



The Commission for
Local Administration in England

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

In 2006/07 we received 467 complaints about the Council, a substantial increase on the previous two years. Looking at the broad categories of complaint, there were significant increases in complaints about benefits and housing, continuing an upward trend from the previous two years. The number of complaints on "other" issues has doubled. I do not draw any conclusions about the Council's performance from this. Complaints can increase as a result of many factors, including a council giving citizens clearer information about their right to complaint to me. There were smaller increases in the number of complaints about children and family services and public finance and small reductions in those about adult care services, education, planning and building control, social services other and transport and highways.

If we look at changes in complaints within each of these categories, most of the increase in benefit related complaints was about housing benefit, with complaints increasing from 34 in 2005/06 to 46 in 2006/07. This is still well below the seventy-seven housing benefit complaints we received in 2003/04 and fifty-nine in 2004/05 and is a very small proportion of all the claims handled by the Council.

I highlighted housing, particularly homelessness and council house repairs, as an area of potential concern in my annual letter last year. In 2006/07 we received nineteen complaints about homelessness, down from the twenty-eight received the previous year. Complaints about council housing repairs have remained at last year's level, with 61 complaints in 2006/07 compared to 60 in 2005/06. However over the same period there has been an increase in housing allocation complaints, from 33 to 48. This may reflect the increased demand for council housing being seen not just in Birmingham but across the country.

Almost half of the “other” complaints we received in 2006/07 (thirty-nine) were about anti-social behaviour. This compares to sixteen such complaints the previous year. The Council may want to consider the reasons for this increase, and whether it is due to particular problems at the Council or more a reflection of people’s greater expectations that councils will take action on anti-social behaviour.

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.

I issued one report about your Council during 2006/07, which covered two complaints. A solicitor complained on behalf of a child, that the Council failed properly to safeguard her welfare when she was in its care and failed to comply with a Court Order to promote contact with members of her family living abroad. The child’s grandparents complained on their own behalf that they were prevented from seeing her by the Council’s failure to promote contact and that the Council delayed unreasonably in assessing them as her prospective carers.

I found that the Council:

- did not comply with the Court Order to maintain and fund contact between the child and her grandparents
- did not arrange for social workers to visit the child for over eighteen months while she was in its care
- failed to assess her grandparents as prospective carers
- moved her to foster carers following the breakdown of her placement with her mother instead of contacting her grandparents as the Court Order required
- sought to prevent her grandmother from caring for her on a visit to England

The Council agreed to pay £40,000 to the child in recognition of the four years she was deprived of family life. The Council also agreed to pay £10,000 to her grandparents in recognition that they were deprived of the opportunity to care for their granddaughter and in reimbursement of the expenses they incurred in fares and telephone calls.

I was pleased that, prior to the publication of my report, the Council had already introduced extensive changes to its systems to ensure appropriate professional practice and active supervision and management of cases involving children and young people.

The number of local settlements remained at a similar level to last year, 93 compared to 91.

Almost half of all local settlements related to housing, particularly homelessness (11), housing allocations (11), repairs (15) and managing tenancies (7). These settlements resulted in payments of almost £19,500, and repairs being completed for eight complainants.

One complaint highlighted that the Council did not provide reasons for unfavourable decisions on applications for rehousing for medical reasons. I am pleased that the Council has reviewed its procedures and amended the Medical Priority Process so that reasons are given to applicants in decision letters. Another complaint identified problems in the homelessness review procedure and how the Council works with housing associations (Registered Social Landlords). The Council has now reviewed its procedures in both areas, and in the case of homelessness reviews a more senior officer now makes the review decision.

There were eleven benefit local settlements, ten of these for problems with housing benefit. Six of these complaints involved delays in processing claims.

There were eight local settlements for adult care services and a further seven for children and family services, resulting in payments of £21,000.

Although there was a significant increase in anti-social behaviour complaints, only two led to local settlements, with a total of £1,000 paid in remedies.

The remaining nineteen complaints were spread across the complaint categories and resulted in payments of £9500, with £2250 of this to remedy one complaint about education exclusion and £5750 for three special educational needs complaints.

The proportion of complaints to the Ombudsman resolved by local settlement has remained steady at 46.5% in 2006/07, compared to 46% in 2005/06. The national rate has increased slightly to 27.7%. This rate reflects the Council's continuing willingness to settle complaints where it recognises that there have been problems.

Your Council's complaints procedure and handling of complaints

The time it takes the Council to respond to our first enquiries has increased further in the last year, and now stands at 40.8 days, compared to 37.2 days in 2005/06. The target for responding is 28 days. Some responses still fail to answer all the questions we ask in our enquiry letters, requiring further time to be spent requesting the missing information. As I outlined in my annual letter last year, I recognise that for complex complaints 28 days may not be sufficient time to produce a thorough response although these will all be complaints that the Council had an opportunity to consider and respond prior to my involvement. An average of nearly 41 days is an unacceptable long period of time for complainants to be waiting for a response, particularly if this then does not cover all the questions asked. There appear to be particular problems for adult care (57.7 days), transport and highways (55.4 days), other (43.5 days), children and family services (40.9 days), Housing (40.3 days) and planning and building control (40.1 days). Overall only 42 responses (24%) were received within 28 days, with benefits and education complaints being those with the highest proportion of responses meeting the target. These figures are disappointing for complainants and seriously affect the Ombudsman's ability to provide a good quality service. I would therefore ask the Council to consider how it can improve response times and to write to me confirming how this will be achieved within three months of receiving this letter.

Of the 384 complaints on which we made a decision in 2006/07, 39.8% were complaints which the Council had not yet had a reasonable opportunity to respond to (known as premature complaints). The figure in 2005/06 was very similar, at 40.5%. Of the complaints decided, 67 (17.4%) were resubmitted premature complaints, and 23 of these ended in a local settlement (34.3%), above the national figure of 21.5%.

Although I have identified significant delays in responding to our initial enquiry letters, my investigators have noted that your officers are often helpful, particularly in dealing with informal enquiries and identifying remedies for complainants. We identified eleven complaints during the year which we felt were not well handled through the Council's complaints procedure, either due to delays in responding, or failing to deal with some or all of the substantive issues complained about. A minority of social services complaints continue to take many months, and on occasions years, to complete the statutory complaints procedure.

My investigations are private and the names of complainants are confidential. Despite this, there were two incidents during the year when complainants' names ended up in the public domain due to the actions of the Council. Although both instances were quickly remedied, I must emphasise the importance of respecting confidentiality and insist that this is reinforced to all your staff during training and when they are involved in dealing with my office or looking at the outcomes of investigations.

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.

Liaison with the Local Government Ombudsman

I visited the Council at the end of January and had a very useful discussion with senior officers about my priorities as Ombudsman, the Council's approach to complaints and how our two organisations work together. I hope we can continue this constructive dialogue in the future. We also discussed the report I described above, and I was pleased that the Council had already acted to put right the very serious shortcomings identified.

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	22	55	32	25	178	87	38	18	0	12	467
2005 / 2006	26	40	26	27	158	43	41	11	4	19	395
2004 / 2005	21	60	20	28	132	63	40	14	8	15	401

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	2	93	0	0	58	47	31	153	231	384
2005 / 2006	4	91	0	0	71	32	31	156	229	385
2004 / 2005	0	106	20	0	106	44	45	106	321	427

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	175	40.8
2005 / 2006	155	37.2
2004 / 2005	200	33.5

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