

24 June 2011

Mr S Warren  
Chief Executive  
Wolverhampton City Council

Dear Mr Warren

**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 113 complaints about the council in 2010/11, 48 of which were referred for investigation. 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 38 complaints this year, your average response time was 46.3 days which is significantly above the 28 day target. This is particularly disappointing as response times for 2009/10 were at 29.9 days and for 2008/9 at 34 days.

***Complaint outcomes***

We decided 51 complaints, and the council paid a total of £1018.00 in remedy, during the year. In 29 cases we found no evidence of maladministration and in 6 cases we decided to discontinue the investigation as we considered that there was insufficient injustice caused to the complainant to warrant further investigation. Seven cases were identified as being outside my jurisdiction. I would like to thank the council for agreeing to settle 9 complaints (which is 17.6% of the total). The national average for local settlements over the year was 27.1%. We also decided one complaint under our extended powers covering all adult social care services.

Complaints to us covered a range of areas of the council. In one case, concerned with managing tenancies, the complainant was given the wrong advice, which resulted in arrears of £17.50 being created. The council tried to pursue this in spite of having given incorrect advice and there being outstanding confusion on rent that was due on the new property. This could have been easily remedied through council's own procedures rather than the matter being referred to me.

In an antisocial behaviour complaint, because of problems that had arisen, the council agreed to develop a more detailed antisocial behaviour policy for officers to follow. The council paid the complainant £500 as an acknowledgement that it had failed to take appropriate action causing a sense of outrage as the complainant did not know whether the problem could have been resolved earlier. In other antisocial behaviour complaints, the council has been slow to respond to our requests for information or to comment on information provided by us which I understand you are taking steps to address.

### ***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.

Schools in your council area have been covered by our new powers since September 2010. We have delivered one briefing session to heads and governors to date and would welcome the opportunity to attend further events should you be willing for us to do so. Regardless of the final outcome of the Education Bill's passage through Parliament, we are committed to ensuring any lessons learnt from our management of these cases is shared as widely as possible and will continue to liaise and work with staff within the council to achieve this.

I had received 5 complaints about schools in your area to the end of March 2011. The majority of these were about bullying (3) with further complaints about SEN and teacher conduct. Across the 14 areas, the biggest complaint categories were bullying (34%), teacher conduct (27%) and special educational needs (21%).

Decisions in the 14 areas can be broken down as follows:

- In 47% of cases we initiated an investigation
- In 48% of cases the complaint was referred back to the school for it to consider using its own procedures as it had not had the opportunity to do so
- In 5% of cases we were unable to consider the complaint as it was not within our jurisdiction (for example there was an alternative course of action available or the complainant was not a parent or pupil of the school).

The outcome of the 47% of cases where we initiated an investigation was:

- A satisfactory resolution was reached between the parties in 25% of cases following the Ombudsman's involvement (and the investigation was discontinued).
- We secured a remedy and/or agreement for action to prevent similar problems recurring in 13% of the cases.
- In 9% we found that there was no fault in the actions of the school or there was no substance to the complaint.

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/](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, 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](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	2	9	0	1	8	1	17	0	3	41
Advice given	7	1	0	4	1	2	4	3	1	23
Forwarded in investigative team (resubmitted)	1	1	0	1	2	0	3	1	0	9
Forwarded to investigative team (new)	2	2	3	11	4	1	11	3	4	41
<b>Total</b>	<b>12</b>	<b>13</b>	<b>3</b>	<b>17</b>	<b>15</b>	<b>4</b>	<b>35</b>	<b>7</b>	<b>8</b>	<b>114</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>9</b>	<b>0</b>	<b>0</b>	<b>29</b>	<b>6</b>	<b>7</b>	<b>51</b>

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	38	46.3
2009 / 2010	31	29.9
2008 / 2009	36	34.0

**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