

24 June 2011

By email

Sir Howard Bernstein
Chief Executive
Manchester City Council

Dear Sir Howard

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.

Complaints received during 2010/11

In 2010/11 I received a total of 190 enquiries and contacts relating to the council. Of these, 98 were referred for investigation.

The breakdown of complaints is comparable to previous years. Of those 98 complaints that were passed to an investigative team, the largest number (25) were concerned with housing, 11 were about benefits and public finance (including council tax); 11 about planning and building control matters and five about adult care services.

From formal enquiries on 67 complaints this year, your average response time was 26.4 days which is within the 28 day target I set for councils. This is a slight improvement on last year's performance and the underlying trend in most service areas is encouraging, with replies on housing and benefit complaints in particular being received on average well within the target. I also appreciate that on occasion the council has been frustrated in sending large documents electronically, resulting in slight delay as the post must be used as an alternative. I note that adult social care complaints have, on average, taken longer to respond to (46 days).

Complaint Outcomes

We decided 97 complaints during the year and I issued one further report on a complaint my predecessor decided in 2009/10.

Of those 97 decisions, 11 were considered to be outside my jurisdiction to investigate. In 32 cases I found no evidence of maladministration and in another 25 cases we decided to discontinue investigation for other reasons.

I issued a further report this year in respect of a case where the council had made a complainant bankrupt following non-payment of council tax. My predecessor had made criticisms of the council's lack of procedure for issuing bankruptcy proceedings; a point which has been acknowledged and remedied. But he also recommended that the council pay the complainant £1,000 compensation, which it declined to do. It is rare for this office to issue a further report, as our recommendations are usually acted upon. I note the council is still considering the further report and I look forward to a positive response.

I note that in the majority of complaints the council has agreed to settle, it has been willing to learn lessons from complaints and make procedural improvements as well as to accept the need for a just settlement to be provided to the complainant.

In 29 cases the council agreed to settle the complaint and I give details of two of these cases below.

In one case this year involving children's and family services the council agreed to pay a complainant £15,500 and review its commissioning strategy for children's domiciliary care after an investigation revealed widespread failings in this area. The complainant was disabled and had a severely disabled son. The council failed to provide her with respite care for a period of over twelve months as it could not identify a suitable foster-carer; failed to support the complainant when she could not recruit a suitable carer using direct payments and took too long to review the level of support her son required. There were also instances where carers arranged by the council failed to turn up and where all support was inappropriately withdrawn for a month after a dispute between the complainant and a carer. This combination of failings resulted in the complainant receiving a level of support far below what might have been reasonably expected and caused significant distress.

The council identified the underlying problem as being a lack of suitable domiciliary care agencies for disabled children in its area. I considered this demonstrated a weakness in the council's commissioning strategy. However, I was pleased to note that the council did respond constructively to our findings by making a commitment to improve its performance in this area. The council had put in place a suitable care package for the complainant during the course of the investigation.

An adult services complaint was about the quality of care provided by domiciliary care agencies. The council recognised that the service that had been provided to a quadriplegic service user was inadequate and short of its contractual requirements. It offered to find a replacement agency and paid the complainant £250 in compensation. The council also identified other service users who had sustained a shortfall in care and provided them with a remedy of its own volition.

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.

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/

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, appearing to read 'J Martin', with a horizontal line underneath.

Dr Jane Martin
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	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	5	20	0	6	6	6	8	0	3	54
Advice given	2	7	2	3	4	4	3	3	2	30
Forwarded in investigative team (resubmitted)	1	3	0	2	5	0	5	0	1	17
Forwarded to investigative team (new)	7	17	4	14	11	4	20	1	10	88
Total	15	47	6	25	26	14	36	4	16	189

Investigative Team

Decisions	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
2010 / 2011	0	29	0	0	31	26	11	97

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	66	26.5
2009 / 2010	63	27.5
2008 / 2009	50	33.1

Provisional comparative response times 01/04/2010 to 31/03/2011

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

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	1	61.0