

**Subject:** Local Government Ombudsman Annual Letter for the year ended 31<sup>st</sup> March 2009 and Annual Complaints Review (including complaints made against the Planning Unit)

**Status:** For Publication

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**Report to:** Performance Scrutiny Committee  
Standards Committee  
Development Control  
Full Council

**Date:** 15<sup>th</sup> September 2009  
1<sup>st</sup> October 2009  
5<sup>th</sup> October 2009  
7<sup>th</sup> October 2009

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**Report of:** Executive Director - Business and the Head of Customer Services

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**Portfolio**

**Holders:** Finance and Resources and Customer Services

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**Key Decision:** No

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**1. PURPOSE OF REPORT**

- 1.1 To inform Members of the improvements contained within with Local Government Ombudsman's Annual Letter for the year ended 31<sup>st</sup> March 2009.
- 1.2 To provide Members with an annual update on activities within the Complaints and Feedback Process.
- 1.3 To inform Members of the Ombudsman complaints and formal complaints received against the Planning Unit for the period 1<sup>st</sup> April 2008 to 31<sup>st</sup> March 2009.

**2. CORPORATE PRIORITIES**

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.
- Delivering Quality Services to Customers
  - Well Managed Council

**3. RISK ASSESSMENT IMPLICATIONS**

- 3.1 There are no specific risk issues for members to consider arising from this report.

## 4. BACKGROUND AND OPTIONS

### Ombudsman Complaints

- 4.1 The Local Government Ombudsman provides an Annual Summary of Complaints they have received against the Council in period 1<sup>st</sup> April 2008 to 31<sup>st</sup> March 2009. A copy of this letter is attached as Appendix 1.
- 4.2 This year the Local Government Ombudsman has changed the way in which complaints are recorded. The 2008/2009 period has seen the introduction of recording numbers of telephone enquiries that the Advice Team have dealt with. These figures are recorded in the same database as complaints and are included in the figures that the Local Government Ombudsman Reports.
- 4.3 The Ombudsman's Annual Letter is briefly summarised as follows:
- 4.3.1 The Local Government Ombudsman received 35 enquiries in complaints against the Council, out of these 22 complaints were forwarded to the investigative team. This is one less than in the period 2007/2008.
- 4.3.2 The greatest number of complaints continues to be in relation to planning matters. Out of the 35 enquiries in complaints 23 of these were related to planning and building control matters, which accounts for 66% of the total, however the numbers concerned are low since 15 of these complaints were in relation to the same matter. A full report on planning complaints is attached in Appendix 4.
- 4.3.3 During the 2008/2009 period the Ombudsman made 16 decisions, 13 of which related to planning matters. Out of the decisions made there were no cases where the Ombudsman had found evidence of maladministration to report.
- 4.3.4 The Local Government Ombudsman requires responses to their investigation enquiries within 28 calendar days. The start date of this response time is taken from the date of the Ombudsman's correspondence, and not the date that the letter is received by the Council. In the period 1<sup>st</sup> April 2008 to 31<sup>st</sup> March 2009 the Council's initial response times to first enquiries were:

| Time Period             | Average No. of days to respond |
|-------------------------|--------------------------------|
| 01/04/2008 – 31/03/2009 | 44.0                           |
| 01/04/2007 – 31/03/2008 | 22.8                           |
| 01/04/2006 – 31/03/2007 | 41.1                           |

As the statistical information shows, the average response time has increased from 22.8 in 2007/08 to 44 in 2008/09. These times were not within the required 28 days. The Ombudsman has expressed concerns over the return to poor performance as follows: *“The Council's performance in relation to response times is disappointing. I do not wish to read too much into such a small number of enquiries, but the planning department might wish to look at ways it can improve in this respect.”*

- 4.4 When dealing with Ombudsman enquiries correspondence is done mainly through email which speeds up the response process. The weekly monitoring system highlights any outstanding enquiries and Liaison Officers are able to work with departments to ensure the Ombudsman receives a timely response. This process works well unless large quantities of information are required. In cases where lots of information is required by the Ombudsman it is more effective to send hard copy information, particularly where over-sized plans are required.
- 4.5 The breakdown of complaints is examined in more detail at [Appendix 2 and 3](#).
- 4.6 The current number of open Ombudsman complaints as at the date of production of this report (09/07/2009) is as follows:

| Service Area         | Number of complaints |
|----------------------|----------------------|
| Planning             | 1                    |
| Planning Enforcement | 1                    |

