

21 June 2006



**The Commission for
Local Administration in England**

Mr M Reaney
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SEACOMBE

Anne Seex
Local Government Ombudsman

Neil Hobbs
Deputy Ombudsman

Our Ref: Annual Letter 06/AS4/jm
(Please quote our reference when contacting us)

Dear Mr Reaney

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 in the Year 2005/06

My office received 128 complaints against the Council in the year. That is a substantial increase over the figures for the previous three years which have held steady at around 80 (being 81 last year). However, the reality is rather different. 22 of those complaints were a multiple complaint about the same aspect of the Council's work (Housing Benefit). These complaints were regarded as premature (see below) and promptly closed. They then reappeared as non premature complaints and were registered again. So, one single issue accounts for 52 of the total. The true underlying figure, therefore, is actually around what it has been for a number of years.

I note the increase in complaints about social services (from 12 to 21) and will reflect on some issues about this service later on in this letter. Planning complaints have fallen

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from 19 to 13 in a context where nationally they are rising. The low level of complaints about housing (apart from Housing Benefit) will be a reflection on the Council's transfer, in early 2005, of its housing stock. Complaints about the body that took on this responsibility are not ones that I can accept.

Complaints Decided by my Office in 2005/06

101 complaints were decided. Of that total 41 were closed as 'premature'. That means that the Council itself had not had a reasonable opportunity to consider them first. That is a legal requirement before I can investigate. I only become involved again if a complainant is not satisfied with the Council's response and gets back to me. As noted earlier, 26 of these complaints were about a single issue so it would be more realistic to regard the true figure as 16. That represents about 16% of the total. The national figure is 27%. I know of no particular cause for that difference.

Reports and Local Settlements

General Issue

A report is issued where an investigation is completed and either the Council declines to settle (not relevant here) or because there are issues that need to be brought out in the public interest. 'Local Settlements' arise where there is a clear indication of fault and the Council (usually at our request) wishes to put things right. The total of critical reports and local settlements therefore represents the number of cases where maladministration has been identified and where some action is called for. (For completeness I should note that fault is also found in some other cases but this has not led to any injustice to the complainant).

There were no reports issued by me or my predecessor about the Council in the year. 11 complaints were locally settled. This is about 20 % of those non premature complaints excluding five where the law prevented me from investigating. The figure nationally is 27% and the Council can take some encouragement from that. Many settlements invariably involve a measure of financial compensation and there were six such cases in the year for Wirral. The compensation paid out was a fairly modest £1,500 in total.

Some Specific Issues

It would not be productive to go through all cases where some fault was identified but some cases merit mention in this letter.

In two cases both concerning the actions of School Admissions Appeal Panels, a need for training those involved was identified. This was around the crucial area of disability and the associated law. It is vital that *all* of those who help discharge the Council's duties know what to do. I ask the Council to let me know how it has moved this issue forward since these points were raised.

Another case concerned the operation of the (statutory) complaints procedure in social

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services. The investigation revealed problems in moving complaints through the three stage procedure. There were, apparently, difficulties in recruiting and retaining those involved in the final (panel) stage. In a further case there was a failure to convene a panel hearing. It is important that all complaints to the Council are dealt with in a timely manner. Failures to do so will only reinforce the citizen's sense of grievance. Again, I would like to know how matters have progressed over the year.

Responses by the Council to our Enquiries

In last year's Annual Letter my predecessor was rightly critical of the Council's average time to respond. The figure then was 41 days. In 2005/06 it fell to 36.2 days and so there has been some improvement although the Council is still well short of the 28 days we aim to see. However, the figures flatter to deceive.

Enquiries were made of the Council on 46 complaints. 18 of those were subject to delays of over 40 days. Eight took more than 50 days and three more than 70 – indeed two took over 80 days which is wholly unacceptable. Also within those figures is a problem over responses to enquiries about school admission appeals. We ask for responses there to be made within 14 days. That is a tough target but a justified one. Parents need quickly to know how they stand following a complaint to me in order to make key decisions about their child's education. We made enquiries in nine such cases. The average response time was over 29 days with three cases taking over 40 days (one taking over 50). That is simply not good enough.

The average figure, therefore, disguises some serious failures – failures that will hardly encourage the affected citizens as to the Council's actions. My staff did chase responses but have recorded their frustration at the lack of action. This is not acceptable and I will be instructing staff not to tolerate such failures in future. I have the legal authority to require information in good time and it is not appropriate for my staff to have to chase responses. I am quite prepared to use my legal powers if necessary.

However, I trust that the Council will avoid putting me in that position. I ask, therefore, that the Council commits resources as soon as possible so as to avoid future repetitions. This is a key issue for discussion with the Assistant Ombudsman.

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.

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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.

Liaison with LGO

There were no meetings in the year of our staff to discuss general issues of mutual concern. Given some of the points I make above I have asked the relevant Assistant Ombudsman to arrange that shortly and he will be in touch. There are some real problems to address but I would like to record that at a personal level the relevant staff at the Council remain helpful and professional. The Council remains positive about resolving issues once fault is pointed out.

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.

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



Anne Seex
Local Government Ombudsman

Enc: 2006 statistics
Note on statistics
Training Information

Complaints received by subject area	Education	Highways	Housing (not incl. HB)	Housing Benefit	Local Taxation	Other	Planning	Social Services	Total
01/04/2005 - 31/03/2006	15	7	7	53	2	10	13	21	128
2004 / 2005	10	6	15	3	0	16	19	12	81
2003 / 2004	15	9	21	5	1	5	15	12	83

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
01/04/2005 - 31/03/2006	0	11	0	0	24	20	5	41	60	101
2004 / 2005	1	9	0	0	22	18	9	25	59	84
2003 / 2004	0	11	0	0	25	16	12	21	64	85

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
01/04/2005 - 31/03/2006	46	36.2
2004 / 2005	33	40.9
2003 / 2004	23	34.3

Average local authority response times 01/04/2005 to 31/03/2006

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	53.2	25.3	21.5
Unitary Authorities	41.3	34.8	23.9
Metropolitan Authorities	41.7	30.5	27.8
County Councils	55.9	26.5	17.6
London Boroughs	39.4	39.4	21.2
National Park Authorities	100.0	0.0	0.0