

24 June 2011

Mr David McIntosh  
Chief Executive and Town Clerk  
Christchurch Borough Council

Dear Mr McIntosh

### **Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

### ***Complaints received during 2010-11***

As you will see, we received 8 complaints about the council in 2010/11, all of which were referred for investigation (three of these complaints were new and five were resubmitted). As you know, we consider it important to deal with complaints as swiftly as possible and council response times to our enquiries are a significant factor in achieving timely outcomes. From formal enquiries made on 4 complaints this year, your average response time was 29 days which is only just outside the 28 day target and a significant improvement on last year for which I am grateful. The longest response time on an individual complaint was 44 days and the shortest was only 2 days.

### ***Complaint outcomes***

We decided 18 complaints during the year. In seven cases we found no evidence of maladministration and in eight cases we decided to discontinue the investigation as we considered that there was insufficient injustice caused to the complainant to warrant further investigation. One case was considered to be outside my jurisdiction.

I issued a report on two complaints. The council treated proposed amendments to planning permission for a development adjacent to the complainants' property as minor thereby denying them the opportunity to comment. It kept no proper record of the officer's consideration of the proposed amendments and how he reached the conclusion that they met the criteria to be treated as minor. This lack of evidence undermined the complainants' confidence as to whether the amendments were properly considered and this caused justifiable outrage. The complainants

believe the amendments cause overlooking. But I concluded that, even if the council had notified them of the proposed changes, it is unlikely the outcome would have been any different. The council also failed to notice the omission of obscure glazed screens to balconies on the final set of approved drawings. This led to uncertainty where the council only had the developer's agreement to install screens to rely on. This caused further outrage. The council agreed to pay £500 to each complainant for the outrage caused and for their time and trouble in pursuing the complaint. It also secured the installation of obscure glazed screens on the balconies. The council introduced improvements to its record keeping procedures: The files maintained for all planning applications now have a chronology sheet on which a log of all site visits and records of telephone calls are recorded; amended plans received during the determination period are stamped, scanned, linked to the council's in-house software system and uploaded to its website; in October 2009 the Government introduced an application form for non-material amendments which the council uses. I welcomed the council's co-operation in taking the action set out above but decided to complete my investigation and issue a report because I consider there are issues of public interest arising from this investigation.

The council has raised concerns that this matter was reported as two complaints rather than one. As explained in correspondence, where two or more complaints are made about the same planning matter, from individuals who live at different addresses (whose injustices in bringing the complaint are therefore distinguishable) we register them separately. I can however confirm that the two complaints arose out of the same set of facts.

### ***Communicating decisions***

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

### ***Extended powers***

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

### ***Assisting councils to improve***

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.


These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at [www.lgo.org.uk/training-councils/](http://www.lgo.org.uk/training-councils/)

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely



Dr Jane Martin  
Local Government Ombudsman

For information on interpretation of statistics click on this link to go to [www.lgo.org.uk/CouncilsPerformance](http://www.lgo.org.uk/CouncilsPerformance)

## LGO Advice Team

<b>Enquiries and complaints received</b>	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	0	0	0	0	0	0	0	0	0
Advice given	0	0	0	0	0	0	0	0	0
Forwarded in investigative team (resubmitted)	1	0	0	1	0	2	0	1	5
Forwarded to investigative team (new)	0	0	0	0	0	0	0	3	3
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>8</b>

## Investigative Team

<b>Decisions</b>	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
<b>2010 / 2011</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>8</b>	<b>1</b>	<b>18</b>

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	4	29.0
2009 / 2010	12	44.2
2008 / 2009	4	20.0

**Provisional comparative response times 01/04/2010 to 31/03/2011**

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0