### **Ombudsman – Planning Complaints**

- 4.7 For the period 1<sup>st</sup> April 2008 to 31<sup>st</sup> March 2009 the Local Government Ombudsman recorded 23 enquiries in complaints against the Planning Unit. Out of the 23 enquiries 19 were referred for investigation compared with 16 in 2007/2008. It must be noted however that out of the 19 complaints 15 of them were in relation to the same matter.
- 4.8 The way in which complaints are recorded has also changed this year. Previously if several complaints were received that were the same in nature, they would have been allocated one number and treated as one complaint. Under the new system all complaints are logged and treated separately which will now result in a higher number of complaints showing on the Ombudsman's statistics than in previous years. A breakdown of the planning complaints forwarded to the Ombudsman can be found in [Appendix 4](#).
- 4.9 The Local Government Ombudsman has recorded that they have closed 13 complaints against the Planning Unit for the period 1<sup>st</sup> April 2008 to 31<sup>st</sup> March 2009 as follows:

|                                  |   |
|----------------------------------|---|
| Ombudsman's Discretion           | 8 |
| Outside Ombudsman's Jurisdiction | 4 |
| Local Settlement                 | 1 |

- 4.10 Since the publication of the Annual Letter a further 15 complaints have been closed as 'no or insufficient evidence of maladministration', these were all in relation to the same matter.
- 4.11 The main concern for the Ombudsman has been a return to poor performance in relation to response times to enquiries and has advised that the planning department should implement procedures for improvement in this area.

## Planning Improvements as a result of the Ombudsman's Report

- 4.12 The Planning Service has now been through a restructure, and as a consequence, a Business Unit Manager has been appointed who will have responsibility for ensuring that responses to Ombudsman complaints are dealt with in a timely fashion in order to address this concern.

### Customer Complaints and Feedback

- 4.13 A weekly summary report continues to be produced for the Executive Management Team, showing progress with the resolution of complaints by service area against the customer service target of providing a response within 10 working days of acknowledging receipt. The cumulative number of compliments received by service area during each quarter is also reported.

### Complaints

- 4.14 An analysis of complaint data by service area, comparing average days to deal with complaints in both 2007/08 and 2008/09, is attached at [Appendix 5](#).
- 4.15 It is encouraging to note a significant reduction year on year in overall complaints received, down from 189 in 2006/07 to 110 in 2008/09 (-41.8%). Three service areas accounted for the majority of this reduction – Street Scene with 34 fewer complaints (-75.6%), Development Control with 28 fewer complaints (-49.1%) and Capita Council Tax with 9 fewer complaints (-39.1%). The overall average time to deal with complaints fell from 7.0 days in 2007/08 to 6.4 days in 2008/09 against a target of 10 days.
- 4.16 The methods used by customers to register formal complaints about the Council are as follows:

| Complaint Method              | April 2007 - March 2008 |            | April 2008 - March 2009 |            |
|-------------------------------|-------------------------|------------|-------------------------|------------|
|                               | No. of complaints       | % of total | No. of complaints       | % of total |
| Feedback form                 | 41                      | 21.7       | 16                      | 14.5       |
| E-mail                        | 54                      | 28.6       | 30                      | 27.3       |
| On-line form                  | 17                      | 9.0        | 6                       | 5.4        |
| Letter                        | 58                      | 30.7       | 40                      | 36.4       |
| Telephone                     | 16                      | 8.4        | 10                      | 9.1        |
| Ombudsman referral            | 2                       | 1.1        | 6                       | 5.5        |
| Via Area Forum                | 1                       | 0.5        | -                       | -          |
| Face to face at One Stop Shop | -                       | -          | 2                       | 1.8        |
| <b>Total</b>                  | <b>189</b>              |            | <b>110</b>              |            |

Whilst this data shows a trend away from the use of pre-printed feedback forms to register formal complaints, the use of electronic media (e-mail or on-line

form) has plateaued year on year and there has been a slight resurgence in the proportion of customers writing letters to raise their concerns.

- 4.17 Analysis of the root cause of complaints was implemented for 2007/08, with complaints being categorised into 7 main types. The table at [Appendix 6](#) shows the breakdown of complaint types by service area. In overall terms, the breakdown of complaints in 2008/09 compared with 2007/08 is as follows:

| Complaint type                       | 2007/08           |            | 2008/09           |            |
|--------------------------------------|-------------------|------------|-------------------|------------|
|                                      | No. of complaints | % of total | No. of complaints | % of total |
| Technical/legal/regulatory           | 36                | 19.0       | 21                | 19.1       |
| Poor communication                   | 19                | 10.1       | 6                 | 5.5        |
| Delayed response/lack of response    | 46                | 24.3       | 19                | 17.3       |
| Complaint against named officer      | 9                 | 4.8        | 15                | 13.6       |
| Complaint received via MP            | 2                 | 1.1        | 1                 | 0.9        |
| Complaint received via Councillor    | 3                 | 1.6        | 0                 | 0          |
| Complaint re RBC policy or procedure | 74                | 39.1       | 48                | 43.6       |
| <b>Total</b>                         | <b>189</b>        |            | <b>110</b>        |            |

