

Subject:	Local Government Ombudsman's Annual Letter for the Year Ended 31st March 2011 and Annual Complaints Review	Status:	For Publication
Report to:	Standards Performance O&S Council	Date:	20 th September 2011 26 th September 2011 28 th September 2011
Report of:	Director of Business / Director of Customers and Communities	Portfolio Holder:	Finance and Resources/ Customer Services
Key Decision:	No	Forward Plan No	General Exception No
Community Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That the contents of the report are noted.

2. PURPOSE OF REPORT

2.1 To update Members on the following:-

- The Local Government Ombudsman's Annual Letter for the period 1st April 2010 to 31st March 2011.
- The annual report regarding complaints and compliments received by the Council for the period 1st April 2010 to 31st March 2011.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly all the Council's corporate priorities:

- **A clean and green Rossendale** – creating a better environment for all.
- **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
- **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

4. RISK ASSESSMENT IMPLICATIONS

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

5. BACKGROUND AND OPTIONS

Ombudsman Complaints

5.1 The Local Government Ombudsman provides an Annual Summary of complaints they have received against the Council in the period 1st April 2010 to 31st March 2011. A copy of this letter is attached at Appendix A.

5.2 The Local Government Ombudsman made decisions on 14 enquiries and complaints received against the Council as follows:-

Forwarded to Council as a premature complaint:	7
Advice given:	3
Forwarded in investigative team (resubmitted):	1
Forwarded to investigative team (new):	3

5.3 8 complaints were forwarded to the investigative team. This figure includes any complaints carried forward from the previous year which were concluded in 2010/11. These were concluded as follows:-

Maladministration (injustice):	0
Local settlements:	4
Maladministration (no injustice):	0
Report with no maladministration:	0
No maladministration, (no report):	1
Ombudsman's Discretion (no report):	3
Outside jurisdiction:	0

5.4 The Local Government Ombudsman requires responses to their investigation enquiries within 28 calendar days from the date of the Ombudsman's letter. The average response time for 2010/11 is 18.0 days for 3 'first enquiries' which is an improvement on the 2009/10 figure of 22.3 days and the 2008/9 figure of 44.0 days.

5.5 There are some preliminary enquiries and premature complaints in existence. These are those complaints received by the Ombudsman, which the Council has not had sight of. In most instances, the Ombudsman will give the Council 12 weeks to put the complaint through the formal complaints system, after which they will make a decision on whether to close or proceed with a formal investigation. Premature complaints are recorded within the Service Assurance Team's complaints figures so as to avoid duplication.

5.6 The Liaison Officer provides the Head of Legal and Democratic Services and the Service Assurance Team with a weekly update on open investigations. There is currently one open investigation. When investigations are opened, regular update meetings take place between the Liaison Officer and the Head of Legal and Democratic Services to discuss deadlines and any issues which may arise. These meetings assist in compliance with the Ombudsman's response deadlines.

Customer Complaints and Feedback

5.7 A weekly summary report continues to be produced for the Senior Management Team, copied to all Councillors, 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

- 5.8 An analysis of complaint data by service area, comparing average days to deal with complaints over the past three years, is attached at [Appendix B](#).
- 5.9 It is encouraging to note a further reduction in overall complaints received, down from 110 in 2008/09 to 85 in 2010/11 (-22.7%).
- 5.10 The overall average time to deal with complaints across all service areas decreased slightly, from 6.6 days in 2009/10 to 6.5 days in 2010/11.
- 5.11 The methods used by customers to register formal complaints about the Council were as follows:

Complaint Method	2008/09		2009/10		2010/11	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Feedback form	16	14.5	24	24.2	14	16.5
E-mail	30	27.3	37	37.4	31	36.5
On-line form	6	5.4	3	3.0	2	2.4
Letter	40	36.4	21	21.2	32	37.6
Telephone	10	9.1	10	10.1	3	3.5
Ombudsman referral	6	5.5	4	4.1	1	1.2
Via Area Forum	-	-	-	-	-	-
Face to face at One Stop Shop	2	1.8	-	-	2	2.3
Total	110		99		85	

In recent years e-mail has proved to be an increasingly popular medium for registering complaints, with over $\frac{1}{3}$ of customers choosing to contact the Council this way. However, 2010/11 saw a resurgence of complaints by letter, with 37.6% of customers using this method to raise their concerns with us.

