

24 June 2011

*By email*

Ms E Raikes  
Chief Executive  
Torbay 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 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 64 enquiries and complaints about the council, an increase from 43 in the previous year. Of those, 20 were premature complaints to the Ombudsman. This is a relatively high number compared with other councils and could be indicative that your council departments are not always signposting complainants to the council's complaints procedure. The council may wish to consider ways in which it can improve awareness of its own complaints process.

Of the enquiries and complaints received a total of 20 progressed to investigation, a reduction from 26 the previous year. Complaints to us covered a range of areas of the council's services. The majority (20) were about planning and development, which was a significant increase from 9 the year before. Environmental services and public protection and regulation was the second largest area generating 13 complaints.

You will be aware that 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 15 complaints, your council's average response time was 25.5 days. This continues the improvement seen during the previous years and is comfortably within the target time of 28 days. This is very encouraging and I thank the council for the efforts it has made. However, there was one adult social care case which the council took 98 days to respond to our enquiries. I hope the council will address any underlying causes of this delay and continue the improvements it has been making in other areas.

### ***Complaint outcomes***

We decided 20 complaints over the year, a reduction from 26 the previous year. Four cases were found to be outside my jurisdiction to investigate. Seven cases were not pursued for other reasons, generally because there was insufficient evidence of injustice to the complainant. In seven cases we found no evidence of maladministration by the council. Two cases (10%) were decided as local settlements.

The council's total payments for local settlements this year was £500, a considerable reduction from the £18,500 paid in compensation the previous year. Although the previous year's figure was skewed by three unusual cases in which the complainants each received £6,000. I hope the council is able to maintain this encouraging performance.

The two cases where compensation was paid were linked complaints, and each complainant received £250. The council took two years to give the complainants a decision on whether a line of tall trees bordering their gardens was a "high hedge" under the relevant legislation. In addition to the payment of compensation the council agreed to seek a barrister's opinion on the issue of the high hedge.

### ***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

A handwritten signature in black ink that reads "J Martin". The signature is written in a cursive style with a small flourish at the end.

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Dr Jane Martin  
Local Government Ombudsman

For further 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>	Adult Care Services	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	3	1	3	5	0	2	0	6	20
Advice given	1	1	1	1	4	0	0	1	1	10
Forwarded in investigative team (resubmitted)	0	0	0	0	0	2	0	0	4	6
Forwarded to investigative team (new)	2	2	1	4	4	2	1	3	9	28
<b>Total</b>	<b>3</b>	<b>6</b>	<b>3</b>	<b>8</b>	<b>13</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>20</b>	<b>64</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>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>7</b>	<b>4</b>	<b>20</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	15	25.5
2009 / 2010	8	25.6
2008 / 2009	15	28.3

**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

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	1	98.0