

21 June 2006



The Commission for  
Local Administration in England

Ms J Richmond  
Chief Executive  
Middlesbrough Borough Council  
DX 60532  
MIDDLESBROUGH

Anne Seex  
Local Government Ombudsman

Neil Hobbs  
Deputy Ombudsman

→ Chris Dawies

Our ref: Annual Letter 06/AS/jib  
(Please quote our reference when contacting us)

If telephoning contact: Mr Cobley's Personal Assistant on 01904 380238  
If e-mailing: [st2york@lgo.org.uk](mailto:st2york@lgo.org.uk)

Dear Ms Richmond

### 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

Last year (2005/6) the number of complaints received against Middlesbrough increased from 25 to 34 complaints. The largest increase was in complaints about housing services which rose from 5 to 11 (however, it should be noted that in the previous year (2003/4) as many as 27 complaints had been received about the Council's housing

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services). There was a much smaller increase from 1 to 5 in complaints about social services last year, while complaints about education and planning services both fell.

### **Decisions on complaints**

Despite an overall increase in complaints received I made decisions on 20 complaints last year, continuing the drop from the 33 decisions made the previous year (2004/5) and 54 in 2003/4). Only 5 of the 20 complaints I closed were because they were premature in the sense that the Council had not been given the opportunity, as the law requires, to consider these complaints itself, and a further 2 were outside my jurisdiction. I used my discretion not to investigate a further 4 complaints and I found no maladministration on another 5.

### **Reports and local settlements**

When we complete an investigation we must issue a report. No reports were issued against the Council last year.

There are 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. Last year four complaints were locally settled in this way, and in one case a payment of £100 made to the complainant where social workers failed to pass on gifts and cards to the complainant's grandchildren who had had little contact with them due to family difficulties.

### **Other findings**

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

I made initial enquiries on 14 complaints last year, a substantial increase on the 5 made in 2004/5. Although the average time taken to respond to these enquiries has slightly increased to an average of 22.8 calendar days compared with the 19.4 calendar days the previous year (2004/5), this response time is still well within the target time of 28 calendar days. Just over half of all district councils respond to the new target of 28 days for such enquiries, and I am pleased to note that Middlesbrough is within this group.

#### **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.

I am pleased to note that during the last year your Council has taken advantage of these courses and arranged a social services course for your staff. I understand from the evaluation of this event that staff generally found the event to have been very useful. I understand that you are presently considering a further course, and I am hopeful that this may proceed as planned.

#### **Liaison with Local Government Ombudsman**

I am pleased to note that during the last year you welcomed the Assistant Ombudsman, Chris Cobley, who now leads the team of investigators dealing with complaints against your Council. He tells me that his visit was a useful opportunity to explain recent changes within the Commission's structure, procedures and objectives; discuss complaints against your Council; consider the training courses I have outlined above; as well as an opportunity to meet the staff with whom investigators work most closely. I hope that the relationship between Chris Cobley's team and your own staff continues to develop. Thank you for the time and trouble afforded to Chris Cobley during his visit, which was much appreciated.

You may remember that a series of Liaison Officer Seminars was convened by this office in 2004/5 within York for those officers liaising directly with my staff. It may be that the officers with that responsibility were then unable to attend or that new staff now fulfil that function. I should be grateful to learn therefore whether one or two members of your staff would be interested to attend such a seminar if a second series was convened towards the end of this year or early in 2007. If so, please let me know or contact Chris Cobley.

#### **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 cursive script that reads "Anne Seex".

Anne Seex  
Local Government Ombudsman

Enc: Statistical data  
Note on interpretation of statistics  
Details of training courses

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	1	3	11	1	2	8	3	5	34
2004 / 2005	2	2	5	0	1	10	4	1	25
2003 / 2004	1	0	27	2	1	8	18	2	59

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	4	0	0	5	4	2	5	15	20
2004 / 2005	0	9	0	0	6	11	2	5	28	33
2003 / 2004	0	6	0	0	10	11	12	15	39	54

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

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

Response times	FIRST ENQUIRIES		
	No. of First Enquiries	Avg no. of days to respond	Types of authority
01/04/2005 - 31/03/2006	14	22.8	District Councils Unitary Authorities Metropolitan Authorities County Councils London Boroughs National Park Authorities
2004 / 2005	5	19.4	
2003 / 2004	15	28.5	

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

## Notes to assist interpretation of the Commission's local authority statistics

### 1. 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.

### 2. 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 back 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 back to the council as 'premature'.

### 3. 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.

### 4. Average local authority response times 2005/06

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

## **Ombudsman Decisions: Notes**

### **Maladministration**

Where the Ombudsman has undertaken and concluded an investigation and issued a formal finding of Maladministration causing injustice.

### **Local Settlement**

Decisions by letter discontinuing an investigation because action has been agreed by the Council and accepted by the Ombudsman as a satisfactory outcome for the complainant.

### **No Maladministration**

Decisions by letter discontinuing an investigation because no, or insufficient, evidence of maladministration has been found.

### **Ombudsman Discretion**

Decisions by letter discontinuing an investigation in which the Ombudsman has exercised discretion not to pursue the complaint, most commonly because no, or insufficient, evidence of maladministration has been found.

### **Outside Ombudsman Jurisdiction**

Complaints which the Local Government Ombudsman has no power to investigate

### **Premature Complaints**

Usually where a complaint is made to the Ombudsman before the Council has had the opportunity to process it through the internal Corporate Complaints Procedure