



The Commission for  
Local Administration in England

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

# **Walsall 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***

We received fifty-eight complaints during the year, a small increase on the number received in the previous year. However, three of those complaints were submitted by one complainant about the same development and there were three separate complaints about one planning application. So, overall the number of issues complained about has been broadly similar year on year.

### ***Character***

The balance of complaints has changed a little this year. Benefits have replaced social services as the second largest area after planning although that figure is affected by the fact that five different complaints about benefits were made by the same complainant. Of the thirteen complaints in the "other" category, two were about anti-social behaviour, three about waste management, two about commercial issues, two concerned employment and pensions, one was about environmental health, one concerned land issues and the other two were about miscellaneous matters.

## **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. Fifteen complaints were settled locally. Six of those related to planning.

In one complaint about an application for a regeneration grant the Council delayed in processing the application, completing the tendering process and arranging for unsatisfactory works to be corrected. There were also long periods of time when the complainant was not kept up to date with what was happening. The Council agreed to pay the complainant £400 to reflect the failure to keep him informed of events and to take account of the time and trouble he had spent pursuing the complaint. The settlement agreed reflected the fact that the complainant's own actions contributed to the delay.

In another case the Council failed to inform a complainant that his housing benefit had been suspended and then delayed dealing with his letters about the matter for four months. The Council agreed to pay the complainant £100 in recognition that he was without benefit for longer than he should have been. It also agreed to remind housing benefit staff of the need to inform claimants when their benefit payments are suspended and advise them of the reasons why.

In another case involving three complainants, the Council failed to consider an officer's recommendation that working hours on a building site be restricted with the result that the developer could have worked unlimited hours seven days a week for the period it took to complete the building works. The Council agreed to pay two complainants £100 for their sense of frustration at not knowing whether a condition would have been imposed restricting working hours, which I considered to be a reasonable outcome given that I found no other fault in how the planning application had been considered and as the builder did not work as many hours as the complainants had feared. I did not recommend compensation for the remaining complainant as she lived further away from the site.

On six of the other complaints, the Council had offered a suitable settlement before the complaint was made to me. The Council's approach here is welcomed.

The total compensation paid was £1150, a significant reduction on last year. I am grateful to the Council for its assistance in settling these complaints.

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

### ***Other findings***

Sixty complaints were decided during the year. Of these, nine were outside my jurisdiction for a variety of reasons. Eighteen complaints were premature and, as I mentioned earlier, fifteen were settled locally. The remaining eighteen were not pursued because no evidence of maladministration was seen or because it was decided, mainly due to lack of evidence of any injustice to the complainants, not to pursue them.

## **Your Council's complaints procedure and handling of complaints**

I received eighteen premature complaints this year, the same number as last year. Although five of those were resubmitted to me none caused me any concern about how the Council operates its complaints procedure, now well signposted on its website.

## **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 and 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 twenty complaints this year, and the average time for responding was 34.5 days. While this is a slight improvement on the 36.1 days it took last year I note that the response times are still significantly worse than they were in 2004/5. So, although I am pleased to see that the response times are improving, particularly for social service complaints, there are still a number of

complaints where response times are unacceptably high. As they are not isolated to any particular category I cannot identify a specific trend. However, I hope the Council will consider ways in which to ensure all departments provide prompt responses to enquiries.

No one from the Council has attended the annual link officer seminar recently and you may wish to consider sending someone to the seminar to be held later in November. If so, please let Stephen Purser, the Assistant Ombudsman, know and he will arrange for an invitation to be sent. In addition, if it would help for him to visit your Council to give a presentation to Members and officers about how we investigate complaints he 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**  
**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)

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Social Services - other</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	3	10	2	2	4	13	15	6	0	3	<b>58</b>
<b>2005 / 2006</b>	6	4	2	1	4	12	16	5	2	1	<b>53</b>
<b>2004 / 2005</b>	4	1	2	3	6	10	11	3	0	8	<b>48</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	15	0	0	10	8	9	18	42	<b>60</b>
<b>2005 / 2006</b>	0	12	0	0	14	5	7	18	38	<b>56</b>
<b>2004 / 2005</b>	0	13	0	0	11	11	6	11	41	<b>52</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	20	34.5
<b>2005 / 2006</b>	19	36.1
<b>2004 / 2005</b>	29	24.9

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
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