

22 June 2012

By email

Ms E Raikes
Chief Executive
Torbay Borough Council

Dear Ms Raikes

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. 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 forwarded by the Advice Team to my office and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries. Last year I thanked the Council for its achievement in continued improvement in this area, bringing the average response time to 25.5 days against the target of 28 days. This year the Council the average response time was reduced further, to 25.3 days. I am grateful to the Council for this. Good response times are an important factor in complaint handling and contribute towards achieving timely outcomes for complainants.

Complaint outcomes

We decided 37 complaints during the year, covering the whole range of the Council's work. In nine cases we did not initiate an investigation. Five of those cases were considered to be outside my jurisdiction and the remainder were complaints where investigation was not deemed justified by the maladministration alleged or the injustice claimed, or where no worthwhile outcome could have been achieved. Of the complaints which were investigated, we found no or insufficient evidence of maladministration or service failure in 17 cases and no or insufficient evidence of injustice in seven cases. In three cases the Council took action to remedy the injustice to the complainants. I would in particular draw two cases to your attention.

One of the cases where the Council agreed to a local settlement concerned Children's Services. A number of failings were identified in the way the Council had dealt with persons appointed as kinship carers for two challenging children where the carers did not live in the Council's area or nearby. As a result of those failings the complainants lost the opportunity to resolve issues of concern and were left with considerable uncertainty about whether or not the placement would

have been successful had the Council carried out its duties without fault. The Council agreed to pay the complainants £1800 in recognition of this and to my recommendation that it should review its arrangements to ensure that all parties involved in fostering are clear at the outset about how the partnership will work.

The most significant complaint against the Council this year resulted in the issue of a formal report. This case concerned bankruptcy proceedings taken against a complainant who owed council tax amounting to £2,248.05: that action was taken despite information on the Council's files indicating that the debtor was mentally unwell. My investigation found that the Council had failed to keep proper records about the case and had failed to reconsider its position in respect of the bankruptcy proceedings when information came to light that the debtor might be suicidal. My recommendation to the Council was that it should pay the complainant £25,000 to reimburse the costs associated with the bankruptcy action and in recognition of the personal distress caused and review its procedures. The Council did not agree to my recommendation in the first instance and I therefore took the unusual step of issuing a second report. I am pleased to note that following further consideration the Council has now agreed to provide the full remedy.

Changes to our role

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

Supporting good local public administration

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on [our website](#).

Publishing decisions

Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Martin', with a horizontal line underneath.

Dr Jane Martin
Local Government Ombudsman

LGO advice team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Planning & Development	Total
Advice given	3	2	0	1	0	1	0	1	8
Premature complaints	1	3	0	3	6	0	1	4	18
Forwarded to Investigative team (resubmitted)	0	0	0	1	0	0	1	4	6
Forwarded to Investigative team (new)	3	2	2	2	1	2	1	10	23
Total	7	7	2	7	7	3	3	19	55

Investigative team - Decisions

Not investigated			Investigated			Report	Total
No power to investigate	No reason to use exceptional power to investigate	Investigation not justified & Other	Not enough evidence of fault	No or minor injustice & Other	Injustice remedied during enquiries		
5	0	4	17	7	3	1	37

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	20	25.3