



The Commission for  
Local Administration in England

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

# **Bolton 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**

### ***Volume***

Last year 72 complaints were received against the Council, a drop of roughly one third from the 116 complaints received against the Council during the previous year.

### ***Character***

There were fewer than half as many complaints about planning matters (falling from 28 to 12 last year), and half as many about both benefits and public finance, both categories falling from 8 to 4 last year. There were also marginally fewer complaints about housing, although this continues to represent easily the largest category of complaint, with 27 complaints (a third) upon this subject.

## **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.

16 complaints were resolved by local settlements resulting in a total of £3,644 being paid by the Council. As in the two previous years, however, there was no need to publish a report critical of the Council.

In one case the Council agreed to pay over £1600 when it took responsibility for applying for an attendance allowance, but then delayed in doing what it had promised. In another case the Council paid £1000 to a complainant to compensate him for his distress and loss in amenity to his home arising from a badly made planning decision. In a third case the Council agreed to pay a complainant £500 for the complainant's time and trouble and expense in moving a shed where the Council wrongly leased part of a tenant's back garden to a neighbour who had recently purchased his flat and garden under the Right to Buy scheme.

### ***Other findings***

Of the other complaints received, 28 were premature complaints, in the sense that the Council had not yet had a proper opportunity to consider those complaints, and in 20 complaints no maladministration was found.

I am particularly appreciative of the Council's positive approach to resolving a planning complaint on which we had discontinued enquiries. I recognise that the unusual step of reopening our enquiries can cause difficulties for a local authority and I am pleased to take this opportunity to thank you for your co-operation.

### **Your Council's complaints procedure and handling of complaints**

Although the Council's complaints procedure has been very recently revised, I noted with regret no ready linkage from its website to the Commission's own website, so that those potential complainants using the Council's own complaints procedure were not led directly towards the Commission's website in the event that the Council had failed to satisfy their requirements. I hope that this omission may be rectified during the coming year.

### **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, though I am pleased to note that ten of your staff attended a Good Complaint Handling course on 13 June 2006, while another nine staff attended an Effective Complaint Handling course on 14 June 2006, which I hope they have found of use in the year since their attendance at those two courses.

### **Liaison with the Local Government Ombudsman**

Last year the Council complied almost exactly with the Commission's new requirement that it should respond to enquiries made upon complaints within 28 calendar days: the Council responded within an average of 27.9 calendar days upon the 37 complaints where investigators chose to make

enquiries of the Council. While this average time is slightly slower than in the two previous years, no criticism can attach to the Council for complying exactly with the Commission's new requirement.

### **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**  
**Local Government Ombudsman**  
**Beverley House**  
**17 Shipton Road**  
**YORK**  
**YO30 5FZ**

**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	Transport and highways	Total
01/04/2006 - 31/03/2007	3	4	0	4	27	8	12	4	10	72
2005 / 2006	4	8	2	6	34	19	28	8	7	116
2004 / 2005	6	6	4	0	26	20	19	9	7	97

**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	16	0	0	20	7	3	28	46	74
2005 / 2006	0	13	0	0	30	10	13	42	66	108
2004 / 2005	2	14	0	0	23	18	7	40	64	104

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	37	27.9
2005 / 2006	42	25.3
2004 / 2005	33	26.2

**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