

Local Government & Social Care OMBUDSMAN

18 July 2018

By email

Stuart Sugarman
Chief Executive
Rossendale Borough Council

Dear Stuart Sugarman,

Annual Review letter 2018

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

I was very disappointed and concerned with the way the Council dealt with two reports this year concerning the same complaint. In June 2017, we issued an initial report relating to a complaint about delay in processing an application for a hackney carriage licence and a failure to then deal with the complaint made about this appropriately. We recommended a

small financial payment to acknowledge the time and trouble caused by the failings and asked the Council to consider any other complaints about delay received when the previous policy applied (changes had been made to the relevant policy in subsequent months).

Initially, we received no formal response to the report despite the statutory requirements being very clearly explained. After chasing on several occasions, we eventually received an entirely unsatisfactory response which demonstrated a fundamental lack of understanding of the legal requirements the Council was obliged to follow. We were also concerned that members had been misinformed when asked to consider the report and our findings had been misrepresented. We provided further clarification and gave the Council a further opportunity to reconsider its position. We also explained that if the Council wished to challenge our findings (which the report response appeared to indicate) the only option open to it was to seek a judicial review. Despite this, the Council maintained its position and refused to comply with the recommendations made. It did not however seek to challenge the report via judicial review.

We were therefore left with no choice but to issue a further report and took this opportunity to again set out the legal framework and obligations the Council must adhere to. The Ombudsman and an Assistant Ombudsman also met with officers from the Council to further clarify matters.

The Council has cited concerns about far wider implications for itself and other councils if it does comply with the recommendations detailed in both reports. This is despite assurances that the individual circumstances of the specific complaint made have been taken into account and any future potential complaints against Rossendale or any other council will be considered on the merits of each case.

We have recently received the formal response to the further report. We welcome the decision by the Council to accept the further report and recommendations in full. We will now await evidence of compliance and will then be able to confirm satisfaction. We welcome the fact the complainant will finally receive the remedy due to reflect the injustice she was caused.

In addition to the concerns and delays we have experienced with receiving responses on the report cases, we have also seen considerable delay in replying to enquiries made on a housing case. Despite chasing, no response was received or explanation for the delay given. Eventually we threatened to issue a witness summons which would have required officers from the Council to attend our headquarters in person with the information required. This prompted a response. But the delay on this occasion was entirely unacceptable and demonstrated a lack of respect for the complainant and this office. We were unable to progress the investigation until the information had been received and continually chasing with no response is an inappropriate use of public resources. We hope the Council will ensure it has procedures in place to prevent these issues reoccurring moving forward.

Future development of annual review letters

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new [corporate strategy](#) for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to

the improvements councils have agreed to make following our interventions. We will be seeking views from councils on the future format of our annual letters early next year.

Supporting local scrutiny

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at www.lgo.org.uk/scrutiny. I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

Learning from complaints to improve services

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the [reports](#) and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: Rossendale Borough Council
For the Period Ending: 31/03/2018

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	5	3	0	1	0	2	1	0	12

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
1	0	4	4	1	2	67%	12

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
2	0