

Committee:	Executive	Agenda Item No.:	7.
Date:	2 nd August 2010	Status	Open
Category	3. Part of the Budget and Policy Framework		
Subject:	Annual Review from the Local Government Ombudsman		
Report by:	Customer Service and Access Officer		
Other Officers Involved			
Director	Chief Executive Officer		
Relevant Portfolio Holder	Councillor D. McGregor, Portfolio Holder for Customer Services		

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

The effective management of complaints is central to good customer service. It also provides a good source of information which the Council can use to improve services.

TARGETS

Local Performance Indicators CSP3 and CSP4 for number of complaints and response times

VALUE FOR MONEY

N/A

THE REPORT

Purpose

To provide information contained within the Annual Review 2009/10 from the Local Government Ombudsman (LGO).

The Annual Review provides a summary of the complaints that the LGO received for Bolsover District Council over the last financial year. It also contains a covering letter and a statistical breakdown of the complaints together with an explanatory note. These documents have been appended for your information.

Key points from the Annual Review:

- The LGO received 16 enquiries and complaints during 2009/10, of which 12 were forwarded to the Investigative Team. These covered by subject - Housing (7), Other (4) and Planning and Building Control (1).
- Our average response time to first enquiries was 25.3 days, slightly longer than our 2008/09 performance (24.7 days) but well within the LGO's target of 28 days.
- The LGO decided 11 complaints, 7 were found to have insufficient evidence of maladministration, 1 was discontinued, 1 was outside jurisdiction and 2 resulted in a local settlement.
- Only one complainant chose to resubmit their complaint to the LGO after it had been considered by the Council.

ISSUES/OPTIONS FOR CONSIDERATION

None

IMPLICATIONS

Financial: - None

Legal: - None

Human Resources: None

RECOMMENDATION

That Executive receive the report and the LGO Annual Review 2009/10

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

To keep Members informed of Ombudsman complaints

ATTACHMENTS: - Annual Review 2009/10 dated 21st June 2010

FILE REFERENCE:

SOURCE DOCUMENT:

21 June 2010

Mr W Lumley
Chief Executive Officer
Bolsover District Council
Sherwood Lodge
Bolsover
CHESTERFIELD S44 6NF

Our Ref: Annual Review/AS/sw
(Please quote our reference when contacting us)

Dear Mr Lumley

Annual Review 2009/10

I enclose an annual review that summarises the complaints about your authority that my office has dealt with over the past year and provides a general update on developments affecting the Local Government Ombudsmen.

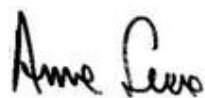
This annual review and those for all other councils will be published on our website (www.lgo.org.uk). This gives you the opportunity to consider the review first. If you think that there is any material factual inaccuracy please let my office know immediately. We will issue a press release about the publication of the annual reviews on our website. A summary of our complaint statistics for all authorities will also be published on our website.

I am arranging for a copy of this letter and the review to be sent to you electronically so that you can distribute it easily internally and put the annual review on your website. You do not need to include this covering letter on your website.

The annual review mentions the training that we provide and I also enclose information on the full range of courses available together with contact details for enquiries and bookings.

If your authority would find it helpful, one of my senior colleagues or I would be pleased to arrange to meet and discuss the annual review or any aspect of our work.

Yours sincerely



Anne Seex
Local Government Ombudsman

**The Local Government Ombudsman's
Annual Review
Bolsover District Council
for the year ended
31 March 2010**

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Section 1: Complaints about Bolsover District Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Bolsover District Council. I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two appendices to the review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

Our Advice Team deals with all initial contacts to the Ombudsmen and advise people who want to make a complaint. The Advice Team recorded 16 enquiries about your Council in 2009/10 and forwarded 12 complaints for my office to consider. The complaints we considered were about housing (7), other (4) and planning and building control (1).

Complaint outcomes

My office made decisions on 11 complaints about the Council in 2009/10. In any one year, there can be a difference in the number of complaints received and the number of decisions made by my office. This is because some decisions will have been made on complaints received in the previous year and not all the complaints received in 2009/10 will have been decided by 31 March.

Local settlements

We will often discontinue enquiries into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. 26.9% of all decisions on complaints in the Ombudsmen's jurisdiction were local settlements. Of the complaints we considered about your authority, only two led to a local settlement (20%).

One settlement related to a request for a new front door which the Council agreed to replace ahead of schedule.

The other settlement related to the disclosure of diary sheets about anti social behaviour to the alleged perpetrator. The Council had already apologised but also agreed to pay £200.

Liaison with the Local Government Ombudsman

We made four first enquiries to your Council during 2009/10 and the average response time was 25.3 days well within the target of 28 days.

I am pleased that the Council was able to send a delegate to our Liaison Officer Seminar.

Training in complaint handling

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 hope this review provides a useful opportunity for you to reflect on how the Council deals with those complaints that residents make to my office. If there are any issues that you wish to discuss, I or one of my senior colleagues would be happy to meet with the Council.

**Mrs A Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

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.

**Mrs A Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
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YO30 5FZ**

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.