- 4.18 Out of the total number of complaints received 29 (26%) were justified whilst 81 (74%) were unjustified (see [Appendix 8](#)). Of the 29 justified complaints, learning points were identified in just 9 cases, 6 affecting Development Control, 1 affecting Street Scene, 1 affecting Environmental Health and 1 affecting the Capita Call Centre. During 2009/10 we will be taking action to raise the profile of capturing learning points and evidencing action taken in the service area to prevent a recurrence of the problem.

### **Compliments**

- 4.19 During 2008/09, a total of 158 compliments were received and an analysis of those compliments by service area is attached at [Appendix 7](#). This is an increase of 100 on 2007/08, mainly attributable to the Elections team receiving 94 customer compliments for the improvements introduced for the canvass for the 2008 Electoral Roll.

### **Planning Customer Complaints and Feedback**

- 4.20 As noted in 4.14 there has been a significant reduction in the formal complaints made against the Planning Department and the service has continued to improve in 2008/2009.
- 4.21 Whilst the number of complaints had decreased in 2008/2009 the time taken to respond to complaints has increased by 1.8 days (see [Appendix 5](#)). The main root cause of complaints against the Planning Department continues to be in relation to the category of delayed response/lack of response (see [Appendix 6](#)). This has been recognised as an area for improvement.
- 4.22 Out of the 29 complaints received by the Planning Department 31% were justified whilst 69% were unjustified.

## **Planning Improvements as a result of Customer Complaints and Feedback**

- 4.23 It is considered that the recent changes implemented through a restructure in the Planning Service including the creation of a Business Unit Manager will assist in improvement.

### **Planning Compliments**

- 4.24 During 2008/2009 compliments received by the Planning Department have increased by 2.

## **COMMENTS FROM STATUTORY OFFICERS:**

### **5. SECTION 151 OFFICER**

- 5.1 There are no financial implications arising from this report.
- 5.2 The Council does however face the risk of financial penalty should the Ombudsman find against the Council in any existing or future complaints.

### **6. MONITORING OFFICER**

- 6.1 The legal implications have been included within the report. In addition to Ombudsman investigations the Monitoring Officer has statutory responsibility to consider and where necessary investigate illegality, maladministration or statutory breaches which may in turn also be reported to Council.

### **7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

- 7.1 Initially there are no Human Resources implications, however an investment in training and development may be required.

### **8. CONCLUSION**

- 8.1 The Council continues to show good performance in relation to the outcome of Ombudsman decisions. There have been no decisions concerning Maladministration in the 2008/2009 period, which is consistent with the 2007/2008 period.
- 8.2 Data from the formal complaints process and also the Ombudsman data has highlighted response times as an area for improvement, particularly in relation to Planning. The Local Government Ombudsman's Annual Letter raises concerns over the time taken to deal with complaints. This period has shown a significant return to poor performance, whilst the number of complaints investigated remains at approximately the same number over a one year period.

- 8.3 The Council recognises that the majority of complaints (both Ombudsman and Formal) are in respect of the Planning Department. Much of this can be attributed to the fact that Planning is, and always will be, an emotive and contentious issue.
- 8.4 The recent improvements to the customer services pages, which now include information on how to complain to the Ombudsman have proved successful.
- 8.5 The formal complaints process is in the course of review to ensure that it remains relevant to customer needs and has a sharper focus on service areas identifying and acting on learning points arising from customer feedback. Part of the review process will involve consultation with customers, both those who have had cause to complain to Rossendale Borough Council and also those who take an active interest in local affairs through attendance at Area Forums.

## 9. RECOMMENDATION(S)

- 9.1 That Members note the content of the Local Government Ombudsman's Annual Letter for the period 1<sup>st</sup> April 2008 to 31<sup>st</sup> March 2009.
- 9.2 That the Planning Unit Manager be asked to provide a report to Performance Scrutiny on the process for responses to Ombudsman complaints.

## 10. CONSULTATION CARRIED OUT

- 10.1 The Planning Unit Manager has been consulted in identifying how future improvements can be made to the Planning Service following the issues identified in the Ombudsman's Annual Letter and the results of the customer complaints feedback.

## 11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required No

Is a Community Impact Assessment attached No

## 12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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Background Papers

|  |                     |
|--|---------------------|
| Document   | Place of Inspection |
| Local Government Ombudsman Annual Letter 2008/09 | Democratic Services |