



The Commission for
Local Administration in England

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

Oldham 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 there were 68 complaints against the Council, a marginal increase upon the previous year when there had been 65 complaints, with a very similar number (64) in the year before that.

Character

There was a drop in the number of complaints about planning and building control services, from 11 in the previous year to 6 last year, and an increase of 9 complaints from 15 to 24 about housing services, the largest category of complaints. In the year before there had been 25 housing complaints.

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.

Last year 11 complaints were locally settled by the Council, which amounted to just over £1,300. In one case the Council was required to pay £729 in compensation for errors made in calculating housing benefit, and in another, a payment of £300 for the delay in determining housing benefit which led to the start of possession proceedings. In a third case the Council took some time to agree to a settlement of £250 to compensate for incorrect advice concerning a Certificate of Lawful Use.

When we complete an investigation we must issue a report.

Last year two reports were issued. In one case, where the complainant was offered £2000, the complaint concerned the Council's failure to appropriately support the complainant's sister while she resided in a social services care home.

In another case where compensation of £500 was paid to the complainant, the complaint was about the way the Council increased charges for its care services and particularly that it consulted in an unreasonable way on the charges; imposed unreasonably large increases; unreasonably introduced new charges; and also failed to communicate clearly about the charges and their calculation.

I am pleased the Council agreed in both cases to the remedies suggested.

Other findings

Decisions were taken upon 63 complaints last year which equates with the two previous years. Once again a very high proportion (one third or 21 complaints) of these decisions were because the complaints were premature as the Council had not had a proper opportunity to consider and respond. A further six complaints were outside my jurisdiction, and no maladministration was found in 21 complaints, exactly as in the two previous years.

Your Council's complaints procedure and handling of complaints

The fact that a third of the complaints decided last year were premature, as explained above, suggests to me that the Council may wish to consider the way in which it publicises its own complaints procedure. One way to do so might be to make better use of the Council's website, where I note that there is no link across to the Commission's website. I hope that during the coming year the Council may take steps to ensure that such direct linkage is made from its own Council website.

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.

I was pleased to see that the Council convened an Effective Complaints Handling course in April 2006, and I hope that those trained at that event found it to be worthwhile and useful.

Liaison with the Local Government Ombudsman

Last year the Council responded within an average 32.5 calendar days to the enquiries made by investigators upon 30 complaints. Last year a new target for such responses was introduced by the Commission of 28 calendar days, which the Council almost met in 2005/6. It is disappointing, therefore, to note that the Council responded more slowly last year though it dealt with a quarter more

enquiries from this office. I hope you will be able to meet the Commission's 28 day target during the coming year.

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	7	4	2	2	24	14	6	1	0	8	68
2005 / 2006	2	3	5	2	15	17	11	3	0	7	65
2004 / 2005	3	2	1	2	25	16	6	3	1	5	64

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	11	0	0	21	2	6	21	42	63
2005 / 2006	0	4	1	0	21	4	9	25	39	64
2004 / 2005	0	8	0	0	21	10	9	15	48	63

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	30	32.5
2005 / 2006	24	28.5
2004 / 2005	27	18.4

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