

**The Local Government Ombudsman's
Annual Letter
Manchester City 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 we have received about Manchester City Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can 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.

Complaints received

Volume

We received 144 complaints this year, a slight increase on last year. However, I expect to see some fluctuation in numbers over time and I see nothing significant in the rise.

Character

The nature of complaints is broadly similar to previous years. Statistically, the largest number of complaints we received were those we record as "other" (43). This category includes complaints about anti-social behaviour (19), land (eight) and environmental health (five). I note the relatively high number of complaints we receive about the Council's response to anti-social behaviour. In part I am sure this merely reflects the problem Manchester faces with this issue, in common with many other urban authorities. However, it might also reflect the high priority the Council attaches to tackling this behaviour, which creates both raised expectations on the part of its citizens and the occasional complaint that it has acted too severely in tackling a nuisance.

We continue to see a significant number of complaints about housing issues (39 in total), which includes complaints about the allocation of council housing and disrepair. We have seen a slight increase in the number of complaints about planning and public finance (which includes council tax recovery) with 16 complaints recorded in each category. We have seen a slight decrease in complaints about benefits and education, with ten and three complaints recorded in each category, respectively.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued one report this year where I found the Council had acted with maladministration causing injustice to a complainant.

The complaint concerned the procedures followed by the Council when it received complaints of anti-social behaviour against the complainant. In this case the Council had applied to the Courts for an Anti-Social Behaviour Order (ASBO) on an "ex-parte" basis (ie without the defendant in attendance). This is one of the most powerful tools available to the Council to stop nuisance behaviour and will of course be justified in the most serious cases.

However, in this case the Council's actions were unjustified. The complainant was alleged over six months to have engaged in behaviour including verbal abuse, intimidation, playing loud music, threatening violence and offensive gestures. But in all this time the Council took no steps to put the allegations to the complainant or take other reasonable steps to investigate whether the allegations might be true.

I considered the complainant was caused a significant injustice as a result of the above. Her reputation had suffered as a result of the Council's actions and she was caused considerable distress and inconvenience as she went to Court to clear her name, succeeding in having the ASBO dismissed with the support of over 20 neighbours who testified to her good character.

I was disappointed not only to note these failings but also that it took the Council so long to recognise it had erred, which prolonged the injustice caused to the complainant. Consequently, I recommended the Council pay the complainant compensation of £2000, offer her a meeting with a senior officer to discuss her complaint and review its practice and procedure to avoid a repeat. I am pleased to say that the Council accepted my recommendations.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 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).

A total of 27 investigations were discontinued as a result of a local settlement being agreed during the course the year. In 19 of these cases financial compensation was paid, totalling £7,154.

A further three of these cases involved the Council's response to anti-social behaviour. In each of these cases however, the complainant was a victim and not the alleged perpetrator of nuisance. In one case the Council acknowledged it had erred in letting accommodation that was reserved for people aged 55 and over to a young person who went on to cause a nuisance through playing loud music and allowing the condition of the property to deteriorate through broken windows and littering. In another case, the Council could not document the steps it had taken before rejecting complaints about anti-social behaviour. In both cases the Council apologised for its errors and paid financial compensation of £250.

But the largest settlement (where £1,860 in compensation was paid) was reached in respect of a complaint where the Council had delayed significantly processing a claim for housing benefit. This contributed to the complainant's eviction from his home. The level of the payment reflected both the distress that was caused and the costs incurred by the complainant in having to store his possessions while he secured alternative accommodation.

In four other cases settlements were reached where there had been failings by the Council in administering housing or council tax benefit. Two of these resulted in payments of compensation (£400 and £50 respectively), where there were delays in processing claims, resulting in repeated demands for information being made to the complainants causing them distress. In one of these cases and in one other (where the Council had sent a series of lengthy and complex letters to a complainant about her benefit), it is to the Council's credit that it arranged to meet face to face with the complainants to help resolve their complaints and rebuild its relationship with them.

The largest number of settlements (11 in total) concerned the Council's management of its housing functions, including responding to reports of disrepair and the allocation of Council housing. In five cases the Council was either slow to carry out repairs or had not recognised the degree of injustice caused by such delays. In most cases it would appear the disrepair was not in itself of the most urgent nature, including items such as a shared rubbish chute and damaged garden fencing. But for a variety of reasons the Council had not attended to these matters quickly enough. It is to the Council's credit that in each case where this was pointed out, it was prepared to settle these complaints. And in two cases it offered additional work over and above what might otherwise have been expected, either instead of, or in addition to, financial compensation. While this is welcome, the Council should continue to ensure it has adequate procedures in place to ensure that it follows up on reports of disrepair.

In two cases there were individual errors in the processing of a rehousing application that resulted in

requests being given incorrect priority. In one instance an offer of rehousing had been withdrawn for reasons that were not clear and in another the Council had recorded the wrong date of the request. In the first instance, given that the complainant had lost an offer of rehousing, financial compensation of £250 was paid. In both cases, the Council agreed to amend the complainants' housing applications, so that they were dealt with correctly.

Other housing complaints where settlement was reached included a slow response to reports of noise and vibration nuisance from a communal laundry room and a complaint about the failure of the Council to reimburse a leaseholder for unspent money he had contributed to a fund for communal services, which should have been paid back to him under the terms of the agreement.

