

Local Government OMBUDSMAN

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

Wolverhampton 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 Wolverhampton 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 65 complaints against your Council during the year. That is a slight increase on the previous two years but we do expect to see these fluctuations year on year.

Character

There were 22 complaints about housing which was a rise on the previous two years and accounts for the largest single subject area. Planning and building control also showed a slight increase to nine. The number of complaints about benefits fell and just one complaint was received.

We received a similar number of complaints to previous years in the areas of adult care services, children and family services and transport and highways.

Twenty complaints were received about other matters, which included complaints about antisocial behaviour (ten), access to information (two), employment and pensions (three), environmental health (one), environmental protection (one), land (two).

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued one report against the Council which concerned the Council's actions in respect of bankruptcy proceedings for a council tax debt of £1105. The action resulted in the debt rising to £38,000 because of legal and other costs. I considered that the Council was at fault in the lack of warnings given to the complainant and in not properly considering alternative action to recover the debt. On balance I considered the Council's actions in pursuing bankruptcy were not proportionate.

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).

Seven complaints were locally settled but only £100 was paid in compensation. This indicates the Council's willingness to take action to resolve complaints, generally at an early stage.

Two of the complaints concerned housing matters. In one case the Council agreed to reinstate a telephone line damaged by contractors and in the second it replaced a fence.

One difficult complaint concerned alleged encroachment on the highway by the complainant. There had been fault, historically, in the information that the Council had given to the complainant. I considered that a pragmatic way forward was for the Council to consider stopping up the highway, which the Council agreed to do. I recognise that this had been a difficult matter for the Council as neighbours were very unhappy with the outcome but I thank the Council for agreeing to consider this way forward.

Another complaint related to land and a boundary dispute following the purchase of a property under the right to buy provisions. Although the complainant had other formal mechanisms through the court available to him the Council agreed to inspect the land in question.

One complaint related to flooding from drains in the highway. The Council agreed to install a full kerb, subject to the agreement of neighbours.

One complaint concerned the consideration given to the removal of a fence that had been erected without planning approval. The fence had been erected by local residents to prevent the use of a canal-side path. The report to Members was flawed in that it did not contain all the relevant information. The Council agreed to reconsider the matter with a fresh report and to pay compensation of £100.

The final complaint settled locally concerned an application for a place for the complainant's daughter at secondary school. The application was received one working day after the deadline but the Council did not tell the complainant that it was to be considered as a late application. This meant that the complainant's daughter did not get a place at the preferred school and the first the complainant knew that the application was being considered as a late application was some four months after it had been received. The Council agreed to offer the daughter a place at the preferred school and, in future, if an application was being considered as a late application to tell the applicant at the time so they could make any appropriate representations.

Other findings

In seven cases the matters complained of were outside my jurisdiction and in 17 cases there was no evidence of maladministration. The remaining eight complaints I used my general discretion not to investigate.

A complaint about an appeal for a place at an infant class raised concerns about the arrangements for clerking the appeal and the legal advice that was given. Although it was of no direct consequence to the complainant, and there was no suggestion of maladministration in how her appeal had been dealt with, I did consider that the appeal panel had not received robust enough advice in respect of two other appeals it heard. The Council responded very positively, accepted the point and said that it was conducting an internal review of the arrangements for the support given to education admission appeals.

Your Council's complaints procedure and handling of complaints

Twenty-one complaints were treated as premature and referred back to your Council so that they could first be considered through your complaints procedure.

This is an increase on previous years and at 34% is above the national average of 27%. This is an area where the Council may be able to effect some improvements by ensuring its complaints procedure is appropriately signposted by officers to service users.

Ten complaints referred back to the Council were resubmitted to me and two resulted in local settlements, although one was the difficult highways case I have referred to above.

Liaison with the Local Government Ombudsman

We made enquiries on 27 complaints during the year and your Council's average response time was 23.3 days, well within our target timescale of 28 days. The Council has been consistent over the last few years in providing timely and good responses to complaints for which I commend it.

I understand that the link officer who has dealt with Ombudsman enquires for many years has retired, I would like to pass on my thanks for his hard work and courtesy over the years, and to invite the new post holder to attend the seminar for link officers we will be organising later in the year.

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.

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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	2	1	2	6	22	20	9	0	3	65
2006 / 2007	3	6	1	8	16	13	7	2	4	60
2005 / 2006	1	9	1	8	15	13	2	2	5	56

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	7	0	0	17	8	7	21	40	61
2006 / 2007	0	7	0	0	14	5	14	18	40	58
2005 / 2006	0	8	0	0	17	9	13	14	47	61

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	27	23.3
2006 / 2007	22	25.4
2005 / 2006	16	25.8

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