- 5.12 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 over the past three years, whilst the analysis in overall terms for the same period is as follows:

Complaint type	2008/09		2009/10		2010/11	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Technical/legal/regulatory	21	19.1	33	33.3	18	21.1
Poor communication	6	5.5	13	13.2	5	5.9
Delayed response/lack of response	19	17.3	13	13.2	10	11.8
Complaint against named officer	15	13.6	6	6.1	8	9.4
Complaint received via MP	1	0.9	1	1.1	-	-
Complaint received via Councillor	-	-	3	3.1	1	1.2
Complaint re RBC policy or procedure	48	43.6	30	30.3	43	50.6
Total	110		99		85	

- 5.13 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 of 85 complaints received, 17 (20.0%) were seen to be justified, 56 (65.9%) were seen to be unjustified and a further 12 (14.1%) were seen as partially justified. Appendix D shows the breakdown of these cases by service area.

Compliments

- 5.14 2010/11 saw a very significant increase of 148 in compliments received - from 89 the previous year up to 237. There were two main reasons for this large increase:
- i) the inclusion of satisfaction data from customer surveys e.g. STAN the Van 40 and Building Control 37 (both zero in 2009/10);
 - ii) the inclusion of internal customer compliments e.g. Legal Services 26 (compared with 3 in 2009/10).
- 5.15 Taken together, these three service areas account for a net increase of 100 in the overall level of compliments, tending to deflect attention from the marked increase in positive feedback received by the Refuse & Cleansing team, up by 31 over 2009/10 and the Development Control team, up by 12 over 2009/10. The analysis of compliments by service area is attached at Appendix E.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

- 6.1 There are no financial implications arising from this report, however the Council does face the risk of financial penalty should the Ombudsman find maladministration against the council in any existing or future complaints. For the avoidance of doubt, during the period 2010/2011 the Ombudsman has not awarded any penalties against the Council.

7. MONITORING OFFICER

- 7.1 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 the Council.

8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 8.1 There are no human resources implications.

9. CONSULTATION CARRIED OUT

- 9.1 Committee and Member Services Manager, Liaison Officer and Services Assurance Team.

10. CONCLUSION

- 10.1 There has been a significant improvement in the response times to initial enquiries for the 2010/11 year.
- 10.2 Complaints continue to show a year on year reduction and the average time to respond, at 6.5 days, is well within the customer service standard of 10 days.

Appendices

Document	Place of Inspection
Local Government Ombudsman's Letter 2010/11	Appendix A or available at http://www.lgo.org.uk/documents/annualreview/2011/rossendale.pdf
Complaints to RBC by Service Area & Average Response Times	Appendix B
Summary of Complaint Type by Service Area	Appendix C
Justified/Unjustified Complaints by Service Area	Appendix D
Customer Compliments by Service Area	Appendix E

Local Government
OMBUDSMAN

24 June 2011

Mrs Helen Lockwood
Chief Executive
Rossendale Borough Council
Town Hall, Rawtenstall
ROSSENDALE
BB4 7LZ

Dear Mrs Lockwood

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

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Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

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Mrs Helen Lockwood

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink that reads "Anne Seex". The signature is written in a cursive style with a large initial 'A'.

Anne Seex
Local Government Ombudsman

For information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Benefits & Tax	Corporate & Other Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	1	0	0	0	1	0	5	7
Advice given	3	0	0	0	0	0	0	3
Forwarded in investigative team (resubmitted)	0	0	0	0	1	0	0	1
Forwarded to investigative team (new)	0	1	1	0	0	0	1	3
Total	4	1	1	0	2	0	6	14

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	4	0	0	1	3	0	8

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	3	18.0
2009 / 2010	12	22.3
2008 / 2009	3	44.0

Provisional comparative response times 01/04/2010 to 31/03/2011

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0

Complaints to RBC by Service Area and Average Response Times

Service Area	2008/09			2009/10			2010/11		
	Total complaints	% of total	Average days to deal	Total complaints	% of total	Average days to deal	Total complaints	% of total	Average days to deal
Development Control	29	26.4	13.3	18	18.2	8.4	13	15.3	11.5
Refuse & Cleansing	11	10.0	2.5	9	9.1	4.7	16	18.8	4.9
Capita - Benefits	9	8.2	3.0	13	13.1	6.5	12	14.1	2.5
Capita - BIU	1	0.9	8.0	0	0.0	0.0	0	0.0	0.0
Capita - Call Centre	5	4.6	3.8	3	3.0	8.7	0	0.0	0.0
Capita - Council Tax	14	12.8	3.4	13	13.1	5.5	15	17.6	5.1
Capita - Council Tax Recovery	10	9.1	3.3	20	20.2	6.6	8	9.4	5.3
Capita - NNDR	1	0.9	2.0	0	0.0	0.0	0	0.0	0.0
Capita - One Stop Shop	4	3.6	3.8	0	0.0	0.0	2	2.4	12.0
Communities - Area Officers	3	2.7	1.7	7	7.1	2.6	6	7.1	4.0
Executive Office	1	0.9	11.0	0	0.0	0.0	0	0.0	0.0
Customer Services	4	3.6	8.8	2	2.0	5.0	1	1.2	10.0
Emergency Planning	1	0.9	7.0	0	0.0	0.0	0	0.0	0.0
Environmental Health	3	2.7	5.0	4	4.0	11.5	3	3.5	7.0
Licensing	2	1.8	12.5	3	3.0	6.7	3	3.5	6.3
Property Services	1	0.9	12.0	3	3.0	3.0	2	2.4	15.5
Building Control	0	0.0	0.0	0	0.0	0.0	1	1.2	3.0
Forward Planning	0	0.0	0.0	1	1.0	4.0	0	0.0	0.0
Legal	2	1.8	4.0	2	2.0	14.0	1	1.2	8.0
Communications	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
Finance	3	2.7	1.0	0	0.0	0.0	0	0.0	0.0
Parks & Open Spaces	5	4.6	3.0	0	0.0	0.0	1	1.2	3.0
Human Resources	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
Regeneration	1	0.9	3.0	1	1.0	8.0	1	1.2	35.0
Committee & Member Services	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0
Total	110	100.0	6.4	99	100.0	6.6	85	100.0	6.5

