



The Commission for  
Local Administration in England

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

**Rossendale 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.

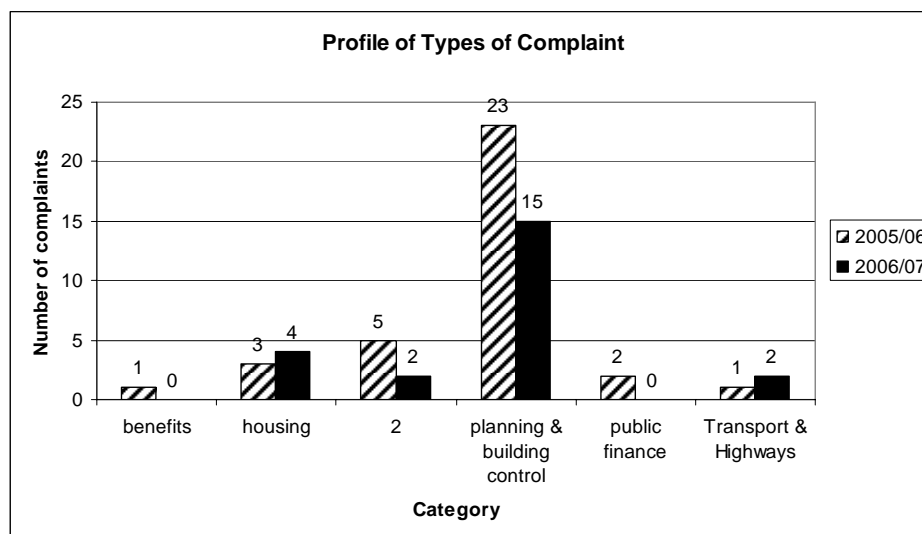
## Complaints received

### Volume

I received 23 complaints about your Council in the 12 months ending 31 March 2007. This was a reduction of 12 on the previous year and represents an overall reduction of 38% since the year ending March 2005.

### Character

As this chart shows, falls in complaint numbers have been across the board and for the first time in the last three years I have not received any complaints about housing and council tax benefits and public finance (administration of Council Tax).



As with the previous year, the largest proportion of complaints were about planning matters. Although the volume fell, it comprised 65% of all complaints received. This is little changed on the previous year. It is unfortunate as this statistic belies the work the Council has put into improving planning services and it is interesting to note that of the 15 planning complaints I received, 14 were made in 2006. In the period January to March 2007, I received just one complaint.

## **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.

Two complaints were reported on it the year. Both were in respect of planning issues and highlighted major shortcomings in the Council's procedures. In fairness to the Council, many of the shortcomings related to events spanning a number of years and since then your Council has, I know, put new procedures in place.

In 2006/07, we resolved eight complaints by local settlement. Of these, six were in relation to planning issues and the result of finding shortcomings in policy, procedure and record keeping. Again, many of these issues predated the action the Council has taken over the last 12 months to improve its planning services.

The maladministration I identified in relation to planning issues was systemic and widespread within the department. This is not to say that every complaint I investigated resulted in a finding of fault, many did not. I have been greatly encouraged by the Council's actions to address these problems over recent months and impressed by the openness of your Council and willingness to tackle the issues. I wait with interest to see if this results in a further drop not just in planning complaints but, more importantly, in the number of findings of maladministration.

### ***Decisions***

In addition to the 10 decisions reported on or settled locally, I made 26 decisions. The total number of decisions, 36, differs from the number of complaints received because of work in hand at the start and finish of the year.

Of those 26 decisions: one complaint was outside my jurisdiction, five I exercised discretion not to investigate, in 10 I found no evidence of maladministration and 10 were 'premature' (in our view the Council had not been given adequate opportunity to investigate and resolve them for itself, so were returned to the Council to consider through its internal complaint procedure).

Notwithstanding my earlier comment about planning matters, I did not identify systemic problems across your Council that gave cause for concern, although a feature of many of the settled complaints was delay or failure to keep complainants informed.

### ***Other findings***

As you are aware, we ask for comprehensive responses to our enquiries within 28 days; your Council responded in a little over 41 days on average. High as this figure is, it is a fall of nine on the previous year. This fall is welcomed, especially as I know the Council has made considerable efforts to improve liaison and complaint handling arrangements. I am grateful to your Council for its cooperation in this respect.

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

Your Council has demonstrated a renewed commitment to customer service and effective complaint handling over the last twelve months. It has reviewed complaint handling procedures and received training from the LGO in effective complaint handling.

The information your Council publishes about how to make complaints is readily accessible and I am pleased to see that in responses to complainants you make direct reference to the LGO.

### **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 and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), 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**

The poor response times your Council achieved last year do not reflect the positive and professional liaison arrangements that you have put in place. The staff appointed to act as our liaison point are helpful and responsive to our requests.

Significantly for me, my staff have noticed a more proactive approach in recent months from staff at all levels and across departments in your Council. This is perhaps best illustrated by a number of investigations early in the New Year. One of my investigators investigated a batch of planning complaints in a different way to the approach we normally take. This enabled us to deal with a large proportion of them quickly and to take a wider overview of the new processes the Council was putting in place. I am grateful to your Council for this level of cooperation.

### **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 discuss with you the implications for the Council.

I hope you have received our latest special report about telecommunications 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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**June 2007**

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

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	4	2	15	0	2	<b>23</b>
<b>2005 / 2006</b>	1	3	5	23	2	1	<b>35</b>
<b>2004 / 2005</b>	1	5	15	12	1	3	<b>37</b>

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

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	2	8	0	0	10	5	1	10	26	<b>36</b>
<b>2005 / 2006</b>	6	4	0	0	4	4	5	4	23	<b>27</b>
<b>2004 / 2005</b>	0	10	0	0	4	4	5	9	23	<b>32</b>

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

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	11	41.1
<b>2005 / 2006</b>	13	52.0
<b>2004 / 2005</b>	21	38.8

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
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.