

7 July 2014

*By email*

Mr Mark Rogers  
Chief Executive  
Birmingham City Council

Dear Mr Mark Rogers

### **Annual Review Letter 2014**

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 2014. This is the first full year of recording complaints under our new business model so the figures will not be directly comparable to previous years. This year's statistics can be found in the table attached.

A summary of complaint statistics for every local authority in England will also be included in a new yearly report on local government complaint handling. This will be published alongside our annual review letters on 15 July. This approach is in response to feedback from councils who told us that they want to be able to compare their performance on complaints against their peers.

For the first time this year we are also sending a copy of each annual review letter to the leader of the council as well as to the chief executive. We hope this will help to support greater democratic scrutiny of local complaint handling and ensure effective local accountability of public services. In the future we will also send a copy of any published Ombudsman report to the leader of the council as well as the chief executive.

During the last year we have published four reports about complaints against your Council. Two of these concerned services provided for disabled children in the Council's area. In the first case I found the Council had taken nearly five years to undertake an assessment of a child's needs. I recommended the Council pay £5000 to the child's mother for the injustice this caused as well as asking you to arrange for an independent social worker to undertake an assessment of the child's needs. Following that assessment the Council will make a further payment when I have considered the extent of the shortfall in the services provided to the complainant's child.

In the second case the Council recognised delay in assessing the needs of a child with severe learning and communication difficulties who suffered unpredictable violent outbursts. I recommended the Council complete its assessment without delay with a view to accommodating the child to prevent his mother being put at risk of violence. I also recommended the Council pay the child's mother £1250 in recognition of the distress and outrage its delay caused. In both cases I also recommended the Council review its procedures to avoid any repeat of the distressing circumstances resulting in these complaints.

The two other cases concerned the actions of the Council's Housing Department. In one case a complainant suffered harassment and noise nuisance from a neighbour who had moved next door under a mutual exchange scheme. Despite the neighbour having a history of anti-social behaviour the Council did not alert the social landlord who agreed to the exchange, even though it had a procedure to do so. I recommended the Council pay £1500 in recognition of its failures.

In the fourth case the Council placed a mother and her four children in unsuitable bed and breakfast accommodation for 17 weeks, 11 weeks longer than allowed for by law. The Council also delayed in deciding what duty it owed the complainant as a homeless person and failed to properly consider the reasonableness of charges it made for removing and storing her possessions. I recommended the Council pay nearly £3980 in recognition of the injustice its actions caused and review its charges for removal and storage.

In other cases published as statements on our website, we highlighted concerns that on occasion we found citizens had faced difficulty accessing the Council's complaint procedures. On at least four occasions we found instances where complaints about benefits or council tax recovery had not been answered properly, even though complaints were properly made. We would urge the Council to ensure that officers listen and respond to those who want to make a complaint.

My investigators report your officers to be efficient and helpful in replying to our enquiries, usually meeting the deadline set for response and providing comprehensive replies. The Council has shown itself willing to remedy complaints and improve procedures where necessary. I welcome that the Council appears committed to learn lessons from the complaints it receives.

### ***Developments at the Local Government Ombudsman***

At the end of March Anne Seex retired as my fellow Local Government Ombudsman. Following an independent review of the governance of the LGO last year the Government has committed to formalising a single ombudsman structure at LGO, and to strengthen our governance, when parliamentary time allows. I welcome these changes and have begun the process of strengthening our governance by inviting the independent Chairs of our Audit and Remuneration Committees to join our board, the Commission for Administration in England. We have also recruited a further independent advisory member.

### ***Future for local accountability***

There has been much discussion in Parliament and elsewhere about the effectiveness of complaints handling in the public sector and the role of ombudsmen. I have supported the creation of a single ombudsman for all public services in England. I consider this is the best way to deliver a system of redress that is accessible for users; provides an effective and comprehensive service; and ensures that services are accountable locally.

To contribute to that debate we held a roundtable discussion with senior leaders from across the local government landscape including the Local Government Association, Care Quality Commission and SOLACE. The purpose of this forum was to discuss the challenges and opportunities that exist to strengthen local accountability of public services, particularly in an environment where those services are delivered by many different providers.

Over the summer we will be developing our corporate strategy for the next three years and considering how we can best play our part in enhancing the local accountability of public services. We will be listening to the views of a wide range of stakeholders from across local government and social care and would be pleased to hear your comments.

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

## Local authority report – Birmingham City Council

For the period ending – 31/03/2014

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

### Complaints and enquiries received

Local authority	Adult care services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection and regulation	Highways and transport	Housing	Planning and development	Total
Birmingham City C	56	209	45	69	37	25	78	22	541

### Decisions made

Local authority	<u>Detailed investigations carried out</u>		Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
	Upheld	Not upheld					
Birmingham City C	82	43	52	131	22	254	584