

16 July 2013

*By email*

Mr Paul Sheehan  
Chief Executive  
Walsall Metropolitan Borough Council

Dear Mr Sheehan

### **Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2013. This year we have only presented the total number of complaints received and will not be providing the more detailed information that we have offered in previous years.

The reason for this is that we changed our business processes during the course of 2012/13 and therefore would not be able to provide you with a consistent set of data for the entire year.

In 2012/13 we received 37 complaints about your local authority. This compares to the following average number (recognising considerable population variations between authorities of a similar type):

District/Borough Councils-	10 complaints
Unitary Authorities-	36 complaints
Metropolitan Councils-	49 complaints
County Councils-	54 complaints
London Boroughs-	79 complaints

During the year I issued two reports against your council. The first was where the council wrongly charged a woman top-up fees for her mother's residential care. I found that the council had a duty by law as it failed to identify a suitable alternative placement to the one the complainant found when her mother's care needs changed. I recommended that the council refund the fees wrongly charged, with interest, make a payment to cover the complainant's time and trouble and review its procedures to prevent, so far as possible, the recurrence of a similar situation.

The second report was about the way the council dealt with planning applications for a tyre and exhaust centre. I found that the council wrongly considered a planning application for the site as renovation rather than a new building, which led to a decision being made on incorrect planning assumptions. In addition an area to the rear of the site that belongs to the council was developed as part of the works to the site. The council missed the opportunity to consider taking enforcement action against the developer on two occasions. To remedy the complaint the council has advised the developer to submit a new planning application for the scheme and has required him to restore its land to its former state. In addition it has agreed to apologise to the complainants, provide financial redress and consider whether a number of councillors should play any future part in decision making for the site in order to restore the complainants' faith in the planning process.

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In both cases I am pleased that the council agreed to provide the remedy I recommended before I completed my investigation. But I decided to issue a report because there was sufficient public interest to do so.

### ***Future development of annual review letters***

We remain committed to sharing information about your council's performance and will be providing more detailed information in next year's letters. We want to ensure that the data we provide is relevant and helps local authorities to continuously improve the way they handle complaints from the public and have today launched a consultation on the future format of our annual letters.

I encourage you to respond and highlight how you think our data can best support local accountability and service improvements. The consultation can be found by going to [www.surveymonkey.com/s/annualletters](http://www.surveymonkey.com/s/annualletters)

### ***LGO governance arrangements***

As part of the work to prepare LGO for the challenges of the future we have refreshed our governance arrangements and have a new executive team structure made up of Heather Lees, the Commission Operating Officer, and our two Executive Directors Nigel Ellis and Michael King. The Executive team are responsible for the day to day management of LGO.

Since November 2012 Anne Seex, my fellow Local Government Ombudsman, has been on sick leave. We have quickly adapted to working with a single Ombudsman and we have formally taken the view that this is the appropriate structure with which to operate in the future. Our sponsor department is conducting a review to enable us to develop our future governance arrangements. Our delegations have been amended so that investigators are able to make decisions on my behalf on all local authority and adult social care complaints in England.

### ***Publishing decisions***

Last year we wrote to explain that we would be publishing the final decision on all complaints on our website. We consider this to be an important step in increasing our transparency and accountability and we are the first public sector ombudsman to do this. Publication will apply to all complaints received after the 1 April 2013 with the first decisions appearing on our website over the coming weeks. I hope that your authority will also find this development to be useful and use the decisions on complaints about all local authorities as a tool to identify potential improvement to your own service.

### ***Assessment Code***

Earlier in the year we introduced an assessment code that helps us to determine the circumstances where we will investigate a complaint. We apply this code during our initial assessment of all new complaints. Details of the code can be found at:

[www.lgo.org.uk/making-a-complaint/how-we-will-deal-with-your-complaint/assessment-code](http://www.lgo.org.uk/making-a-complaint/how-we-will-deal-with-your-complaint/assessment-code)

### ***Annual Report and Accounts***

Today we have also published *Raising the Standards*, our Annual Report and Accounts for 2012/13. It details what we have done over the last 12 months to improve our own

performance, to drive up standards in the complaints system and to improve the performance of public services. The report can be found on our website at [www.lgo.org.uk](http://www.lgo.org.uk)

Yours sincerely

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a long horizontal flourish at the end.

Dr Jane Martin  
Local Government Ombudsman  
Chair, Commission for Local Administration in England

