

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

**Bournemouth 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 we have received about Bournemouth Borough Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can 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***

We received 48 complaints against your Council during the year, the same number as the year before and a few more than the previous year. We expect to see small fluctuations from year to year.

### ***Character***

Ten complaints were about Planning matters, which is just under 21% of the total and broadly in line with the national average last year. The remainder were spread more or less evenly between other Council services, with no service area having more than six complaints. The mix of complaints does not appear to reveal any unusual features.

## **Decisions on complaints**

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

When we complete an investigation we issue a report. I issued no reports against your Council during the year.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 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).

Five complaints were settled locally during the year in five different areas of the Council's services and a total of £1300 compensation paid.

In one case the complainant had paid a Penalty Charge Notice but the Council wrongly thought it remained unpaid and passed the matter to bailiffs, who contacted the complainant 12 times in all, causing considerable distress. The Council appeared to have accepted before the complaint was made to my office that it was at fault and a remedy was required, but it had not provided one even though it had already begun to amend its procedures to prevent a recurrence. But when my staff began to investigate the complaint the Council offered and made a payment of £750 in recognition of what had happened.

In seeking to keep its area clean and tidy the Council tried to compel a complainant to remove graffiti from his property, but relied on the wrong legislation and had not previously responded to his attempts to prevent access by the perpetrators. It paid the complainant £250 for his time and trouble in making the complaint, and arranged to have the graffiti removed.

In another case the Council had failed to determine, within 56 days of receiving notice by the operator, whether to grant consent for a telecommunications mast. It also failed to consult a nearby school. When the complaint was received in my office and enquiries made about it, the Council had already reviewed its procedures, and it was clear that the outcome would not have been different even if things had been done properly. It agreed to pay the complainant £250 in recognition of the time and trouble incurred in pursuing the complaint. I have mentioned elsewhere in this letter a special report we issued last year to draw attention to the frequency of such procedural errors.

The Council was pursuing its duty to keep the highway in good repair and safe when it removed a damaged cellar light set into the footway, but it failed to notify the owner of the cellar of its intention. The reinstatement of the footway with tarmac meant that the cellar was deprived of light and ventilation. The Council has agreed that the complainant can replace the light and claim the cost of doing so from the Council.

The fifth complaint settled last year raised no issues of significance and would have been resolved by the Council before it came to my office if the complainant had explained more clearly to the Council how he had been affected by what happened. I am grateful for your Council's willingness to resolve complaints when that is appropriate.

### ***Other findings***

Thirteen complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In a further nine cases I took the view that the matters complained of were outside my jurisdiction.

The remaining 28 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

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

The 13 complaints decided as premature represent less than 25% of the total number of complaints determined this year, just below the national average of 27%. Only two complaints which had previously been referred back to the Council were re-submitted to my office, and both of them were not investigated further. This would suggest that your Council has a complaints procedure which is accessible to your citizens and which is effective in resolving complaints.

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

Enquiries were made on 19 complaints during the year. Your Council's average response time of 22 days is marginally longer than in previous years but still within my target timescale of 28 days. Replies on two cases took significantly longer than 28 days, but both were in different areas and were out of the ordinary, and they do not therefore have any significance for the Council's normal performance in this area, which is generally commendable.

From time to time we hold a seminar here in Coventry for Council officers designated as the link between your Council and my office. I see that someone from your Council attended in November 2007. The feedback we receive from delegates is very positive and the seminars are seen as a useful way of improving practice for the benefit of your officers and for improving service to people who find they need to make complaints. I hope that the experience of your own delegate last year reflects this, and if your Council would be interested in sending someone to the next seminar please contact my office for more information.

## **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. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. 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 and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different 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.

## **LGO developments**

We launched the LGO Advice Team in April 2008, 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 2007, which also came into force in April 2008. 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'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

## **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 2008**

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

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	4	4	2	5	6	7	10	4	6	48
2006 / 2007	4	2	0	0	10	15	11	3	3	48
2005 / 2006	3	3	3	0	3	12	10	2	7	43

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

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2007 - 31/03/2008	0	5	0	0	12	14	9	13	40	53
2006 / 2007	0	7	0	0	9	8	11	13	35	48
2005 / 2006	0	4	0	0	11	10	5	10	30	40

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

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2007 - 31/03/2008	19	26.0
2006 / 2007	11	22.1
2005 / 2006	23	21.2

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

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
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