

**The Local Government Ombudsman's
Annual Review
Salford City Council
for the year ended
31 March 2009**

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 reviews.

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Section 1: Complaints about Salford City Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about Salford City Council.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of telephone calls to our service has increased significantly since then to more than 3,000 a month. Our advisers now provide comprehensive information and advice to people who telephone, write or e-mail. It enables citizens to make informed decisions about whether to put their complaint to us.

This means that direct comparisons with some previous year-statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

Enquiries and complaints received

During the year the advice team received a total of 85 enquiries and complaints against your Council. Of these, 45 were forwarded to the investigative team for investigation. The highest number of complaints investigated (13) related to housing issues.

50 complaints were determined during the period, of which six were found to be outside jurisdiction and in seven cases discretion was exercised not to pursue the complaint further. No evidence of maladministration was found in 24 complaints.

Complaint outcomes

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 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority 13 were locally settled. I will mention these below.

Adult care services

Two complaints were settled in this category. In one case we found that the Council had placed the complainant's elderly husband in a nursing home too far away from where she lives for her to visit easily. This was remedied by the Council agreeing to provide taxis for her on two days a week.

The other case was a complaint about the Council improperly disclosing information about the complainant which was not only disclosed without consent but was inaccurate and offensive. The Council compounded this by denying the complainant a reasonable opportunity to comment on factual inaccuracies in the report produced as part of the investigation under the Council's internal complaints procedure. The Council agreed to amend its procedures to ensure that complainants do in future have the opportunity to comment on the facts in reports on their complaints. The Council has agreed to put a copy of my Investigator's analysis of the independent investigating officer's report on the file. In addition to agreeing procedural changes, the Council agreed to pay the complainant £500 compensation.

Environmental health

One complaint was settled in this category. This concerned damage to the complainant's health as a result of dampness caused by a leak in the flat above his home. The Council settled the matter by completing the necessary remedial work promptly and paying the complainant a total of £300 compensation.

Housing benefit

One complaint was settled after the Council had paid housing benefit into the wrong bank account. The Council remedied this immediately by paying compensation of £467, which was the equivalent to the amount owed by the complainant in rent.

Housing

Two complaints were settled. The first was about delay in carrying out repairs at the complainant's home. The Council quickly took action to remedy this and paid £500 compensation. Another complaint about housing repairs was settled by the Council carrying out the work immediately, but without the necessity for compensation on this occasion.

Land

One complaint concerned the overturning by the lead Member of an officer's decision to sell land to the complainant, without good reasons being given. The Council agreed to remedy this by having the decision reviewed by the Leader of the Council and the Chief Executive. The complainant received £2500 compensation for abortive legal costs and time and trouble in pursuing the complaint. However, there were long delays in getting the Council to accept its fault and to agree and implement a remedy.

The other complaint in this category was about the Council erecting barriers in the complainant's garden after he had expressed concerns about the safety of railings on top of the wall on the boundary between his garden and the park owned by the Council. The Council did not provide any explanation for the barriers or ask his permission to erect them on his land. Before coming to me he had sent a written complaint to the Council, but had not received a response. The Council has now agreed to rebuild the wall, and to pay £3000 compensation to the complainant's family for the loss of use of their garden for three summers.

Local taxation

Two complaints were settled. The first of these was a complaint that the Council had failed to respond to a request by the complainants for a statement of their council tax debt. This was settled by the Council providing the complainant with a statement and giving advice on how to proceed if the complainants had a problem in maintaining the agreed repayment plan for the debt. In this case the Council immediately accepted our recommendation and implemented it within one week.

The other complaint was that the Council had failed to reply to a letter from the complainant and had been unreasonable in the way that it had administered the council tax account. The Council remedied this by compensation totalling £118.

Regeneration and improvement

One complaint was settled where the Council had acquired the complainant's home because it was believed that it would need to be demolished. When the Council changed its mind and decided to renovate the house and sell it on, it failed to offer the house back to the complainant at market value. The Council agreed to pay £1000 compensation for the lost opportunity to repurchase. The compensation would have been very much higher but for a number of mitigating factors in the particular case.

School admissions

The only complaint settled in this category was one of rudeness and discourtesy by the members of a school Admission Appeals Panel. This was remedied by a personal apology to the complainant from the Director. The Council also agreed to provide additional training for all of the Panel members involved, with specialist training for the Chair. I was particularly impressed with the Council's constructive approach to settling this complaint.

Liaison with the Local Government Ombudsman

My office made 18 enquiries of the Council during the year. The average time for response was 23.1 days, against a target of 28 days. This represents an encouraging improvement on the performance in 2007/08 and the average was 34.2 days, and 2006/07 when the average was 31.9 days.

The Council cooperates well with my office, and comments from Investigators show that suggestions for the settlement of complaints are almost always speedily accepted and implemented. The land complaint mentioned above is exceptional in this regard.

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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

Your Council covers a heavily populated area which makes considerable demands on services. It is not surprising that things sometimes go wrong. What is more significant is the willingness the Council demonstrates to put matters right when failings are revealed. The Council's positive attitude in this regard is to be commended.

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.

**Mrs A Seex
Local Government Ombudsman
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June 2009

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.

Adult Social Care Self-funding

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

Internal schools management

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

Further developments

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

**Mrs A Seex
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June 2009

Appendix 1: Notes to assist interpretation of the statistics 2008/09

Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Formal/informal prematures: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

Advice given: These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

Forwarded to the investigative team (resubmitted prematures): These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

Forwarded to the investigative team (new): These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.-

Table 4. Average local authority response times 2008/09

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	1	1	9	4	2	0	2	5	25
Advice given	1	0	2	2	2	0	2	0	6	15
Forwarded to investigative team (resubmitted prematures)	2	1	0	8	1	0	0	0	3	15
Forwarded to investigative team (new)	3	1	1	5	2	4	6	1	7	30
Total	7	3	4	24	9	6	8	3	21	85

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	13	0	0	24	7	6	50

Average local authority response times 01/04/2008 to 31/03/2009

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	18	23.1
2007 / 2008	35	34.1
2006 / 2007	19	31.9

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	60	20	20
Unitary authorities	56	35	9
Metropolitan authorities	67	19	14
County councils	62	32	6
London boroughs	58	27	15
National park authorities	100	0	0