

## BABERGH DISTRICT COUNCIL

<b>From</b> Head of Corporate Organisation	<b>Report Number:</b> <b>M83</b>
<b>To</b> Overview and Scrutiny (Stewardship) Committee	<b>Date of meeting:</b> 20 September 2012

### ANNUAL MONITORING OF FORMAL COMPLAINTS 2011/12

#### 1. Purpose of Report

- 1.1 This report provides information concerning formal complaints referred to the Local Government Ombudsman during 2011/12 and updates Members on the alignment of the internal process for handling complaints to Babergh and Mid Suffolk District Councils.

#### 2. Recommendation

- 2.1 That the report be noted.  
The Committee is able to resolve this matter.

#### 3. Financial Implications

- 3.1 A compensation payment of £100 was paid for the case where local settlement was agreed.

#### 4. Risk Management

- 4.1 This report is not linked with any of the Council's Corporate / Significant Business Risks. The risks associated with complaints to the Council and the identified mitigation measures are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Complaints are not monitored and managed and opportunities to improve Council services are lost, resulting in poor service and reputational damage.	Rare	Bad	Robust formal complaints procedure and reporting arrangements are in place.

#### 5. Consultations

- 5.1 As this is a monitoring report no consultations are required with UNISON or other outside bodies.

## **6. Equality Analysis**

- 6.1 There are no equality and diversity implications arising from this monitoring report. The aligned Complaints Procedure noted below will be reviewed for equality impact and implications during the developmental process.

## **7. Shared Service / Partnership Implications**

- 7.1 There are no implications for shared services or partnerships arising from this monitoring report. However, officers from both Councils are working towards an aligned complaints procedure/system across Babergh and Mid Suffolk District Councils.

## **8. Key Information**

### **Enquiries and complaints to the Local Government Ombudsman (LGO)**

- 8.1 The Council has received its annual letter from the LGO (Appendix 1). This includes details of the number of enquiries and complaints received by the LGO in 2011/12 and the results of their investigations completed in that year. This, and every other report back to 2007, is available for the public to view on the LGO's website.
- 8.2 The LGO received ten enquiries or complaints during 2011/12. This compares to 17 received in 2010/11 and 12 the previous year. These relatively small numbers mean these variations are not seen as statistically significant.
- 8.3 The breakdown of enquiries and complaints received by service areas, as defined by the LGO, can be seen in Appendix 1.

### **Ombudsman decisions**

- 8.4 Of the 10 enquiries or complaints received in 2011/12, 3 were resolved by the LGO giving advice and 3 were assessed as premature complaints. This usually means they are complaints made to the LGO before they had been through the Council's formal Complaints Procedure.
- 8.5 The LGO passed 4 new complaints to their Investigative Team.
- 8.6 The decisions on the 4 new cases plus 1 that was a continuing investigation from before 2011/12 were as follows:

Table 1a

	Investigation not justified and other	Not enough evidence of fault	No or minor injustice and other	Injustice remedied during enquiries	Reports
Benefits and Council Tax			1		
Environmental Services and Public Protection and Regulation		1			
Highways and Transport					
Housing			1		
Planning and Development	1			1	
Total	1	1	2	1	0

8.7 Where the LGO has issued a report on a completed investigation it is usually because there are findings of maladministration causing injustice. There were no reports for the Council in 2011/12.

#### **Actions resulting from LGO investigations**

8.8 The investigation into the case which was agreed and remedied during enquiries involved the length of time taken to decide if enforcement action was expedient, and a lack of communication during this time with the complainant. As a result of this investigation the management of enforcement cases has been improved to ensure decisions are taken quicker and cases are not left unresolved for lengthy periods.

#### **Council response times**

8.9 The LGO reports the average number of days it takes the Council to respond to first enquiries from them. In 2011/12 the LGO made 3 first enquiries and the average response time was 14.3 days. This compares to the 29 days it took the Council to respond to a single first enquiry in 2010/11. Whilst it is pleasing to see the fall in response time, the low number of first enquiries makes it difficult to draw a meaningful conclusion.

#### **Enquiries or complaints sorted by services**

8.10 The table below shows the number of enquiries or complaints received by the LGO split by services as defined by the LGO:

Table 1b

2011/12		
	Advice/Premature complaints	Forwarded for investigation
Benefits and Council Tax	0	1
Environmental Services and Public Protection and Regulation	1	1
Highways and Transport	0	0
Housing	4	0
Planning and Development	1	2
Total	6	4

**9. Appendices**

Title	Location
(a) Local Government Ombudsman Annual review Letter 2011/12	Attached
(b) Local Government Ombudsman Annual report 2011/12	Attached

**10. Background Documents**

None.

Authorship:  
Ben Staines  
Performance and Audit Services Officer

01449 724572  
ben.staines@midsuffolk.gov.uk

22 June 2012

*By email*

Ms Charlie Adan  
Chief Executive  
Babergh District Council  
Corks Lane  
Hadleigh  
Ipswich IP7 6SJ

Dear Ms Adan

### **Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. 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 forwarded by the Advice Team to my office, and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries.

I am pleased to say that I have no concerns about your authority's response times and there are no issues arising from the complaints that I want to bring to your attention.

### ***Changes to our role***

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

### ***Supporting good local public administration***

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on [our website](#).

### ***Publishing decisions***


Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely

A handwritten signature in black ink that reads "J Martin". The signature is written in a cursive style and is positioned above a short horizontal line.

**Dr Jane Martin**  
**Local Government Ombudsman**

LGO advice team

Appendix B

Enquiries and complaints received	Benefits & Tax	Environmental Services & Public Protection & Regulation	Housing	Planning & Development	Total
Advice given	0	1	2	0	3
Premature complaints	0	0	2	1	3
Forwarded to Investigative team (new)	1	1	0	2	4
<b>Total</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>10</b>

Investigative team - Decisions

Not investigated			Investigated			Report	Total
No power to investigate	No reason to use exceptional power to investigate	Investigation not justified & Other	Not enough evidence of fault	No or minor injustice & Other	Injustice remedied during enquiries		
0	0	1	1	2	1	0	5

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	3	14.3