

Subject: Local Government Ombudsman
Annual Letter for the year ended
31st March 2010 and Annual
Complaints Review 2009/10

Status: For Publication

Report to: Performance Scrutiny Committee
Full Council

Date: 28th September 2010
14th October 2010

Report of: Director of Business & Director of Customers and Communities

Portfolio

Holders: Finance and Resources & Customer Services

Key Decision: No

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 31st March 2010.
- 1.2 To provide Members with an annual update on activities within the Complaints and Feedback Process.

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
 - Providing Value for Money Services

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 1st April 2009 to 31st March 2010. A copy of this letter is attached as Appendix A.

4.2 The Ombudsman's Annual Letter is briefly summarised as follows:

4.3 Decisions were made on 32 complaints against the Council and are broken down as follows:

Maladministration:	1
Local Settlement:	2
No Maladministration:	27
Ombudsman's Discretion:	2
Total:	32

4.4 During 2009/10 a Maladministration Report was issued against the Council, Lancashire County Council and the Environment Agency with regard to a long-running complaint carried out in conjunction with the Parliamentary Health Service Ombudsman. This complaint related to enforcement powers and resulted in the Council apologising and paying the complainant £9,500 in compensation. This was a 10% portion of the compensation awarded and the remainder was paid by the other two Authorities. This Maladministration Report was reported to the relevant Council Committees and a Joint Working Agreement has been signed by all three Authorities to ensure that suitable protocols are in place for the future.

4.5 Out of the 32 complaints decided on by the Local Government Ombudsman during 2009/10, 27 of these decisions were 'No Maladministration'.

4.6 An example of 'No Maladministration' decisions includes 8 complaints against the Environmental Health Service. These complaints were from one street regarding the same issue. When closing the complaint, the Investigator noted: *I have seen no evidence of maladministration by the Council causing you injustice*'.

4.7 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. To that end, the Council's response deadlines fall in line with the Ombudsman's dates to ensure that the end of year figures are the same. The average response time for 2009/10 is 22.3 days which is an improvement on last year's figure of 44.0 days.

4.8 The response figures are broken down as follows:

Time Period	No. 1st Enquiries Received	Average Response time
09/10	12	22.3
08/09	3	44.0
07/08	10	22.8
06/07		41.1

4.9 As the statistical information shows, the average response time has decreased from 44.0 in 2008/09 to 22.3 days in 2009/10. This is a significant improvement on the previous year. The Ombudsman has noted this result and has stated: *This is a welcome improvement on last year's figure of 44 days*.

4.10 Since the 2008/09 Annual Letter, there have been a number of improvements across services to ensure the Ombudsman complaint responses are priorities and answered promptly. The Council has an internal deadline of 20 days to respond, to allow the response to be checked by the Legal Department.

4.11 The 2008/09 Annual Letter highlighted concerns regarding the response times with respect to the Development Control Unit. During 2009/10 a clear system for handling Ombudsman complaints has been established. All complaints are co-ordinated by the Business Unit Manager and when that member of staff is not present, cover is in place.

4.12 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.

4.13 The current number of open Ombudsman complaints as at the date of publication of this report (10th September 2010) is as follows:

Service Area	Number of complaints
Council Tax	3 (provisional decision has been issued, closure imminent)
Regeneration	1

Liaison Officer's Report

4.14 The Council has allocated the administration of Ombudsman complaints to one office in Committee and Member Services. Throughout 2009/10 the Officer has been keeping a record of the contact kept with the Ombudsman's Office and her report is summarised below:-

- 4.14.1 The Liaison Officer has been working hard to build a positive relationship with the Ombudsman staff. This has been a complex matter, as the Ombudsman has moved to a more 'Advice Centre' set up. This means that complaints are sent to a central point in Coventry, may be subject to a preliminary investigation and then may be distributed to an Investigator for formal investigation.
- 4.14.2 The move to an Advice Centre format has resulted in the Liaison Officer having less preliminary contact with Investigators with whom good relationships have been built. The additional contact with Advice Centre staff has not caused any significant issues, however it can be sometimes difficult to establish what is an investigation, a premature complaint or a preliminary enquiry.

