

24 June 2011

By email

Mr J Britton
Chief Executive (Interim)
Sandwell Metropolitan Borough Council

Dear Mr Britton

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

As you will see, we received 179 enquiries and complaints about the council in 2010-11, an increase of 56 over the previous year. You are aware that we consider it important to deal with complaints as swiftly as possible and council response times to our enquiries are a significant factor in achieving timely outcomes. From formal enquiries made on 47 complaints your council's average response time was 22.9 days. This continues the improvement seen during the previous year and it is significantly below the target time of 28 days. This is very encouraging, although the average time for responses to housing complaints was 32.6 days.

Complaints to us covered a range of areas of the council's services. By far the largest number was about housing matters (61 complaints.) Complaints about education rose from seven the previous year to 28 and those about benefits and public finance rose from nine to 29.

Complaint outcomes

We decided 75 complaints during the year which was an increase of over 40% on the previous year. In 40 we found no evidence of maladministration and in 12 cases we decided to discontinue the investigation as we considered there was insufficient injustice to the complainant to warrant further investigation. Three cases were outside my jurisdiction. A total of 20 cases were decided as local settlements, an increase from the previous year's total of 10 cases. Of these, 11 were housing complaints and three were about education.

The council's total payments for local settlements rose from £3825 in the previous year to £13041 in 2010 -11 and 15 of the 20 agreed local settlements involved compensation payments.

In one case involving adult care services the council agreed to pay compensation totalling £4637 to a complainant to acknowledge a failure to consider provision for respite care, failure to consider the views of two service users and failure to carry out full risk assessments.

In another case relating to adult social care the council agreed to pay a settlement figure of £1500 for its failure to provide an adequate standard of care, failure to carry out correct safeguarding procedures and a delay in the investigation process.

In a case involving housing repairs the council accepted that Sandwell Homes (which acts on behalf of the council as its arm's-length management organisation) had failed to deal with a complainant's concerns following inadequate repairs to his home which resulted in damage to household goods and a need to redecorate parts of the property. It agreed to pay a total of £1650, including elements for the distress and time and trouble caused to the occupant.

The council, through Sandwell Homes, also agreed to offer compensation of £1500 for another complaint about housing repairs. The complainant was wrongly told his house required rewiring and as he refused to agree to it, Sandwell Homes refused to carry out work that was agreed as necessary under Decent Homes standards. The complainant did this work at his own expense and the compensation payment was to refund the cost of this after it was agreed that the original decision by Sandwell Homes to insist on rewiring had been based on incorrect advice.

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 it.

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	3	10	2	7	11	0	27	1	1	62
Advice given	3	8	1	3	6	1	14	0	3	39
Forwarded in investigative team (resubmitted)	1	3	0	0	2	1	8	0	2	17
Forwarded to investigative team (new)	8	8	2	18	4	4	12	0	5	61
Total	15	29	5	28	23	6	61	1	11	179

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	20	0	0	40	12	3	75

Adult social care decisions made from 1 Oct 2010*

	To discontinue investigation, injustice remedied	Total
2010 - 2011	1	1

*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	47	22.9
2009 / 2010	41	23.5
2008 / 2009	49	28.6

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	39.0