



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter**

Dudley Metropolitan Borough Council

**for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

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

Volume

We received 111 complaints against your Council last year, an increase of 23% over the previous year, when we received 90. Although we expect to see such fluctuations in the number of complaints we receive year on year, the previous year (2005/06) itself represented a 25% increase in complaints compared with 2004/2005, when we received 72 complaints. So the last few years show a sustained trend of rising complaints. The most significant increases appear to be in complaints about housing matters (up from 26 in 2004/2005 to 46 last year) and planning matters (up from 12 in 2004/2005 to 27 last year). You may therefore want to consider whether any special factors affect these services; in the latter case, there has certainly been a rise in planning complaints nationwide.

Character

We received complaints about most service areas, but most complaints were about housing matters (41%) and planning matters (24%).

Decisions on complaints

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

Your Council settled 15 complaints in the period. In one complaint your Council made a decision on a planning application for a neighbouring extension before the expiry date for objections had expired and did not consider the complainant's representations. These were received after the decision was made. Your Council admitted its mistake and recognised that its practice had been poor. There was no evidence that the decision would have been different if the matter had been handled properly and your Council agreed to pay the complainant £750 in recognition of her lost opportunity to object to the application and her sense of outrage.

In a complaint about housing repairs, your Council had failed to carry out necessary repairs for a complainant, because her property was earmarked for demolition. Your Council recognised its error and agreed to carry out the repairs promptly.

In a complaint about Social Services, your Council had failed to pay a kinship carer on the same basis as a foster parent. Your Council agreed to a back-payment of allowances which would have been paid if the complainant had been an approved foster parent and the complainant received £1,744.

In one complaint about Adult Care Services, your Council sent incorrect invoices for the complainant's mother's stay in residential care, leading to undercharging and later recovery action. Your Council agreed to waive the charges and genuinely took a positive attitude to trying to resolve the problem. In a complaint about housing repairs, your Council had installed a hot water tank that was too small for the complainant's needs, increasing her electricity consumption and causing her inconvenience. The complainant had already complained to Council officers, who had been sympathetic, but had taken no action to resolve the problem. Your Council replaced the tank with one of an appropriate size and paid the complainant £50 for her time and trouble in having to complain to me.

In a complaint about housing allocations, your Council failed to properly check and clear a flat of the previous tenant's needles and drug-taking equipment. Your Council agreed to credit the complainant four weeks' rent in recognition of the time it had taken to clear out the property before it was ready for the complainant's occupation.

In another complaint, your Council had sought to recover rent arrears from the complainant for a period when she had left the flat because of domestic violence. The Council was unaware that she had left the flat even though it had re-housed her as a result of a homelessness application, but had failed to advise her that she needed to terminate the tenancy of the flat. The Council agreed to cease action to recover the arrears.

In a complaint about renovation grants, your Council had acted as agent for the complainant when she applied for a grant. However, the works had not been completed to a satisfactory standard. The Council agreed to complete the works to the complainant's satisfaction and to investigate an allegation that details of the complaint had been leaked to a builder.

In a complaint about planning matters, your Council had failed to maintain trees in a public park adjoining the complainant's property, causing him a nuisance. The Council re-inspected the trees, allocated them a higher priority and raised an order to carry out works on them.

The total amount of compensation paid by the Council was £3,594. I am grateful to your Council for settling complaints promptly.

I did not issue any reports against your Council.

Other findings

We determined 97 complaints against your Council in the period. In addition to the 15 local settlements, we found no maladministration in 31 cases, discontinued the investigation into six complaints under our general discretion and did not pursue 11 complaints because they were outside our jurisdiction. We also treated 34 complaints as premature.

Your Council's complaints procedure and handling of complaints

Some 35% of the complaints received against your Council were premature. This is higher than the national average for this category of complaints, which is 27%. It is possible that the Council's complaints process may not be sufficiently visible to customers or that staff, when dealing with requests for assistance, do not signpost the complaints process for customers who remain unhappy with what the Council has done. So you may want to look into this more closely. If you would like to discuss it, or to get more detailed information we may be able to provide, please call my Assistant Ombudsman, Mr Reynold Stephen, who will be happy to help.

I am pleased to see that your Council's website contains clear information about your Council's complaints procedure and gives details of how to contact my office.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

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 full range of courses available together with contact details for enquiries and any further bookings.

Liaison with the Local Government Ombudsman

We made enquiries on 52 complaints last year, which is significantly higher than the previous year, when we made enquiries on 31 complaints. The average time for responding was 27.4 days. This is within the deadline of 28 days we give to councils and shows an improvement on your Council's performance over the previous year, when the average time for responding was 30.2 days. This is particularly commendable given the increased number of enquiries your officers received from us, and I am most grateful for the speedy response time.

My Assistant Ombudsman, Mr Reynold Stephen, and my Senior Investigator, Mr David Pollard, visited your offices on 2 November 2006 and made a presentation to a group of Members of all political parties on my role and current developments in the Ombudsman service. I am pleased that Members found the presentation illuminating and thought provoking.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

Conclusions and 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.

J R White
Local Government Ombudsman

The Oaks No 2
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June 2007

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	2	2	2	10	46	19	27	1	0	2	111
2005 / 2006	0	1	5	17	24	13	23	2	1	4	90
2004 / 2005	2	2	2	11	26	14	12	0	2	1	72

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	0	15	0	0	31	6	11	34	63	97
2005 / 2006	0	5	0	0	35	12	9	30	61	91
2004 / 2005	0	19	0	0	29	11	7	12	66	78

See attached notes for an explanation of the headings in this table.

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	52	27.4
2005 / 2006	31	30.2
2004 / 2005	43	33.2

Average local authority response times 01/04/2006 to 31/03/2007

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0

Notes to assist interpretation of the LGO's local authority statistics

1. Local authority report

This information forms an integral part of the Annual Letter to your council. Again this year, the Annual Letter will be published on our website, at www.lgo.org.uk

The detailed information in the printouts is confidential.

2. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we refer back to the council for consideration. The figures may include some complaints that we have received but where we have not yet contacted the council.

3. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

/...

Premature complaints: decisions that the complaint is premature. The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it to the council as a 'premature complaint' to see if the council can itself resolve the matter.

Total excl premature: all decisions excluding those where we referred the complaint to the council as 'premature'.

4. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

5. Average local authority response times 2006/07

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

6. Categories of complaint

From 1 April 2007 we have amended our complaint category system, and you may notice some changes in the descriptions used in our decision letters and on the printouts attached.

The major change is that we now split social services cases between 'adult care services' and 'children and family services', in order that complaints relating to children and young people can be easily identified.

7. Complaints about personnel matters (employment and pensions)

We receive some complaints from members of council staff about personnel matters. These are usually outside our jurisdiction, and our practice is now to advise you that we have received the complaint without informing you of who made it.

For that reason, any such complaints on the attached printouts will show a blank space for the complainant's name.