

Local Government Ombudsman's Annual Review for year ended 31st March 2010	Agenda No: 10
Corporate Priority: Deliver excellent, cost effective and valued services Report presented by: Trevor Wilson, Head of Finance Report prepared by: Trevor Wilson, Head of Finance	
Background Papers:	Public Report
Options:	Key Decision: NO
<p>Executive Summary: The Local Government Ombudsman has published the findings from his annual review of complaints about Braintree District Council for the year ended 31st March 2010, copy of report attached at Appendix A.</p> <p>The report identifies that 15 enquiries and complaints about our Council were received in 2009/10, a reduction by a third from last year. Ten cases were investigated, two were referred back to the Council to be considered under our complaints procedures and advice was provided to the enquirer in each of the other three cases.</p> <p>Of the fifteen complaints considered by the Ombudsman, nine were in respect of planning and building control; two were housing related, two related to council tax/finance and one each for parking and other.</p> <p>A decision was made by the Ombudsman on seven complaints – one recorded no administrative fault on behalf of the Council and six where he used his general discretion to close the investigations.</p> <p>For 2009/10 we were slightly outside the Ombudsman's target in responding to the two complaints in respect of which the Ombudsman had made written enquiries. The two complaints were quite complex and required detailed investigation.</p> <p>At a national level, planning and housing complaints represent the largest proportion of cases dealt with by the Ombudsman. This is not to say that these services are administered any less effectively than other services but simply that planning and housing are very emotive issues.</p> <p>In addition to this review of complaints taken up with the Ombudsman, the Council's complaints process has recently been subject to two reviews: one by the auditor assessing the Council's application for the Customer Service Excellence Standard and a second by the Council's external auditor, PKF, as part of the review of performance indicators (percentage of complaints responded to in 7 working days).</p>	

Four areas for improvement were identified as part of the review associated with the Customer Service Excellence Standard. Details of these together with comments from management are contained in Appendix B.

Decision:

Members are asked to accept:

- the annual report from the Local Government Ombudsman into complaints received about Braintree District Council in 2009/10; and
- the actions proposed for improving the complaints process as detailed in Appendix B to this report.

Purpose of Decision: For those charged with governance on behalf of the Council to receive a report from an external third party on a review of a service provided by or impacting on the Council.

Corporate implications [should be explained in detail]

Financial:	None
Legal:	None
Equalities/Diversity	The Council's complaint procedure is available to all residents in the district and users of the council's services. Details of the procedure are available on the Council's website, at office receptions and are available in large print on request.
Customer Impact:	Ensuring the Council has a process in place to investigate complaints made by customers and residents into services or decisions made by the Council.
Environment and Climate Change:	None
Consultation/Community Engagement:	None
Risks:	None
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**The Local Government Ombudsman's
Annual Review
Braintree District Council
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

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Section 1: Complaints about Braintree District Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Braintree District Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

I received 15 enquiries and complaints about your Council in 2009/10, a reduction by a third from last year. A total of 10 cases were passed to our investigation team. A further two complaints were referred back to the Council to consider under its complaints procedure and we gave advice to the enquirer in the remaining three cases.

Planning and building control generated most contacts; nine in all of which six were forwarded for investigation. Of these six complaints, three concerned the same planning application. The other four complaints sent to the investigation team related to housing matters (two), council tax and parking.

Complaint outcomes

During the year I made decisions on seven complaints. Four concerned planning applications and one each was about local taxation, parking, and rights of way. In one planning case I found no evidence of administrative fault in how the Council had acted. I exercised my general discretion in closing the other six cases that were investigated. Of these six decisions, three concerned the same planning application and I did not consider the three complainants had been significantly affected by the grant of planning permission as their homes were over 80 metres away from the development with intervening screening. In both the parking and rights of way cases, I considered the Council had responded in a reasonable way to the complaints prior to my involvement, including paying compensation to the complainants. In the council tax case, I discontinued my investigation after considering how both the Council and complainant had acted.

Liaison with the Local Government Ombudsman

I made written enquiries on two complaints (a significant reduction from the seven in 2008/09). The Council's average response time was 29.5 days, which is just outside my 28 day target and represents an increase on the previous year's 23.3 days despite the reduction in the number of initial enquiries.

We hold seminars every year so that council officers who coordinate responses to our enquiries may meet me and members of my team. I would welcome the opportunity to meet with your officers at this year's seminars and I will send details in due course.

Training in complaint handling

I would like to take this opportunity to remind the Council that 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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

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 authority's services.

**Tony Redmond
Local Government Ombudsman
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June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in **Barking and Dagenham, Cambridgeshire, Medway and Sefton**. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Premature complaints: 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. 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 LGO 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 LGO'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 LGO's jurisdiction.

Table 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.

Table 4. Average local authority response times 2009/10

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

LGO Advice Team

Enquiries and complaints received	Housing	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	0	0	2	0	0	2
Advice given	0	1	1	0	1	3
Forwarded to investigative team (resubmitted prematures)	1	1	0	0	0	2
Forwarded to investigative team (new)	1	0	6	1	0	8
Total	2	2	9	1	1	15

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	0	0	0	1	6	0	7

Average local authority resp times 01/04/2009 to 31/03/2010

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	2	29.5
2008 / 2009	7	23.3
2007 / 2008	14	21.8

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

APPENDIX B

<p>outcome of justified complaints is satisfactory for complainants.</p>	<p>justified complaints, the following final sentence would be included in the reply:</p> <p>"I trust that this satisfactorily remedies the matter, but please let me know if you require any further assistance."</p>
<p>Audit Commission (PKF Auditors) – Review of internal Performance Indicator CHLP3 – Percentage of complaints responded to in 7 working days.</p> <p>A member of the auditor’s staff had carried out some sampling of receipt and reply dates in 10 complaint cases, and the outcome of the Audit had been positive.</p>	<p>Ensure that the figures entered in Covalent are updated and adjusted as necessary once complaints have been entered into the RESPOND system.</p>