



The Commission for  
Local Administration in England

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

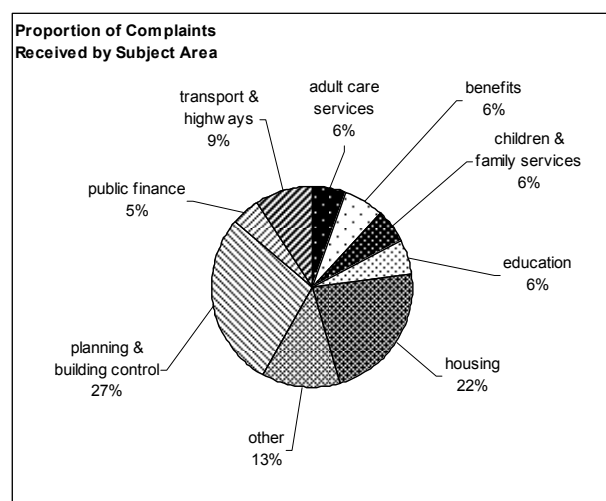
I received 143 complaints about your Council in the twelve months ending 31 March 2007. This shows little change from each of the previous two years when I received 141 and 136 complaints. The variance is minor and gives me no cause for concern.

### Character

As this chart illustrates, the profile of types of complaint shows the two largest areas of complaint type relate to planning and building control at 27% and housing at 22% (I have not included 'other' as this is made up of a number of categories).

These figures are in keeping with the national averages which are 23.6% and 21.4% respectively and they do not suggest to me any inherent problems.

While housing complaints have remained relatively constant since last year, planning complaints have dropped in number. The 27% this year represents 40 of the 143 complaints received. Last year planning complaints numbered 59 out of a total of 141 – just short of 42%.



The accompanying statistical information gives the full breakdown of complaint type and decision by number.

## **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.

### **Decisions**

In 2006/07 I took 158 decisions, a figure which differs from the number of complaints received because of work in hand at the start and finish of the year.

Of those 158 decisions: 17 were outside my jurisdiction, 9 I exercised discretion not to investigate, in 55 I found no evidence of maladministration and 62 were 'premature' (in our view the Council had not been given adequate opportunity to investigate and resolve them for itself, so were returned to the Council to consider through its internal complaint procedure).

I agreed local settlements with your Council on 13 complaints. Excluding premature complaints and those outside my jurisdiction, this equates to 16.4% of my decisions and is well below the average of 27.7%. More significantly for the Council, these settlements were for a range of type of complaint and did not point to significant issues or systemic problems in any particular area.

In the remaining two cases I issued reports. One of these reports related to a complaint about outline planning permission granted for a large detached house in a conservation area. While other investigations have not indicated systemic problems in the way the Council processes planning applications of this type, the maladministration in this particular case was significant and led to me recommending the Council seek expert advice on the matter. Of particular concern was the failure to adequately follow procedure and policy.

The other report I issued related to a complaint about failure to consider the condition and suitability of a property of a disabled applicant. I found several areas of maladministration in relation to the Council's handling of the matter which were of considerable concern. While the initial maladministration was a failure to clean and adapt the property allocated, many of the subsequent issues I identified flowed out of the poor communication between Council departments.

I am aware that your Council took my comments and recommendations on board and is endeavouring to ensure similar situations never recur.

### **Other findings**

As you are aware, we ask for comprehensive responses to our enquiries within 28 days. Your Council responded in a little over 30 days on average. While this in itself is not a cause for concern it is worth bearing in mind that the average was raised by the time taken to respond to our enquiries on planning complaints. Of the 26 complaints on which we made enquiries during the twelve month period, seventeen of the responses took 42 days.

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

I am aware that your Council has made significant efforts to improve its complaint handling and is actively monitoring complaints to capture the lessons to be learned from them. In addition to being proactive in this, 30 of your staff have also attended one of our general complaint handling courses.

The information your Council publishes on how to make complaints is clear and comprehensive. It is readily and easily accessible via your web-site. I am pleased to see you also make reference to the LGO.

While I do occasionally receive complaints about the way in which the Council handles complaints corporately, I have not seen anything that concerns me about the Council's approach and I encourage you to continue with the very good progress you have made.

### **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 am encouraged that your complaints officers contact my Assistant Ombudsman and investigators regularly to discuss complaints. This is in addition to responding to formal written requests from my investigators. Overall, this speeds up investigations and enables sharing of good administrative practice.

In dealing with our requests for information your staff are helpful, professional and respect our impartiality. Communication is greatly assisted by your Corporate Customer Standards Officer and his staff who are always receptive to our requests.

### **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**

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

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	8	9	8	8	32	18	40	7	13	<b>143</b>
<b>2005 / 2006</b>	4	5	8	2	28	13	59	13	9	<b>141</b>
<b>2004 / 2005</b>	8	10	7	5	22	18	42	12	12	<b>136</b>

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

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	2	13	0	0	55	9	17	62	96	<b>158</b>
<b>2005 / 2006</b>	0	20	0	0	48	15	12	38	95	<b>133</b>
<b>2004 / 2005</b>	2	18	0	0	23	29	12	28	84	<b>112</b>

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

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	60	30.3
<b>2005 / 2006</b>	49	27.1
<b>2004 / 2005</b>	56	20.4

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
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