

21 June 2006



The Commission for
Local Administration in England

Mr M A Sparke LLB
Chief Executive
Dudley Metropolitan Borough Council
Council House
DUDLEY DY1 1HF

Jerry White
Local Government Ombudsman

Neville Jones
Deputy Ombudsman

Our ref: JRW/PEW/pw

Direct Dial Mr R Stephen 024 7682 0035
Email: r.stephen@lgo.org.uk

Dear Mr Sparke

Annual Letter 2005/06

I am writing to give you my reflections on the complaints received against your authority and dealt with by my office over the last year. I hope that in reviewing your own performance you will find this letter a useful addition to other information you hold highlighting how people experience or perceive your services.

This year we will publish the letters on our website and share them with the Audit Commission as there was widespread support from authorities for us to do this. We will wait for four weeks after this letter before making it more widely available in these ways to give you an opportunity to consider and review the letter first. If a letter is found to contain any factual inaccuracy we will reissue it.

In addition to the narrative below there are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

The total number of complaints received was 90, an increase of 18 over last year. There was a particular increase in complaints about education and planning. But none of this points to systemic failings in service delivery in any area and we expect to see such fluctuations in numbers in the normal course of events.

Decisions on complaints

The number of complaints decided this year was 91. In 35 complaints no maladministration was found. Investigation into 12 others was discontinued in the

The Oaks No 2 Westwood Way
Westwood Business Park Coventry CV4 8JB
Tel 024 7682 0000 Fax 024 7682 0001
DX 702110 Coventry 6
www.lgo.org.uk

exercise of my discretion, mainly because I did not consider the complainants had suffered injustice from the faults claimed. Nine complaints were outside my jurisdiction.

When we complete an investigation we must issue a report. But there is a significant proportion of investigations that do not need to be completed because a 'local settlement' is reached during the course of the investigation and it is therefore discontinued.

No reports were issued against the Council this year. I recommended the Council to settle five complaints during the year and a total of £650 was paid by the Council.

In a complaint of neighbour nuisance the Council failed to take action on video evidence of noise nuisance and led the complainant to believe that it had lost the video evidence. For that failing the Council agreed to pay £100.

In a planning complaint the Council paid £250 to a complainant representing a number of others and agreed to undertake where it could a planting scheme to replace trees that were felled after the Council failed to identify the trees as being protected by a Tree Preservation Order. I was pleased that the Council recognised this mistake and was willing to do all it could to restore some of the lost amenity to the area.

In two other complaints the Council agreed to make payments representing the difference in value of complainants' homes before and after development it had permitted in recognition that it had failed to consider properly the impact on the complainants' homes. The Council also agreed to pay £300 in recognition of the time and inconvenience in making the complaint. The complainants rejected this settlement but I am grateful to the Council for its willingness to hold open the offer of before and after valuations to allow the complainants time to reconsider.

I was very pleased that in one complaint the Council sought to resolve the matter prior to me making any decision on maladministration by offering the housing transfer the complainant had sought.

Again I was pleased that the Council was willing to review a complaint made to me under the Social Services Complaints Procedure where it could more fully consider all the issues raised. That was a good outcome for the complainant who wanted to pursue several concerns about services provided for the family which raised questions of professional judgement rather than maladministration.

The Council has been willing to take responsibility for failures in its services and to offer appropriate remedies to complainants and take speedy action in most of these cases.

Your Council's complaints procedure and handling of complaints

I am pleased that you give contact details of our service on your website. I wonder if you could assist us further by including a hyperlink to our website to enable people to access our service online.

/...

I referred back to the Council 30 complaints as premature to put through its own complaints procedure. That is double the number referred last year and may indicate that publicity about the Council's own complaints procedure is not effectively reaching service users at the point of delivery. Only nine of those referred back to you have been resubmitted to me. I am still investigating two of those, but the rest were not upheld.
Training in complaint handling

Our training in complaint handling is proving very popular with authorities and we continue to receive very positive feedback from participants. Over the last year we have delivered more than 100 courses from the range of three courses that we now offer as part of our role in promoting good administrative practice.

Effective Complaint Handling was the first course we developed, aimed at staff who deal with complaints as a significant part of their job. Since then we have introduced courses in complaint handling for front line staff and in handling social services complaints.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the range of courses available together with contact details for enquiries and bookings.

I note that your link officer attended a seminar in the year and I hope he found that useful. Any feedback he would like to give on his experience of the seminar is welcomed.

Liaison with LGO

I am pleased that the Council is continuing to improve its response times. This year the average is 30.2 days. That is still two days outside the target of 28 days but represents an improvement and compares well with the national average for metropolitan councils. I look forward to continued improvement hitting the target in the year to come.

Conclusions/general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services. I would again very much welcome any comments you may have on the form and content of the letter.

I would again be happy to consider requests for myself or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

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I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the council and post it on your website should you decide to do this.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J R White', with a stylized, cursive script.

J R White
Local Government Ombudsman

Enc: Statistical data covering a three year period
A note to help the interpretation of data
A note about training from the Local Government Ombudsman