Complaints received not for RBC:

Greenvale Homes	0			0			0		
Lancashire Highways	2			0			0		
Rosendale Leisure Trust	1			0			0		
Overall total	113			99			85		

Summary of Complaint Type by Service Area 2010/11

Service Area	Root Causes of Complaint							Total complaints
	Technical/legal/regulatory	Poor communication	Delayed response/lack of response	Complaint against a named officer	Complaint received via MP	Complaint received via Councillor	Complaint re RBC policy or procedure	
Building Control	0	0	0	0	0	0	1	1
Development Control	6	0	2	3	0	0	2	13
Refuse & Cleansing	0	2	1	1	0	0	12	16
Capita - Benefits	5	0	3	0	0	0	4	12
Capita - Council Tax	2	2	1	1	0	0	9	15
Capita - Council Tax Recovery	1	0	0	0	0	0	7	8
Capita - One Stop Shop	0	0	0	1	0	0	1	2
Communities	0	1	1	0	0	0	4	6
Customer Services & ICT	1	0	0	0	0	0	0	1
Environmental Health	1	0	1	1	0	0	0	3
Licensing	0	0	0	1	0	1	1	3
Property Services	0	0	1	0	0	0	1	2
Legal	0	0	0	0	0	0	1	1
Parks & Open Spaces	1	0	0	0	0	0	0	1
Regeneration	1	0	0	0	0	0	0	1
Total	18	5	10	8	0	1	43	85
% complaint type of total	21.2	5.9	11.8	9.4	0.0	1.2	50.6	

Justified/Unjustified Complaints by Service Area 2010/11

Service Area	Building Control	Capita - Benefits	Capita - Council Tax	Capita - Council Tax Recovery	Communities - Area Officers	Customer Services	Development Control	Environmental Health	Legal Services	Licensing	Parks & Open Spaces	Property Services	Refuse & Cleansing	Regeneration	Total		
Justified	-	1	2	-	-	4	-	3	1	-	1	1	-	3	1	17	20.0%
Unjustified	1	5	13	8	2	2	1	8	2	1	1	-	-	12	-	56	65.9%
Partially Justified	-	6	-	-	-	-	-	2	-	-	1	-	2	1	-	12	14.1%
Total	1	12	15	8	2	6	1	13	3	1	3	1	2	16	1	85	

Customer Compliments by Service Area

Directorate	Service Area	Team	Compliments received during:			
			Q1 April - June 2010	Q2 July - September 2010	Q3 October - December 2010	Q4 January - March 2011
Chief Executive	People & Policy	Human Resources				1
		Policy & Performance		1		
		Communications	3	2	1	2
	Finance & Property	Financial Services				
		Property Services			1	
Customers and Communities	Operations	Executive Office	1			
		Refuse & Cleansing	1	5	17	12
		Parks & Open Spaces	1	3	3	2
	Customer Services	Capita - Council Tax Recovery				
		Capita - Council Tax				
		Capita - Call Centre				
		Capita - Benefits			1	
		Capita - OSS			2	2
		ICT				
		Customer Services	1			2
	Communities	STAN the Van				40
		Community Safety				1
		Community Engagement				5
		Emergency Planning			1	
		Service Development		3		
Business	Regeneration	Area Officers	1	6	4	3
		Regeneration Delivery	1	2		1
		Regeneration Progs	1	3	2	
		Economic Development				1
		Environmental Health	1	1		1
	Legal	Traffic & Parking				
		Legal Services	6	5	7	8
		Committee & Member Services	3		2	1
	Planning	Elections	3			2
		Building Control	11	14	5	7
		Forward Planning				
		Development Control	5	3	8	1
		Land Charges				
		Licensing		3	1	
Total			39	51	55	92