

Local Government
OMBUDSMAN

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

**Sandwell 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 we have received about Sandwell Metropolitan Borough 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 116 complaints against your Council during the year, the same number as last year.

Character

Forty complaints, over 34% of all those we received against your Council, were about housing. This is a similar number and proportion to previous years.

We received 14 complaints about public finance, an increase of four on 2006/7. We also received a higher number of complaints about education compared to last year: eleven compared to six in 2006/2007.

We received five complaints about adult care services, three less than last year; seven complaints about benefits, also three less than last year; and six complaints about children and family services, almost half those received last year.

We also received three complaints about planning and building control, a reduction of seven on last year and four complaints about transport and highways, a similar number to last year.

The remaining 26 complaints were recorded in the "other" category. They included complaints about cemeteries and crematoria, environmental health, land, drainage, leisure and culture, licensing, waste management and nine complaints about antisocial behaviour.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued one report against your Council this year. In this case the Council failed to take any action when the complainants' neighbour pleaded guilty to causing criminal damage to the complainants' property. This was contrary to the Council's policy and procedure and to Government advice. I recommended that your Council meet the complainants to discuss a way forward and clarify what it can and cannot deal with and take steps to ensure that staff are aware of relevant procedural requirements. I also recommended that your Council pay compensation of £750 in recognition of the complainants' distress and their time and trouble. I am pleased to say that the council has accepted and acted on 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).

Twenty-eight complaints were settled locally this year, and the Council paid a total of £10,542 in compensation.

A complaint about failure to provide adult day care services for a young person upon leaving school for a period of 13 months caused the family considerable disruption to their daily lives and the young person had restricted opportunity for the social interaction he needed. Your Council agreed to make a compensation payment of £5,000.

In a complaint about antisocial behaviour your Council missed several opportunities to collect evidence from third parties where two households were complaining about each other and the Council needed evidence of which party was more at fault. Your Council agreed to ensure no further delay and to ensure that officers understood evidence-gathering procedures regarding third parties. It also agreed to pay the complainants compensation of £500 for their frustration, anxiety and uncertainty about whether any better or quicker outcome could have been achieved.

In another complaint about antisocial behaviour your Council delayed for six months in responding to complaints of neighbour nuisance. Your Council agreed to pay £350 compensation for the complainant's frustration and loss of faith and also gave a commitment to resolve the ongoing problems.

In a complaint about housing repairs, your Council delayed 22 weeks in completing repairs to the complainant's property. Your Council agreed to consider reviewing its arrangements for record keeping in recognition of the difficulties arising from the lack of a paper trail, especially involving action by contractors. It also agreed to compensation of £225.

In another complaint the Council failed to deal with the complainant's leaking roof for nine months resulting in damage to the bedroom ceiling. In addition, scaffolding erected in April 2007 to inspect the roof was not removed until July 2007. The Council agreed to inspect the property and carry out any necessary repairs and redecoration and pay compensation of £450.

In a planning matter, your Council granted planning permission resulting in an unacceptable loss of privacy for the complainant. Officers admitted that they had not fully considered the issue of overlooking of her bedroom window and agreed to pay for one-way glass to be fitted in her window to protect her privacy. The Council also agreed to pay £250 compensation for the complainant's time and trouble.

In another planning complaint, the Council failed to notify the complainant of amended plans that raised a proposed block of flats behind her property from three to four storeys. There was also a failure to inform the Committee about the amendment and about a difference in ground levels of almost 1.5 metres between the complainant's property and the application site. Your Council took 20 months to investigate the complaint. The Council agreed to pay the complainant £1,500 in respect of her justified sense of outrage at the loss of opportunity to object to the additional storey, frustration and time and trouble.

Other findings

Thirty-five complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In a further nine cases I took the view that the matters complained of were outside my jurisdiction.

The remaining 56 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from a fault alleged.

Your Council's complaints procedure and handling of complaints

The number of complaints decided as premature represent 30% of the total number of complaints determined this year. This is above the national average which this year is 27%. It may well be that the Council could benefit from reviewing the accessibility of its complaints procedure.

Fifteen complaints that had been referred back to the Council as premature were resubmitted. Six of these were not pursued because there was no evidence of maladministration, one was settled locally, four were still open at the end of the year and the remaining four were not pursued for other reasons.

Liaison with the Local Government Ombudsman

Enquiries were made on 60 complaints during the year. Your Council's average response time of just over 28 days is an increase on last year's average response time of 24 days but is in line with my target timescale of 28 days. However, there have been a few occasions where your Council has provided inadequate or inaccurate information and I am aware that my Assistant Ombudsman, Sharon Chappell, and my senior investigator, Trisha Coopey, are currently making arrangements to visit the Council to talk through these problems.

My office finds your staff helpful and cooperative. They are often willing to accept settlement proposals promptly and I am grateful for this.

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.

I am pleased that 20 members of your staff attended Good Complaints Handling for Social Services courses delivered by my investigators in July 2007.

LGO developments

We launched the LGO Advice Team in April 2008, 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 2007, which also came into force in April 2008. 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.

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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	Transport and highways	Total
01/04/2007 - 31/03/2008	5	7	6	11	40	26	3	14	4	116
2006 / 2007	8	10	11	6	39	17	10	10	5	116
2005 / 2006	4	7	7	8	55	57	8	8	4	158

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	28	0	0	32	24	9	35	94	129
2006 / 2007	1	29	0	0	22	18	35	42	105	147
2005 / 2006	0	21	0	0	41	17	9	29	88	117

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	60	28.2
2006 / 2007	88	24.0
2005 / 2006	73	29.8

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