



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Manchester 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

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

There are two attachments which 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

We received 137 complaints during the year, 26 fewer than last year. This is the second year of significantly declining numbers, and I welcome this positive trend.

Character

The nature of the complaints is broadly similar to previous years. The largest number, 43, are about housing. There were fewer complaints about planning and benefits, 11 and 13 respectively. Five complaints each were received about adult care services and education. Six complaints each were received about children and family services and 13 complaints were received about public finance. A further 35 complaints were received about other matters including antisocial behaviour (nine), land, environmental health and leisure and culture.

Decisions on complaints

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. Twenty complaints were settled locally.

One complaint was received from a resident who had been looked after by the Council as a child. She had been placed in foster care and knew little about her background. She decided to ask the Council for access to its files but was advised that they could not now be located. She made a formal complaint to the Council, but this resulted in nothing other than a restatement that her files had unfortunately been lost or destroyed. The complainant was upset not only that the files had been lost, but also at what she saw as the perfunctory and disinterested dismissal of her concerns. My investigating officer contacted the Council and asked for an explanation of how such files were archived and what efforts had been made to locate the complainant's file. It was proposed to visit the Council's offices so that we could satisfy the complainant that every effort had indeed been made to locate her file. Shortly afterwards the Council contacted me to say that, although the file has not been located, microfiche copies of the contents of the file had been discovered and that work was in progress to put together the information that had been retrieved. The complainant was pleased at the outcome and accepted the Council's apology. She was also invited to the Council's office to go through the information with a social worker and to discuss the information that had been retrieved. Nevertheless, it is disappointing that this complainant had ever to complain to me in the first place. Given the importance of this information to the complainant a more thorough search could and should have been made.

A further complaint was about anti-social behaviour. A council tenant complained about noise nuisance from a new tenant in the flat above hers. She was given diaries which she completed for lengthy periods. However at no point was any review of the contents of the diaries carried out. No explanation was given as to what constituted nuisance or of the fact that much of what had been recorded in the diary was not actionable. The complainant was left in a position of some uncertainty, continuing to keep diaries for no useful purpose. The failure here was compounded when the "offending" tenant was given a warning without proper evidence, and without having an interpreter present. The Council agreed to issue guidance to officers dealing with such complaints. It apologised to the complainant and paid compensation of £350.

In one complaint about housing allocations the Council had deleted the complainant's application from the waiting list, even though the necessary renewal forms had been submitted. The application was reinstated without undue delay and it was not the case that the complainant had been denied the opportunity of rehousing as a result of the mistake. The Council apologised and agreed compensation of £100 as an acknowledgement of the time and trouble to which the complainant had been put.

A resident complained that the Council had disposed of his furniture and other belongings following his eviction. He did not complain about the eviction in itself, but that the Council had agreed that it would put his belongings into store and allow him to retrieve them at a later date. However the complainant's effects were destroyed before he had been able to collect them. On receipt of the complaint the Council recognised that it had not dealt with this matter properly and asked for the opportunity to agree a settlement with the complainant. Compensation totalling £6,500 was agreed.

Another complaint was about the Council's failure to deliver the provisions of a Statement of Special Educational Needs. The complaint was made first to the school and then to the Council, and in the interim the complainant's son's performance deteriorated and he had to change schools. The Council apologised and paid £850 to the complainant so that she could buy a computer for her son.

In a complaint about housing benefit the complainant's claim had been suspended when a reassessment was being carried out as a result of a change in her circumstances. Arrears of rent were building up and the complainant's landlord, a housing association, had referred the matter to court. When she was unable to speak to someone at the council's offices without an appointment she became upset and was arrested for a breach of the peace. It was later discovered that the assessment of the claim had been delayed because one page of the information supplied had not been scanned in. The claim was eventually determined, but not in time to forestall the court hearing where a suspended possession order, and costs, were awarded. The Council apologised and paid compensation of £750.

Overall a total of £13,197 was paid in compensation. I very much welcome the Council's willingness to put things right when they have gone wrong.

When we complete an investigation we must issue a report. I issued no reports against the Council this year.

Other findings

A total of 146 complaints were decided during the year. Of these 55 were premature, 20 were settled locally and a further 20 were outside my jurisdiction. The remaining 51 were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

I referred above to the 55 complaints that were premature. At 37% this is higher than the average, and represents a significant increase in the 29% of premature complaints received last year. The Council may therefore wish to consider how its complaints process is publicised. It is particularly

important that Council staff signpost the complaints process when dealing with customers who are unhappy with the way the Council handled an issue. Having said that, I note that the complaints process appears clear and is readily available on the website. Complaints can be made online, a facility welcomed generally by residents. Of the 55 premature complaints I referred to earlier, eight had been resubmitted by the end of the year. I found no evidence of maladministration in five of these, one was outside my jurisdiction, one was settled locally and one has yet to be determined. This suggests that when complaints do reach the complaints process they are dealt with reasonably effectively.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years 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. We 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 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

We made enquiries on 39 complaints this year and the average time for responding was 32.8 days. This is outside the target we set of 28 days and is an increase over the 28.9 days which was achieved last year. On the other hand responses are generally comprehensive and helpful. I appreciate the amount of effort officers put in to providing the information I need to determine complaints.

I was pleased to visit Manchester during April 2007 to meet you and to give a talk to officers about my work. I hope this was useful to the Council. I certainly learned much from a tour of the Council's regeneration areas, and was impressed by the improvements you are making across the city.

I was pleased also to welcome your link officer to the seminar I held in Coventry in November. I hope she found the seminar useful. In addition if it would help for Stephen Purser, the Assistant Ombudsman and the area investigator to visit the Council to meet officers involved in preparing responses I would be happy to arrange this.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

J R White
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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	5	13	6	5	43	35	11	13	0	6	137
2005 / 2006	7	19	4	10	49	43	16	11	1	3	163
2004 / 2005	9	18	4	7	47	45	29	23	2	5	189

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	20	0	0	44	7	20	55	91	146
2005 / 2006	1	24	0	0	45	23	30	49	123	172
2004 / 2005	7	47	1	0	48	26	22	48	151	199

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	39	32.8
2005 / 2006	53	28.9
2004 / 2005	91	29.3

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