



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter to Wakefield Metropolitan District 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 & Character

Complaints against the Council received by my office rose slightly from 75 in the previous year to 81 – a rise of no particular significance. I cannot see anything significant in the way that complaints are distributed between departmental areas.

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.

I have not issued any reports against the Council during the year. 13 complaints were subject to some form of remedy after my staff identified failings within the Council's administration. With no disrespect to the affected citizens it is fair to say that most of these cases are relatively minor in nature. I feel I need to refer specifically only to two.

One concerned faulty advice to a citizen that he needed planning permission for a conservatory. This was easily and satisfactorily resolved but had the advice gone the other way – ie that permission was not needed when it was – then the issue could become far more serious. I do see such complaints from elsewhere and planning authorities like the Council do need to remind staff that advice needs to be correct. Sometimes it is better to abdicate on giving definite advice and leave issues for a more formal resolution.

The other case involved social services. Whilst the required compensation was modest (£250) there was a catalogue of failures. There was a delay in making a decision; poor internal communications; officers misunderstood policy; discretion was not properly considered; a desirable visit was not made; and there were contradictory reasons given for a decision. The Council did accept fault and as well as paying some compensation did seek to ensure improvements in its administration. I trust that it has succeeded.

Other findings

55 complaints were decided in the year (a dramatic fall from the 104 in 2005/06 – a reflection of the considerable fall off in complaints over a three year period). 18 of those complaints were premature – ie the Council had not itself been given a prior opportunity to investigate and respond before I become involved. Such complaints are simply referred back to the Council for action under its complaints procedure. Four complaints lay outside of my jurisdiction. In 10 cases my Investigators exercised their discretion not to pursue the complaints further. In a further 10 cases, no evidence of maladministration was found.

Your Council's complaints procedure and handling of complaints

See my comments below on the new procedures adopted by the Council.

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

During 2006 the Council radically revised both the staff and the processes used to deal with complaints, both from the general public and from my office. However there has been a significant worsening in the time it takes the Council to respond to our enquiries. In last year's letter I was able to compliment the Council on its performance in meeting, on average, our target of 28 days. The target remains the same but on average for 28 responses it took the Council nearly 41 days. Within that average are specific cases where the responses took unacceptably long. Two cases took over 80 days, two others over 60 and a further four over 50. Three of the worst examples involved complaints about social services.

The Council has informed me of changes it has made to complaint handling, I welcome these and trust that they will be reflected in better response times during the coming year. Working arrangements between our respective staffs remain, as before, very good.

Two of the new staff now dealing with our office met twice with the Assistant Ombudsman who then led the team that deals with Wakefield. He reports on positive and open meetings to discuss issues of mutual concern.

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.

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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	Transport and highways	Total
01/04/2006 - 31/03/2007	7	2	11	5	2	21	19	2	12	81
2005 / 2006	4	5	6	3	11	12	22	4	8	75
2004 / 2005	3	9	8	6	34	29	32	3	8	132

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	13	0	0	10	10	4	18	37	55
2005 / 2006	0	21	0	0	30	24	5	24	80	104
2004 / 2005	1	14	0	0	43	16	14	27	88	115

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	28	40.7
2005 / 2006	42	26.6
2004 / 2005	75	26.4

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