



The Commission for  
Local Administration in England

# **The Local Government Ombudsman's Annual Letter to Wirral 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**

This annual letter provides a summary of the complaints we have received about your authority. Where possible, we comment on the authority's performance and complaint-handling arrangements to assist with your 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.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

As you are a local Social Services authority I want to take this opportunity to draw your attention to an issue of significant public interest. In the last two years I have issued reports following complaints from people living in Blackpool, Liverpool and Sheffield about failings in home care services provided under contract.

In each case a vulnerable person was placed at significant risk as a result of carers failing to visit, calling late and failing to provide the specified care. Tragically, in one case the actions of a carer resulted in a death. Complaints had been made to all three Councils but no effective action had been taken. Although the services were provided under contract, it seems clear that similar problems could occur even if the carers are directly employed. I urge you to ensure that senior staff responsible for care services to adults are aware of the issues raised by these reports (which can be found on our web-site) and consider whether action needs to be taken by your Council. The 2006 report of the Commission for Social Care Inspection 'Time to Care? An Overview of Home Care Services for Older People in England' provides very useful contextual information.

## **Complaints received**

### ***Volume & Character***

It will seem, superficially, as if the number of complaints received against the Council by my office has fallen dramatically from the previous year – ie from 128 to 77. This is because last year's figures were inflated by a major multiple complaint about housing benefit. The level of complaints is fairly static and has remained so over the last four years. The effect of the multiple complaint is by the fall this year in complaints about housing benefit – from 53 to two. The level and distribution of complaints gives me no particular cause for comment or concern.

## **Decisions on complaints**

### ***Reports and local settlements***

A 'local settlement' is a complaint that is resolved by the Council taking, or agreeing to take, action which we consider is a satisfactory response to the complaint so that the investigation can be discontinued. In 2006/07 27.7% of complaints dealt with by the three Local Government Ombudsmen (excluding premature and those outside jurisdiction) were resolved by local settlement. When we complete an investigation we must issue a report.

I did not issue any reports against the Council during the year. Eight complaints were resolved by local settlement.

### **Other findings**

95 complaints were decided by my staff. Of those, 17 were premature – ie the Council had not had an opportunity to investigate and respond to the complainant. Such complaints are referred to the Council with a request to deal with them through the Council's own complaints procedure. Seven complaints were outside of my jurisdiction. In 41 cases my Investigators exercised their discretion not to pursue the complaints. No evidence of maladministration was found in 22 cases.

### **Your Council's complaints procedure and handling of complaints**

I am concerned that the way the Council responds to complaints through its own procedures or directly to my office, is not generally satisfactory. Last year I highlighted significant issues around the recruitment of panel members to sit on appeal panels dealing with certain complaints about social services through a statutory procedure. Problems remain and need to be resolved quickly and effectively.

There is a problem of delay in the overall time taken by the Council to respond to enquiries. The average of nearly 112 days is wholly unacceptable from any viewpoint. The multiple complaint about housing benefit has a significant effect on the average (discounting that, the average time is around 43 days – better but still far from satisfactory). But the fact remains that responses to that multiple took 187 days to be made. Even allowing for real problems within that batch of complaints, this is appalling! Equally appalling are individual cases elsewhere that took 50 days or more (six, not counting the multiple complaint).

We ask for responses to complaints about school admissions to be made in the much shorter time of 14 days – such cases meriting strong priority so that parents know where they stand. One response took 70 days and the average for four cases was over 32 days, with none meeting the target.

These are issues I raised in last year's Annual Letter. The Assistant Ombudsman who led the team that deals with Wirral did meet with one of the Council's officers to discuss the problems but clearly, much remains to be done. Training on complaints handling delivered in March to some of the Council's staff by dedicated training staff from this office will help. I think it would be useful to meet personally with senior representatives of the Council to discuss ways of avoiding this occurring again in the coming year.

### **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from councils that have taken up the training is very positive.

The range of courses is expanding in response to demand. 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 and 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 different 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.

## **LGO developments**

You may be interested in the development of our initiative to improve the first contact that people have with us. A new Access and Advice Service will provide a gateway to our services for all complainants and enquirers. It will encourage telephone contact but will also deal with email, text and letter correspondence. We will let you have further details about how it will operate and the expected timescales and we will discuss with you the implications for your Council.

I hope you have received our latest special report about telecommunication masts. It draws on our experience of dealing with complaints about planning applications for masts which can be highly controversial. We recommend simple measures that councils can adopt to minimise the chances of maladministration occurring.

In July we will be publishing a special report about the difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships. *Local partnerships and citizen redress* provides advice and guidance on how these problems can be overcome by good governance arrangements that include an effective complaints protocol.

## **Conclusions and general observations**

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Anne Seex**  
**Local Government Ombudsman**  
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**York**  
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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	8	2	8	10	5	10	17	3	0	14	77
2005 / 2006	12	54	9	15	6	10	13	1	0	8	128
2004 / 2005	9	3	2	10	15	14	19	0	1	7	80

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	8	0	0	22	41	7	17	78	95
2005 / 2006	0	11	0	0	24	19	5	41	59	100
2004 / 2005	1	9	0	0	21	18	9	25	58	83

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

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

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	52	111.9
2005 / 2006	47	36.6
2004 / 2005	32	41.3

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](http://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.