



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Burnley Borough Council  
for the year ended  
31 March 2007**

**The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.**

## **Annual Letter 2006/07 - Introduction**

This annual letter provides a summary of the complaints we have received about your authority. Where possible, we comment on the authority's performance and complaint-handling arrangements to assist with your service improvement.

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

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

## **Complaints received**

### ***Volume***

In the twelve months up to 31 March 2007 I received 33 complaints against your Council. A notable rise over the 13 received the year before.

That said, this figure alone, for one year is not necessarily indicative of problems. While it might represent increasing levels of dissatisfaction with the Council, equally it can indicate an increased awareness amongst citizens of their right to complaint to me or an improvement in the way complaints are handled in that complaints numbers often rise as procedures become clearer or more accessible and people become more confident in them. Whatever the underlying reason, the Council should consider this rise.

### ***Character***

The accompanying statistical information gives a full breakdown of the numbers of types of complaint. Compared to 2005/06 complaints rose in every single category.

I draw your attention particularly to complaints about housing matters and public finance (Council Tax).

Housing complaints more than doubled, rising from four in 2005/06 to nine in 2006/07. None of our investigations in this area resulted in findings of maladministration.

Complaints about public finance rose from zero to five. Although one of these complaints resulted in a local settlement, overall the rise does not give cause for concern as it similar to 2004/05 when the Council received four complaints.

## **Decisions on complaints**

### ***Reports and local settlements***

A 'local settlement' is a complaint that is resolved by the Council taking, or agreeing to take, action which we consider is a satisfactory response to the complaint so that the investigation can be discontinued. In 2006/07 27.7% of complaints dealt with by the three Local Government Ombudsmen (excluding premature and those outside jurisdiction) were resolved by local settlement. When we complete an investigation we must issue a report.

I am pleased to say none of our investigations resulted in findings that led us to issue a report against the Council.

### ***Decisions***

In 2006/07 I took 30 decisions, a figure which differs from the number of complaints received because of work in hand at the start and finish of the year.

Of those 30 decisions: four were outside my jurisdiction, four I exercised my discretion not to investigate, in four I found no evidence of maladministration and 12 were 'premature' (in our view the Council had not been given adequate opportunity to investigate and resolve them for itself, so were returned to the Council to consider through its internal complaint procedure).

The remaining six were local settlements. While none of the complaints we investigated gave significant cause for concern about underlying systemic problems it is worth noting that I asked for local settlements on two complaints about regeneration and improvement. While the number is small it represents 50% of the four complaints I received in this category and might be an area of complaint the Council wishes to monitor.

### ***Other findings***

As you are aware, we ask for comprehensive responses to our enquiries within 28 days. In the past your Council has been very prompt in its responses, achieving 18.3 days on average in 2005/06. Unfortunately this rose in 2006/07 to 32.9 days. There does not appear to be a specific category of complaint that has unduly affected the times so much as a general rise.

I appreciate that the time taken to respond has to be balanced against the quality of the responses given but would urge the Council to consider how it might improve response times without affecting quality.

## **Your Council's complaints procedure and handling of complaints**

No significant issues have emerged from our investigations about the way in which the Council handles complaints. Your Council has published extensive guidance about how to make complaints and the process is easily accessible from your web-site.

## **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. The feedback from councils that have taken up the training is very positive.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), we can run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

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

## **Liaison with the Local Government Ombudsman**

Liaison arrangements between the Council and the LGO are very positive. The officer appointed to act as our liaison point is always helpful and generally acknowledges requests for information promptly. It is a pity that overall response times are higher than the requested 28 days as this belies the effectiveness of ongoing liaison between our two organizations.

## **LGO developments**

You may be interested in the development of our initiative to improve the first contact that people have with us. A new Access and Advice Service will provide a gateway to our services for all complainants and enquirers. It will encourage telephone contact but will also deal with email, text and letter correspondence. We will let you have further details about how it will operate and the expected timescales and discuss with you the implications for the Council.

I hope you have received our latest special report about telecommunications masts. It draws on our experience of dealing with complaints about planning applications for masts which can be highly controversial. We recommend simple measures that councils can adopt to minimise the chances of maladministration occurring.

In July we will be publishing a special report about the difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships. *Local partnerships and citizen redress* provides advice and guidance on how these problems can be overcome by good governance arrangements that include an effective complaints protocol.

## **Conclusions and general observations**

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Anne Seex**  
**Local Government Ombudsman**  
**Beverley House**  
**17 Shipton Road**  
**York**  
**YO30 5FZ**

**June 2007**

Encs: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	2	9	11	3	5	3	<b>33</b>
<b>2005 / 2006</b>	0	4	5	2	0	2	<b>13</b>
<b>2004 / 2005</b>	2	6	3	4	4	0	<b>19</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	6	0	0	4	4	4	12	18	<b>30</b>
<b>2005 / 2006</b>	0	0	0	0	2	0	1	5	3	<b>8</b>
<b>2004 / 2005</b>	0	0	0	0	9	1	1	7	11	<b>18</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	11	32.9
<b>2005 / 2006</b>	3	18.3
<b>2004 / 2005</b>	6	21.2

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0