



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter to Macclesfield 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.

Complaints received

Volume & Character

The number of complaints received by my office against the Council is slightly down on last year – 20 as against 24. There is nothing of particular significance in a drop of this order although I note that from July 2006 the Council no longer manages any housing stock. There has however been a fall (from 19 to 12) in the number of complaints about planning.

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.

One complaint was the subject of a critical public report. It was an unusual case concerning the Council's failure to advise a citizen in good time about case law relevant to the right to buy a council owned house. The injustice was significant – over £30,000. Unfortunately there was an error in my report and the basis for calculating the remedy was significantly flawed. The Council, having promptly agreed to the initial remedy, reconsidered the report in the light of the error being corrected. It very commendably promptly agreed to pay the full remedy. I am happy in this letter to repeat the apologies I have previously given.

Six complaints were remedied by local settlement. In two of these (and another where no settlement was merited) there was a failure to keep proper records. This is a basic and easily remedied fault. The Council can avoid recurrence by communicating to all its staff the importance of proportionate record keeping.

One of the settled complaints involved compensation of £10,200 after the Council failed to make plans of a neighbouring extension available for inspection and then failed to take proper account of the complainant's privacy when approving the planning application. These were basic and easily avoidable errors. However, my investigator saw the Council's response to the complaint as "a model" and as similar comments were made about another complaint I am pleased to take this opportunity to publicly commend the Council for this.

Other findings

In all, 21 complaints were decided. Two were premature as the Council had not been given a prior opportunity to investigate and respond. Three were outside of my jurisdiction.

Your Council's complaints procedure and handling of complaints

I am not aware of any general problems with the way the Council deals with complaints from members of the public.

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 and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), we can run open courses for groups of staff from 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

The Council's time to respond to enquiries from my office rose. Whilst our target is 28 days the Council took 33.5 days compared to 33.3 last year. Last year I did ask the Council to aim to improve in this area and I do so again.

Working relations between our offices remain good. In February 2007 the Assistant Ombudsman who led the team dealing with Macclesfield went to the Council's offices and met the management team. He reported an open, positive and creative discussion.

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 discuss with you the implications for the Council.

I hope you have received our latest special report about telecommunications 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.

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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	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	0	3	4	12	0	1	20
2005 / 2006	1	1	2	19	1	0	24
2004 / 2005	0	5	9	11	0	0	25

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	1	6	0	0	7	2	3	2	19	21
2005 / 2006	0	2	0	0	6	3	1	4	12	16
2004 / 2005	0	3	0	0	14	7	2	5	26	31

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	10	33.5
2005 / 2006	13	33.3
2004 / 2005	13	27.5

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