



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter**

**Bournemouth 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**

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and to try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

There are two attachments which 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***

We received 48 complaints during the year, a slightly higher number than the previous year, but we expect numbers of complaints to vary from year to year. I see no significance in the rise.

### ***Character***

The largest number of complaints concerned housing, ten in total, a significant increase over the previous two years. The number of complaints about children and family services and about transport and highways have decreased. In the 'Other' category there were six complaints about environmental health, five about land, two about antisocial behaviour, one miscellaneous and one about contracts and business matters.

## **Decisions on complaints**

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

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

Seven complaints were settled locally.

Three of these involved adult care services. A complainant suffered four months unnecessary delay before the statutory social services complaints procedure was completed. The Council agreed to pay the complainant £250 compensation and made changes to its procedures to avoid unnecessary delays in future.

The second complaint involved incorrect advice about the cessation of direct payments. There was a lack of clarity in communications with the complainant about procedures for disputing the charging assessment. The Council agreed to pay the complainant £350 compensation for the difficulties and uncertainty caused by the incorrect advice.

In the third complaint the Council failed to recognise that faults in the way it handled a request for support services amounted to maladministration and did not uphold the complaint through the social services complaints procedure because the precise wording of the complaint did not match the faults found. The Council agreed to pay £750 compensation to reflect the complainant's distress and anxiety, time and trouble and out-of-pocket expenses.

In a complaint about children and family services there was delay by the Council in finding a placement for the complainant's son who stayed in a children's psychiatric hospital from September 1999 to June 2004. The initial plan was for him to stay there for 12 weeks and then return home with a support package. The health authority was also involved but there was poor communication, poor liaison, lack of multi-agency working, lack of management direction and delay in agreeing the funding by the Council, all of which contributed to the excessive stay in hospital. The complainant's son became institutionalised, lost his independence and had to re-learn basic living skills. He also missed approximately two and a half years of schooling. The complainant spent an immense amount of time and energy trying to support her son and resolve the situation. She suffered from periods of depression and exhaustion and became totally frustrated by the lack of a solution. She took the complaint through the Council's complaints procedure which took three years. The Council agreed to pay compensation of £6,000 to the complainant and £7,500 to her son. I am grateful that the Council agreed to this settlement promptly and readily.

In another complaint about the same service, the Council mishandled the complainant's son's care and the support provided to her and her family. The Council agreed to review its procedures for the support of families with children and young adults in care. It also made a formal apology to the complainant and paid her compensation of £1,000.

One complaint concerned possible overcharging for a beach hut site licence. Inadequate records meant that the Council could not substantiate the pro-rata charge made. The Council also refused a pro-rata refund on termination of the licence part way through the year. The Council agreed to reimburse the possible overcharge of £60 and to pay the complainant £50 for her time and trouble. It also agreed to implement a process for handover so that the complainant could negotiate the sale of the hut to a new licensee and decided that it would no longer pursue her for the current year's rent which it accepted she did not owe.

In a complaint about local taxation there was inadequate consideration of the complainant's request to pay by 12 instalments on the 20th of each month. The Council agreed to the complainant's preferred payment schedule and my investigator decided that this achieved a suitable settlement of the complaint without the need for compensation.

The total compensation paid by the Council to settle complaint amounted to £15,900. I am grateful to the Council for its willingness to settle complaints.

I issued no reports against the Council during the year.

### ***Other findings***

Forty eight complaints were decided during the year. Of these 11 were outside my jurisdiction for a variety of reasons; 13 were premature and, as I mentioned earlier, seven were settled locally. The remaining 17 were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

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

The number of premature complaints (13) is slightly higher than last year but is just below the national average of 28.2 %.

The Council's website provides details of the Council's complaints procedure and also contact details for my office and a link to our website. I note however that there is no obvious way to make a complaint online. The facility to make a complaint or pay a compliment quickly and easily electronically is valued by citizens and I hope that the Council will consider ways of allowing this to happen. Providing an online complaint form could reduce the number of cases put prematurely to me.

Of the 13 complaints referred back to you as premature just four were re-submitted to me. This suggests that when complaints do reach the appropriate people in the organisation they work hard to resolve them.

## **Training in complaint handling**

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years 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 now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. 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.

I am pleased to note that your Council has booked an Effective Complaint Handling course for July 2007 and I hope that this will be useful.

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

We made enquiries on 11 complaints this year and the average time for responding was 22.1 days. This is a slight increase from the previous year but remains well within the 28 day response time we ask for. Your staff have been willing to deal with subsequent enquiries by e-mail and telephone which has helped us to reach decisions more quickly than would otherwise be the case. The Council's performance in this area and the quality of responses continues to be very good and is appreciated by my staff.

## **LGO developments**

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new

Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

## **Conclusions and general observations**

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**J R White**  
**Local Government Ombudsman**  
**The Oaks No 2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**June 2007**

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

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Children and family services</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>	4	2	0	10	15	11	3	3	<b>48</b>
<b>2005 / 2006</b>	3	3	3	3	12	10	2	7	<b>43</b>
<b>2004 / 2005</b>	5	4	3	8	12	16	0	4	<b>52</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	7	0	0	9	8	11	13	35	<b>48</b>
<b>2005 / 2006</b>	0	4	0	0	11	10	5	10	30	<b>40</b>
<b>2004 / 2005</b>	0	2	0	0	13	8	16	17	39	<b>56</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	22.1
<b>2005 / 2006</b>	23	21.2
<b>2004 / 2005</b>	15	18.9

**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