Four complaints were upheld which concerned the performance of the Council's Social Services Department. One case concerned a request for adaptations from a disabled person, with such requests being considered by a partnership between the Council and the local NHS Trust. The partnership did not have adequate complaint procedures in place, which resulted in a delay in the Council reviewing a decision not to provide adaptations. In July 2007 we published a Special Report which considered local partnerships and citizen redress. It highlighted the need for partnerships to have in place effective complaint procedures. In this case settlement was reached by ensuring the complainant was given access to such procedures to review the adaptation request. But in both this case and another, where serious failings in homecare provision were alleged which had not been investigated, I am concerned the Council had not signposted the complainants to the complaint process sooner. I trust therefore it will learn lessons from these complaints, particularly if it is setting up any other partnership arrangements with local NHS Trusts or similar.

Another signposting issue has arisen in consideration of a recent complaint about the service of a Fixed Penalty Notice for a littering offence. There are no appeal rights on receipt of such Notices, although the Council will consider any representations that are received. Where representations are made, this can indeed result in the decision not to pursue collection, I understand in around one third of cases. However, the Council's form does not advise recipients that it will consider such representations and nor is this publicised elsewhere. This seems to me unfair and I have asked the Council to consider redrafting the Fixed Penalty Notice to include mention of representations, something which to date it has been unwilling to do. I would be grateful if the Council could consider this issue further.

One final settlement of note concerned the Council's response to complaints of a noise nuisance caused by a major development in the city. The Council incorrectly identified the source of the nuisance and failed to reply to contacts from the complainant that the nuisance had not abated after several months. When, ultimately as a result of the complaint to me, the Council did identify the correct source of the nuisance (a generator building) it served a formal notice on the developer requiring them to take measures to provide greater noise insulation. It accepted that but for its errors this would have happened some months previously. Consequently the Council agreed to apologise and pay compensation of £750 to the complainant for the distress he was caused.

Overall, I have noted two conflicting trends in the Council's handling of complaints resulting in local settlements. First, it is to the Council's credit that it is prepared on many occasions to recognise where things have gone wrong and settle complaints in the ways described above. It is pleasing that this is often where the Council itself has taken the initiative to do so. But second, there have also been several occasions where, conversely, the Council has missed opportunities to settle complaints at an earlier time. This was certainly a feature of the report mentioned above. So I would like to take this opportunity to remind the Council that it needs to be proactive at all times in recognising where it has made mistakes. I trust that it can build on the examples of good practice referred to above.

Other findings

In addition to the above, I made a further 109 decisions on complaints this year. In nearly half of these cases (50 in total), I decided the complaint was premature and I referred it back to the Council for it to deal with through its complaints procedures. This number is consistent with previous years. In 12 cases I decided that the complaint was outside my jurisdiction to investigate. In 35 cases I decided there was no, or insufficient, evidence of maladministration on the part of the Council. In the remainder of cases I exercised my discretion not to investigate, generally because there was insufficient evidence that the complainant had suffered significant injustice.

Your Council's complaints procedure and handling of complaints

The number of premature complaints referred to above is consistent with previous years and represents around one-third of the total I receive. I note that this therefore remains higher than the national average (which stands at 27%). I hope that the Council will continue to consider how its complaint process can be effectively publicised and ensure that its staff signpost early enough in its interactions with service users. I welcome the fact that the Council's complaint process is easily accessible via its website. However, you may want to consider ways in which this process might be given even greater visibility; for example by providing a link direct from the homepage.

Last year I received 18 complaints which were resubmitted to me after I initially considered them premature. In three cases the Council agreed to settle the complaint, which I would have hoped the Council would do when I referred the complaints back to it. This reinforces my comments on the need for the Council to be proactive on settling complaints when mistakes are made. In six cases investigation was still open as at 1 April 2008 and I discontinued my investigation into the remainder.

Liaison with the Local Government Ombudsman

Enquiries were made on 63 complaints in 2007/8. Your Council's response times averaged 28.7 days to respond, against the target of 28 days. This is an improvement on last year and I am very pleased to note that this improvement has not been achieved at the expense of quality, as the Council's responses continue to be generally comprehensive and helpful. I am grateful for all the Council's hard work in this area.

I note that your current link officer has not attended our annual link officer seminar, which we hold in November each year. These seminars provide a forum for those officers who act as out liaison point with the Council to learn more about our processes. The seminars also give me an opportunity to listen to their experience of dealing with my office. If you are interested in attending, please let me know.

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. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are 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 a course on reviewing complaints for social care 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.

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, have 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'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

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 No2
Westwood Way
Westwood Business Park
Coventry CV4 8JB

18 June 2008

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
01/04/2007 - 31/03/2008	4	10	7	3	39	43	15	16	0	7	144
2006 / 2007	5	13	6	5	42	33	11	13	0	6	134
2005 / 2006	7	19	4	10	49	43	16	11	1	3	163

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
01/04/2007 - 31/03/2008	1	27	0	0	35	14	12	50	89	139
2006 / 2007	0	18	0	0	43	7	20	55	88	143
2005 / 2006	1	24	0	0	45	23	30	49	123	172

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
01/04/2007 - 31/03/2008	63	28.7
2006 / 2007	37	32.4
2005 / 2006	53	28.9

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

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
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