



The Commission for
Local Administration in England

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

Sandwell 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

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

In 2006/07 my office received 116 complaints against your Council. This was considerably fewer than in the previous year (when there was a large multiple complaint) and more in line with the 124 complaints received in 2004/05.

Character

The complaints received covered a wide range of Council services. There was a significant decrease (from 55 complaints to 39) in the number of housing complaints compared with the previous year. The number of complaints in the 'Other' category fell to 17 from 57, although the high number of such complaints in 2005-06 was largely explained by the multiple complaint mentioned above. The number of complaints about adult care services and children and family services grew although the overall number of such complaints remains low. There were small fluctuations in the remaining categories of complaint but these do not seem significant enough to indicate any particular pattern.

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. When we complete an investigation we must issue a report.

Last year I issued one report against your Council. I found that the Council had failed to investigate the complainant's concerns about anti-social behaviour from her neighbours, had not recorded the actions it took and had not ensured proper liaison between the housing office involved and the Anti-Social Behaviour Team. The complainant suffered nuisance from neighbours for over a year before she moved. The Council agreed to pay the complainant £1,000 (some of which was offset against the complainant's rent arrears) and to improve staff training.

Twenty-nine complaints resulted in local settlements last year. I shall describe a selection in this letter to give an idea of the range of complaints covered. Several settlements resulted from the Council's failure to keep agreements with complainants. For example, the Council had agreed to pay towards the travelling costs of one complainant, whose son was in a specialist residential and educational placement some distance away. The Council failed to keep this agreement consistently and owed the complainant over £700 when the complaint reached me. When my office brought the Council's attention to this, the Council promptly agreed to pay everything owed plus £50 for the complainant's

time and trouble having to approach my office. In another case, the Council agreed to pay the complainant £60 after his windscreen was damaged by a Council grass-cutter. The complainant chased the matter several times over six months to no avail. When the complainant approached my office, the Council agreed to pay the £60 plus, at the complainant's suggestion, £20 for his time and trouble pursuing the matter. A third example concerned a green waste collection service. The Council failed to honour many agreements to collect waste over a period of three years and promised improvements that it did not deliver. In response to this complaint, the Council apologised to the complainant, revised its procedures, invited the complainant to discuss the problems with the relevant managers and staff and paid the complainant £100.

As in previous years, several of the local settlements involved problems with housing repairs. One such complaint involved a delay of eight months repairing a leaking bathroom skylight. The Council paid the complainant £500. In another case, the Council assessed that the complainant needed a bath-lift but delayed for over a year in providing it and also wrongly raised the complainant's expectations concerning when the communal areas of his block would be redecorated. In recognition of these problems the Council agreed to pay the complainant £575.

Errors in the Council's handling of a planning application led to another local settlement. The Council failed to notify the complainant of an application to increase the opening hours of a restaurant near her property. Some other residents objected but the report to the Planning Committee wrongly stated that the only objections were from people who misunderstood the application. The Council's Environmental Health section did not object to the application, wrongly believing that car parking for restaurant users would be on the far side of the site from the complainant's home. I could not be sure whether, if these faults had been avoided, planning permission would have been granted in its current form. The Council paid the complainant £750 for her uncertainty and lost opportunity to object. I noted that the Council had already improved its internal consultation system to prevent a recurrence of these problems.

One complaint concerned school transport arrangements for a child with special educational needs. The Council assumed, without checking, that the complainant (the child's mother) would meet the transport costs to the school the Council named in the child's Statement of Special Educational Needs. This caused the complainant financial hardship and stress. To put matters right, the Council agreed to pay the complainant the equivalent of the public transport costs she and her son would have incurred thus far and to give them bus passes for travel to and from school in future.

In another case, the complainants applied unsuccessfully for a place for their son in a primary school. They then used their right to appeal to an independent appeals panel. The panel accepted the Council's argument that further admissions would be prejudicial although there was inadequate evidence for this. The Council agreed to put matters right by arranging another appeal hearing.

Other findings

In total, my office determined 147 complaints against your Council last year. In addition to the report and 29 local settlements, 42 complaints were referred back to you as your Council had not had sufficient opportunity to deal with them. Another 35 complaints were outside my jurisdiction. In 22 of the remaining complaints we did not find maladministration and 18 complaints were not upheld for other reasons, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

The proportion of complaints referred back to your Council to deal with is just above the national average of 27.7%. I note that the Council's complaints procedure is described on your website, which also mentions my office. Of the 42 complaints we referred back last year, ten were later resubmitted to my office. We are still considering five of these, three were not upheld and two resulted in local settlements. For the most part your Council's complaints procedure seems to work effectively. But in several cases that my office upheld, I consider the Council had already had ample opportunity to identify that things had gone wrong and to put matters right itself without the need for the complainant

to approach my office. On some occasions the Council either did not properly identify the fault and resulting injustice that had occurred or did not realise that a remedy was needed. You might wish to review the robustness and objectivity of the way your Council handles complaints, both within the complaints procedures and in other correspondence.

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 and I know that your Council has received some training from us.

You might be interested to know that 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

Last year your Council took on average 24 days to respond to my office's enquiries. There has been a sustained improvement in your response times over the last few years and responses are now within the 28 days we ask for. I am grateful to your staff for their efforts in this area. However, the Council's responses to a number of my office's enquiries have been incomplete. This particularly seems to be the case where more than one Council department or organisation is involved in the matters complained of. Additionally, in a few cases, the Council's responses to us have been of a poor standard and contained inaccurate information. I would welcome any improvements you can make in the quality of your Council's responses. If you would like to discuss this further, please contact my Assistant Ombudsman Vereena Jones, who would be happy to visit the Council to talk through the problems here.

I know that your link officer attended our Link Officers' Seminar last November. I trust she found the event useful. My office finds your staff, especially your link officer, approachable and co-operative, willing to answer quick queries by telephone as well as dealing with more detailed points by letter and email. On a number of occasions your Council has agreed promptly to resolve a complaint at the outset or has suggested a resolution on its own initiative. I am grateful for the Council's positive attitude in these cases.

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
Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry CV4 8JB

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	8	10	11	6	39	17	10	10	0	5	116
2005 / 2006	4	7	7	8	55	57	8	8	0	4	158
2004 / 2005	6	14	6	4	35	23	20	10	2	4	124

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	29	0	0	22	18	35	42	105	147
2005 / 2006	0	21	0	0	41	17	9	29	88	117
2004 / 2005	2	21	0	0	23	11	16	49	73	122

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	88	24.0
2005 / 2006	73	29.8
2004 / 2005	46	31.5

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