

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

**Barnsley Metropolitan  
Borough Council**

**for the year ended  
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction**

This annual letter provides a summary of the complaints received about Barnsley Metropolitan Borough Council and comments on the authority's performance and complaint-handling arrangements.

I hope that the letter will assist you in improving services by providing a useful perspective on how some people who are dissatisfied 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.

## **Complaints received**

We received 95 complaints about your Council during 2007/08, a reduction of 28 on the previous year. Looking at the types of complaint received, there were notable reductions in planning and building control and housing complaints, with only very minor changes in the other categories.

## **Liaison with the Local Government Ombudsman**

I visited the Council last autumn and had a meeting with you and the Borough Secretary. I felt we had a very useful discussion about the Annual Letter, the measures you have taken to reduce the time taken to respond to first enquiries and about complaints and the relationship between our two organisations more generally. I hope we can continue this constructive dialogue in the future.

I am pleased that the time taken for your Council to respond to first enquiries has reduced substantially, from 48.5 days in 2006/07 to 33.2 days in 2007/08. The target is 28 days. At the same time the quality of responses has been maintained. Response times are reasonably consistent across categories, with children and family services taking the longest at 42.5 days and education (21.5 days) and public finance (22.5 days) the quickest. This has been achieved despite the impact on officers of the floods last summer. My investigators have commented positively on the way that officers seek to settle complaints quickly when it is clear there have been problems.

## **Decisions on complaints**

### ***Reports and local settlements***

We will often discontinue enquires into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). If an investigation is completed I issue a public report.

We did not publish any reports about your Council during 2007/08. There were local settlements of 22 complaints (26% of all substantive complaints decided), compared to 41% last year. Fourteen local settlements were of housing complaints, resulting in payments of £7,440. Over half of this related to a complaint that the Council had failed to take action for up to three years to make a rented property habitable, resulting in the complainant living in unsatisfactory conditions. Eventually the tenant accepted the offer of another property but was not given a home loss payment. The Council agreed to reimburse the equivalent of the home loss payment and removal expenses. The remaining 8 complaints led to payments of £2,450.

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

We decided 130 complaints during the year, 22% of which were premature, that is the Council had not had a reasonable opportunity to respond. Fourteen decisions (11%) were made on premature complaints resubmitted to my office because the complainant was dissatisfied with the Council's response. Of these, one resulted in a local settlement (7%). These figures suggest the Council's complaints procedure is working effectively and our investigations did not identify any problems.

## **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. A detailed evaluation of the training provided to councils over the past three years shows very high levels of satisfaction. Berneslai Homes, the Arms Length Management Organisation (ALMO) for housing, took advantage of the training we offer on Effective Complaints Handling during 2007/08.

The range of courses is expanding in response to demand. In addition to 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 a course on reviewing complaints for social care review panel members. We will customise courses to meet your Council's specific requirements and provide courses for groups of staff from different smaller authorities.

Participants benefit from the complaint-handling knowledge and expertise of the experienced investigators who present the courses.

I enclose information on the full range of courses available together with contact details for enquiries and any further bookings.

## **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Feedback on special reports is always welcome. I would particularly appreciate information on complaints protocols in the governance arrangements of partnerships with which your Council is involved.

## **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  
Local Government Ombudsman  
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YORK  
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**June 2008**

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>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	4	3	4	5	28	17	18	3	13	<b>95</b>
<b>2006 / 2007</b>	1	5	2	6	34	17	42	5	11	<b>123</b>
<b>2005 / 2006</b>	1	2	4	3	38	17	39	1	4	<b>109</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>01/04/2007 - 31/03/2008</b>	0	22	0	0	38	24	18	28	102	<b>130</b>
<b>2006 / 2007</b>	0	28	0	0	29	12	12	30	81	<b>111</b>
<b>2005 / 2006</b>	0	11	0	0	28	15	9	36	63	<b>99</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>01/04/2007 - 31/03/2008</b>	49	33.2
<b>2006 / 2007</b>	56	48.5
<b>2005 / 2006</b>	41	45.7

**Average local authority response times 01/04/2007 to 31/03/2008**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0