Proactive Measures

- 4.14.3 To ensure that Elected Members have an understanding of the work of the Ombudsman service, an article was included in the November 2009 issue of the Members Bulletin. The intention of this was to ensure that Elected Members were able to give the correct advice to constituents. In addition, information from the Ombudsman is distributed to all new/re-elected Members in their Induction Pack.
- 4.14.4 The Council has responded on a consultation exercise carried out by the Ombudsman which asked for the views of Local Authorities on a proposal to publish complaint outcomes on the website.
- 4.14.5 The Liaison Officer provides weekly figures to the Service Assurance Team, along with a brief summary of open investigations.
- 4.14.6 The Liaison Officer has been proactively contacting the Ombudsman to update them on closed complaints. For example a planning enforcement complaint may be closed but the complainant may be advised to re-contact the Ombudsman should they feel no progress has been made after 6 months. The Liaison Officer monitors complaints such as these and provides regular, unprompted updates.
- 4.14.7 One issue that the Liaison Officer has encountered is that there have been occasional miscommunications between Ombudsman departments. For example, in the case of the Maladministration report, the Liaison Officer sent regular updates to the Ombudsman's Office between January and March 2010, detailing proof of advertisement, proof of apology and compensation and evidence that the matter had been reported to the relevant Council meetings. In April 2010 the Liaison Officer was contacted by an Investigative Officer and asked to provide this information, which resulted in repetitive work and sourcing of proof that this had already been done.
- 4.14.8 The Liaison Officer has bi-monthly meetings or meets as required with the Assistant Head of Legal to discuss Ombudsman Complaints and any issues arising from this.

Customer Complaints and Feedback

4.15 A weekly summary report continues to be produced for the Senior Management Team, copied to Portfolio Holders, 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

4.16.1 An analysis of complaint data by service area, comparing average days to deal with complaints in 2007/08, 2008/09 and 2009/10 is attached at Appendix B.

4.16.2 It is encouraging to note a further reduction year on year in overall complaints received, down from 110 in 2008/09 to 99 in 2009/10 (-10.0%). Compared with 2007/08, the reduction in complaints is 47.6%.

4.16.3 Development Control maintained the trend of a continuing reduction in complaints seen in previous years, down by a further 11 to 18 (-37.9%) in 2009/10, with an average time to deal of 8.4 days.

4.16.4 Complaints regarding Council Tax Recovery, a service administered by Capita, have doubled year on year to 20. However, 14 of the 20 complaints (70%) were from the Rossendale CAB and concerned alleged errors by bailiffs acting on behalf of the Council to recover arrears of Council Tax. Three of these cases are the subject of ongoing enquiry by the Ombudsman.

4.16.5 The overall average time to deal with complaints across all service areas was 6.6 days, well within the target of 10 days.

4.17 The methods used by customers to register formal complaints about the Council were as follows:

Complaint Method	April 2007 - March 2008		April 2008 - March 2009		April 2009 - March 2010	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Feedback form	41	21.7	16	14.5	24	24.2
E-mail	54	28.6	30	27.3	37	37.4
On-line form	17	9.0	6	5.4	3	3.0
Letter	58	30.7	40	36.4	21	21.2
Telephone	16	8.4	10	9.1	10	10.1
Ombudsman referral	2	1.1	6	5.5	4	4.1
Via Area Forum	1	0.5	-	-	-	-
Face to face at One Stop Shop	-	-	2	1.8	-	-
Total	189		110		99	

E-mail has proved to be the most popular medium used to register a complaint in 2009/10, with over 1/3 of customers choosing to contact RBC this way.

- 4.18 Analysis of the root cause of complaints was implemented for 2007/08, with complaints being categorised into 7 main types. The table at [Appendix C](#) shows the breakdown of complaint types by service area. In overall terms, the breakdown of complaints over the past three years is as follows:

Complaint type	2007/08		2008/09		2009/10	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Technical/legal/regulatory	36	19.0	21	19.1	33	33.3
Poor communication	19	10.1	6	5.5	13	13.2
Delayed response/lack of response	46	24.3	19	17.3	13	13.2
Complaint against named officer	9	4.8	15	13.6	6	6.1
Complaint received via MP	2	1.1	1	0.9	1	1.1
Complaint received via Councillor	3	1.6	-	-	3	3.1
Complaint re RBC policy or procedure	74	39.1	48	43.6	30	-
Total	189		110		99	

- 4.19 As an adjunct to the complaint investigation and response process, officers are required to assess whether or not the complaint was justified, based on the outcome of the investigation. Out of the total number of complaints received, 25 (25.3%) were adjudged to be justified whilst 70 (70.7%) were adjudged to be unjustified. A further 4 (4.0%) were regarded as partially justified. [Appendix D](#) shows the breakdown of these cases by service area.

Compliments

- 4.20 During 2009/10, a total of 89 compliments were received and an analysis of those compliments by service area is attached at [Appendix E](#). Whilst this is a reduction of 69 on 2008/09, that year included an exceptional number of 94 customer compliments for the improvements introduced for the canvass for the 2008 Electoral Roll. The underlying trend of compliments is however very encouraging, with customers increasingly prepared to provide positive feedback when a job has been well done.

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 There are no Human Resources implications.

8. CONCLUSION

8.1 There has been a significant improvement in the response times for the year 2009/10 and protocols have been put in place to ensure that this improvement continues.

9. RECOMMENDATION(S)

9.1 That Members note the content of the Local Government Ombudsman's Annual Letter for the period 1st April 2009 to 31st March 2010.

10. CONSULTATION CARRIED OUT

10.1 Committee and Member Services Manager, Ombudsman Liaison Officer and Customer Services Staff.

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 2009/10	www.lgo.org.uk