about the difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships. *Local partnerships and citizen redress* provides advice and guidance on how these problems can be overcome by good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

Anne Seex
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June 2007

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	1	5	2	6	35	16	42	5	0	11	123
2005 / 2006	1	2	4	3	38	17	39	1	0	4	109
2004 / 2005	3	3	2	9	38	17	41	2	1	9	125

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	0	28	0	0	29	12	12	30	81	111
2005 / 2006	0	11	0	0	28	15	9	36	63	99
2004 / 2005	0	17	0	0	45	11	7	44	80	124

See attached notes for an explanation of the headings in this table.

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	56	48.5
2005 / 2006	41	45.7
2004 / 2005	50	39.6

Average local authority response times 01/04/2006 to 31/03/2007

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0