

Local Government  
**OMBUDSMAN**

24 June 2011

Mr O Williams  
Chief Executive  
Calderdale Metropolitan Borough Council  
Town Hall  
HALIFAX  
HX1 1UJ

Dear Mr Williams

**Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

The law allows me to discontinue enquiries and I will often do so when a council agrees to remedy the injustice caused to the person who has complained. Those decisions are described as local settlements. Last year there were three local settlements. Two of these raised issues that it is appropriate to draw to the Council's attention.

1. One complaint concerned the Council's responsibilities for post-adoption support some five years after a child in the care of another authority had been adopted by a couple living in the Council's area. In the summer of 2008 the parents asked for help.

The Council accepted responsibility for providing support in March 2009 but in April withdrew support provided by the Looked After and Adopted Children's Health Team. The Council agreed to provide the remedies sought by the couple for injustice caused to them but the complaint also raised a wider issue.

Under the Adoption Support Services Regulations 2005 the Council had responsibility for providing post-adoption support from the summer of 2006.

In May 2009 an officer wrote to the couple saying that post-adoption support would only be provided for children placed for adoption by Calderdale for three years after adoption. The couple complained and the Investigating Officer and the Review Panel questioned the legal basis for the Council restricting support in this way (in August and November 2009 respectively). The Service Director responded by saying that the Council had reviewed the criteria and would support children placed for adoption by other councils but only for three years after adoption. A few weeks later the Council agreed that the three-year limit would not apply to the couple's child.

Local authority policy and practice must comply with the law. The Council purported to adopt a policy that did not comply with the Regulations and delayed reviewing that for 6 months after an Independent Investigating Officer questioned its legal basis.

2. I investigated complaints about the Council's lack of enforcement action against noise from screening machinery ('riddler') at a waste transfer station that was being used after successive planning applications and appeals for its use had been refused. The Council had taken both planning and environmental protection enforcement action during the mid 1990s but the operators began to use a 'riddler' again in 2006. There were also complaints about noise nuisance from wood chipping machines. The transfer station is a short distance from the Council's offices.

My investigator found that the Council's officers had been ineffective in responding to residents' complaints and in gathering evidence for possible enforcement action. Planning and Environmental Health had not worked together effectively. For example: one resident had telephoned the Council 13 times in six weeks but no officer visited the site; my investigator was told that a wood chipping machine had not been on the site for some time when in fact it had simply been moved on the site and the operator had declared that it would be used again. A letter from one of the residents that was clearly a complaint about the Council's inaction was not dealt with through the complaints procedure.

Officers agreed to conduct an urgent, high priority and vigorous investigation of the apparent use of the 'riddler' and nuisance from wood chipping machines, to set up arrangements for the residents who complained to contact officers when the machines are being used and to take swift and effective enforcement action when justified by evidence. I discontinued my enquiries on this basis but will open the investigation again if the action is not taken. I hope that the Council will ensure that I do not need to do so.

### *Communicating decisions*

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial

and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

#### *Extended powers*

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

#### *Assisting councils to improve*

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

Page 4  
Mr O Williams

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at [www.lgo.org.uk/training-councils/](http://www.lgo.org.uk/training-councils/)

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink that reads "Anne Seex". The signature is written in a cursive style with a large initial 'A'.

Anne Seex  
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to [www.lgo.org.uk/CouncilsPerformance](http://www.lgo.org.uk/CouncilsPerformance)

**LGO Advice Team**

<b>Enquiries and complaints received</b>	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	3	2	0	5	3	4	1	0	5	23
Advice given	1	0	1	2	2	0	0	2	4	12
Forwarded in investigative team (resubmitted)	0	1	0	0	1	0	0	0	1	3
Forwarded to investigative team (new)	8	1	2	9	3	0	1	0	13	37
<b>Total</b>	<b>12</b>	<b>4</b>	<b>3</b>	<b>16</b>	<b>9</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>23</b>	<b>75</b>

**Investigative Team**

<b>Decisions</b>	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
<b>2010 / 2011</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>11</b>	<b>8</b>	<b>4</b>	<b>26</b>

## Adult social care decisions made from 1 Oct 2010\*

	Not to initiate an investigation	Total
2010 - 2011	3	3

\*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	11	24.7
2009 / 2010	7	29.7
2008 / 2009	13	29.4

## Provisional comparative response times 01/04/2010 to 31/03/20 11

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0