

**BROMSGROVE DISTRICT COUNCIL**

**STANDARDS BOARD**

**14<sup>th</sup> June 2007**

**OMBUDSMAN COMPLAINT STATISTICS**

Responsible Portfolio Holder	Councillor Anthony Blagg
Responsible Head of Service	Claire Felton – Legal and Democratic Services

**1. SUMMARY**

- 1.1 The purpose of this report is to provide members with information from the annual statistics compiled by the Local Government Ombudsman's office as to complaints recorded against this Council during the 12 month period ending 31<sup>st</sup> March 2007.
- 1.2 Members are asked to note that at the time of writing this report the statistical information on which it is based is classed by the Local Government Ombudsman's office as provisional. The statistics will be formally confirmed in the Annual Letter from the Ombudsman to the Council which will be issued in early June.

**2. RECOMMENDATION**

- 2.1 Report for information purposes only. Therefore recommendation that the contents of this report be noted by the Committee.

**3. BACKGROUND**

The function of the Local Government Ombudsman's office (also known as the Commission for Local Administration in England) is to investigate complaints of injustice arising from maladministration by local authorities and certain other bodies. There are three Local Government Ombudsmen in England and they each deal with complaints from different parts of the country. They investigate complaints about most council matters including housing, planning, education, social services, consumer protection, drainage and council tax. The Ombudsmen can investigate complaints about how a council has done something, but they cannot question what a council has done simply because someone does not agree with it.

A complainant must first give the council concerned an opportunity to deal with a complaint against it before the Ombudsmen can investigate. If a complaint is

received by the Ombudsman before this has happened it will be rejected as a premature complaint.

Please find attached marked appendix 1 a summary of the provisional figures recorded for Bromsgrove District Council for the 12 months to 31<sup>st</sup> March 2007.

The total number of complaints recorded was 33 although this does include 3 premature complaints which would reduce the number per actual issues to 30. The official total of 33 is an increase on the figures for 2005/2006 when a total of 23 complaints were recorded.

In terms of subject matter by far the greatest number of complaints were in relation to Planning and Building Control – 18 out of 33. There were 4 complaints recorded in relation to Council Tax, 3 for Housing Benefit, 3 for Environmental Health and the remaining miscellaneous complaints included one in the category of Leisure and Culture and one under homelessness.

With reference to decisions made in the 12 months in question, the total number was 32. Of these 9 were not pursued as they were premature complaints, and 4 were found to be outside the jurisdiction of the Ombudsman. In 11 cases no evidence of any maladministration was found; in other words the complaint was not upheld.

In 7 cases a local settlement was reached which is defined as the complaint being discontinued because action has been agreed to resolve the matter by the complainant and accepted by the Ombudsman as a satisfactory outcome. The statistics do not actually record these outcomes as being based on maladministration as such, but generally the reason for the settlement reflects that there has been maladministration or in other instances very poor communication with the complainant.

Finally one complaint was discontinued at the discretion of the Ombudsman.

In terms of response time, the standard time allowed for response to the first enquiry letter by councils is 28 days. In the period in question 18 first enquiry letters were sent out and the average response time for this council was 34.3 days. This is an increase on the figure for 2005/2006 which was 26.4 days. In comparison with other district councils, roughly 50% achieve response times of bellow 28 days. This council falls in the next category of 23% of Councils which respond within between 29 and 35 days, and the lowest category is 27% of councils which take more than 36 days to respond.

In terms of identifying trends, there are three notable issues, namely:-

- Increase in number of complaints overall.
- Increase in response times.
- High number of complaints for Planning and Building Control

There is no apparent explanation for the increase in numbers overall. Having said which, the increase need not necessarily be interpreted in a negative way. It may show that we are doing more as a council to direct customers to the method by which they can complain. There are posters in the reception area at the Council House and a poster and leaflets at the Customer Service Centre.

In terms of increase in response time, this may simply be a reflection of the amount of detailed information the Ombudsman will ask for in the first enquiry letter. The information requested can be considerable and on some matters (particularly planning) require significant officer time for responses to be complied. There are occasions when it is necessary to agree an extension of the 28 day time limit to enable officers sufficient time to respond due to other work commitments.

With reference to the higher numbers for Planning and Building Control, this does reflect a tendency for complaints to be made by individuals who are aggrieved that a particular planning decision has not corresponded with their own personal interest in the matter. The motivation for these complaints is often more based on disappointment with the outcome rather than any real evidence of shortcomings on behalf of the Council.

Generally, cases where the local settlement consists of a compensation payment remain quite infrequent; there have been 6 in the last year. The minimum amount paid has been £100 and the maximum £400. In one instance the settlement to be implemented is not a cash payment but for the Council to replant/ re-landscape the area affected.

#### **4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications directly related to this report.

#### **5. LEGAL IMPLICATIONS**

5.1 None other than to advise that as a Council we are under a legal duty to comply with the Ombudsman scheme.

#### **6. CORPORATE OBJECTIVES**

6.1 As referred to above the Council is under a duty to comply with the Ombudsman scheme. Generally the issue of complaint handling would impact on the priorities of Customer Service, Reputation and Performance, falling under the general heading of Council Objective Two i.e. Improvement.

#### **7. RISK MANAGEMENT**

7.1 Although there is no risk directly associated with this report, it could be said that inefficient complaint handling internally could lead to a rise in the

number of matters then referred on the Ombudsman. This is an issue which has already been identified and work is being carried out to introduce a formal complaint scheme for the Council.

**8. CUSTOMER IMPLICATIONS**

8.1 There are no customer implications directly relating to this report.

**9. OTHER IMPLICATIONS**

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None
Equalities and Diversity	None

**10. OTHERS CONSULTED ON THE REPORT**

Please include the following table and indicate 'Yes' or 'No' as appropriate. Delete the words in italics.

Portfolio Holder	<b>No</b>
Chief Executive	<b>Yes</b>
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service <i>(i.e. your own HoS)</i>	Yes
Head of Financial Services	No
Head of Legal & Democratic Services	Yes – referred to above

Head of Organisational Development & HR	No
Corporate Procurement Team	No

**11. APPENDICES**

Appendix 1 - Local Authority Report on Ombudsman statistics for Bromsgrove DC plus notes to assist interpretation

**12. BACKGROUND PAPERS**

N/a

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