

**The Local Government Ombudsman's  
Annual Letter  
Burnley Borough Council  
for the year ended  
31 March 2008**

**The Local Government Ombudsman (LGO) provides 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, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction**

This annual letter provides a summary of the complaints received about Burnley Borough Council and comments on the authority's performance and complaint-handling arrangements.

I hope that the letter will assist you in improving services by providing a useful perspective on how some people who are dissatisfied 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**

I received 27 complaints about the Council in 2007/08. These are broken down by subject area in the attached statistical information. The number of complaints shows a slight fall on last year. The volume of complaints is relatively low and does not enable identifications of clear trends. However, it is worth noting that of the 14 complaints recorded as 'other' six were categorised as Environmental Health and two as Waste Management. This makes Environmental Health complaints the most numerous. While this low number does not in itself signify anything, your Council may wish to consider it in the context of data from your own complaints procedures.

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

The Council's liaison officer is responsive to our requests for information. As the statistical information shows, the average response time has fallen from 33.3 days in 2006/07 to 27.7 in 2007/08. This puts response times within the requested 28 days. I thank the Council for its continued cooperation in this as it helps my staff reduce the time to respond to complaints, ensuring a better service for our complainants.

## **Decisions on complaints**

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

We will often discontinue enquires 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. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). If an investigation is completed I issue a public report.

I did not issue any reports about your Council.

### ***Other findings***

In total, I made 32 decisions on complaints about your Council. This number differs slightly from the number of complaints received as it includes complaints received in the previous year. As you can see from the statistical information, 11 of these were premature, three outside my jurisdiction and of the 18 substantive decisions, half resulted in a finding of no maladministration.

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

The numbers of complaints we receive and decisions taken are relatively low and insufficient to enable clear conclusions to be drawn. I would, however, make one observation that the Council may wish to reflect on and consider in light of data collected through its own complaints procedure.

When the investigators proposed local settlements, Council officers were helpful and active in promoting appropriate action. The Council demonstrated a clear and genuine desire to put right any shortcomings in the cases concerned and to learn from them. In all four cases, my staff tell me of how willing officers were to provide them with information. However, in most of these cases the complaints to me could have been avoided. If officers had been proactive in dealing with complaints made to the Council and as positive as they are in dealing with complaints made to me, would complainants need to involve the Ombudsman? In one case I referred a complaint to the Council as premature and it was resubmitted to me by the complainant because it had not been dealt with by the Council's complaint procedures.

I raise this not as a criticism, but as an observation on a very limited set of data.

## **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. A detailed evaluation of the training provided to councils over the past three years shows very high levels of satisfaction. We will customise courses to meet your Council's specific requirements and provide courses for groups of staff from different smaller authorities. Participants benefit from the complaint-handling knowledge and expertise of the experienced investigators who present the courses.

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

## **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Feedback on special reports is always welcome. I would particularly appreciate information on complaints protocols in the governance arrangements of partnerships with which your Council is involved.

## **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 2008**

Enc: 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>01/04/2007 - 31/03/2008</b>             | 3               | 4              | 14           | 5                                      | 1                     | 0                             | <b>27</b>    |
| <b>2006 / 2007</b>                         | 2               | 8              | 11           | 4                                      | 5                     | 3                             | <b>33</b>    |
| <b>2005 / 2006</b>                         | 0               | 4              | 5            | 2                                      | 0                     | 2                             | <b>13</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>01/04/2007 - 31/03/2008</b> | 0              | 4         | 0             | 0              | 9             | 5               | 3                           | 11                          | 21                          | <b>32</b>    |
| <b>2006 / 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>     |

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>01/04/2007 - 31/03/2008</b> | 7                             | 27.7                              |
| <b>2006 / 2007</b>             | 12                            | 33.3                              |
| <b>2005 / 2006</b>             | 3                             | 18.3                              |

**Average local authority response times 01/04/2007 to 31/03/2008**

| <b>Types of authority</b> | <b>&lt;= 28 days %</b> | <b>29 - 35 days %</b> | <b>&gt; = 36 days %</b> |
|---------------------------|------------------------|-----------------------|-------------------------|
| District Councils         | 56.4                   | 24.6                  | 19.1                    |
| Unitary Authorities       | 41.3                   | 50.0                  | 8.7                     |
| Metropolitan Authorities  | 58.3                   | 30.6                  | 11.1                    |
| County Councils           | 47.1                   | 38.2                  | 14.7                    |
| London Boroughs           | 45.5                   | 27.3                  | 27.3                    |
| National Park Authorities | 71.4                   | 28.6                  | 0.0                     |