

Report to: **Cabinet**  
Date: **3 August 2004**  
By: **Director of Law and Performance Management**  
Title of Report: **Local Government Ombudsman's Annual Letter and Complaints under the Council's Complaints Procedure**  
Purpose of Report: **To submit to the Cabinet the Local Government Ombudsman's Annual Letter and information about the level of complaints received in the years 2001/02 - 2003/04 and to identify any trends.**

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**RECOMMENDATION - the Cabinet is recommended to note the report.**

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**1. Financial Appraisal**

1.1 There are no financial implications arising directly from this report.

**2. Supporting Information**

*Local Government Ombudsman's Annual Letter*

2.1 The Local Government Ombudsman (LGO) now submits an Annual Letter to each local authority and his letter for 2003/04 is attached as **Appendix 1**. This is the second year of this new arrangement. The intention is that the Annual Letter will help councils learn from the outcome of complaints to the Ombudsman, underpin effective working relationships between councils and the Ombudsman's Office and provide complaint based information which councils may find useful when assessing and reviewing performance.

2.2 The number of complaints received by the Ombudsman in 2003/04 was 33, compared with 41 in 2002/03 and 59 in 2001/02. This result is particularly satisfying when taking into account the 8.5% increase in the number of complaints received by the Ombudsman overall. The Ombudsman himself suggests that the reducing number of complaints against the County Council is a "positive sign for which your Council should be congratulated".

2.3 He has issued no reports this year. There have been 5 local settlements; 2 in relation to special educational needs and 3 in relation to social services. More information is included in the Ombudsman's letter at Appendix 1. There are no particular issues that the Ombudsman wishes to draw to the Council's attention.

*Complaints Received by the County Council*

2.4 The Council's complaints procedure aims to provide a uniform system in all Departments for dealing with complaints. Its primary aim is to give the public an effective means of making complaints and having them resolved. It is also an important means of monitoring and improving the quality of services. The procedure mirrors the statutory Social Services' complaints procedures. The Audit Commission's advice is that, as Monitoring Officer, I should provide an annual complaints report to members. This report covers the last three complete financial years.

2.5 The procedure asks the public to complain in writing or by telephone when they feel the County Council has: failed to do something; done something wrong; or acted unfairly or discourteously.

2.6 The procedure consists of three stages. Initially the complaint is referred to the member of staff who has been dealing with the problem or inquiry or their manager. The timescales contained in the procedure include a requirement that staff will acknowledge the complaint within five working days and aim to resolve the complaint as quickly as possible and within 15 working days. If the complainant is not satisfied with the response a formal stage 2 investigation is carried out.

2.7 A stage 2 investigation is where a complaint is more formally investigated by a senior manager from the County Council. If the complainant remains dissatisfied they can ask for their complaint to be reviewed by a complaints panel, chaired by an independent person.

### 3. Current Position

3.1 Set out below are details of the number of complaints received in each of the last three complete financial years, by department. Most complaints are dealt with at stage 1 level. Where separate information is available as to the number of complaints that progressed to stage 2 this is shown in brackets:

<b>Department</b>	<b>2001/02</b>	<b>2002/03</b>	<b>2003/04</b>
Corporate Resources	1 (1)	5 (0)	7(0)
Education (excluding Libraries)			
complaints about Department	145 (1)	141 (11)	137(4)
complaints against a school	131 (0)	97 (0)	88(0)
Chief Executive's (including Personnel and Law and Performance Management – including its predecessor Legal and Community Services (excluding Libraries))	16(0)	16(0)	28(0)
Libraries	458(0)	226(0)	142(0)
Social Services	736 (15)	576 (15)	588(0)
Transport and Environment	72 (8)	66 (11)	76(1)
<b>Totals</b>	<b>1559(25)</b>	<b>1127 (37)</b>	<b>1066(5)</b>

Note (1): The figures for Education are for the academic year rather than the financial year.

Note (2): Libraries has been shown separately as responsibility for it transferred from one department to another part way through the period covered by this report.

Note (3): Many letters and calls about highway matters are dealt with by the Area Offices. The practice has been not to record complaints received at the Area Offices as such if the matter is dealt with and closed at that stage.

Note (4): The figures in 2001/02 and 2002/03 for the Chief Executive's Department relate to the former Legal and Community Services only. Formal recording of complaints in the rest of the Chief Executive's Department, including Personnel, has only been in place since April 2003. This partly explains the increase in 2003/04.

3.2 The Director of Social Services is required by statute to make an annual report to the Cabinet on complaints and his report is included as a separate agenda item.

3.3 As one would expect, the statistics for all departments show that the number of complaints is higher in those departments which are providing services directly to individual members of the public. There was a significant reduction in the number of complaints in 2002/03, followed by a levelling off in 2003/04. More detailed information is included in **Appendix 2** to this report.

3.4 Complainants are kept fully informed of the action being taken to investigate their complaints and the outcome. The complaints received are monitored to ensure that, where necessary, procedures are modified to avoid a similar situation arising in the future.

### 4. Conclusion and Reason for Recommendation

4.1 The Cabinet is asked to note the report. As part of the statutory role of the Monitoring Officer, an annual complaints report should be considered by members.

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## **BACKGROUND INFORMATION ON COMPLAINTS RECEIVED BY THE COUNTY COUNCIL**

### **Libraries**

1. Well over half of the complaints in 2001/02 related to the closure of libraries, the relocation of the Music Department and the review of mobile libraries which resulted in a reduction of service with the removal of two mobiles. Furthermore, a number of the complaints will have been oral complaints at libraries that were responded to by the member of staff receiving the complaint and not taken any further. They are, nevertheless, recorded in the complaints register. It will be seen that the number of complaints in relation to libraries reduced dramatically last year when there were no changes in service access points. Discussions are taking place with a view to modifying the corporate arrangements for monitoring complaints so that complaints arising from policy decisions are logged separately from complaints about shortcomings in service delivery.

### **Education Department (excluding Libraries)**

#### ***The three stages in the Complaints Procedure***

1. Over the three year period there is a trend of complainants escalating their complaints through the three stages of the complaints procedures. In 2001-02, of the 145 complaints that were received only one progressed to stage 2. In 2002-03, of the 141 complaints eleven progressed to stage 2. In 2003-04, of the 137 complaints only two progressed to stage 2 but two further complaints progressed to stage 3 - see table 1.

2. This represents a significant increase in officer time spent on the formal stages of the complaints process. It also shows an increase in the accessibility of the complaints process as more people are making use of the procedures. However the Department will continue to seek resolution of complaints locally at the stage 1 informal level.

3. A recent complaint about LEA payments was referred by the complainant to the Local Government Ombudsman. The Ombudsman upheld the decisions of the Stage Three Panel. This reflects the thoroughness and fairness of the Department's complaint handling procedures.

#### ***Categories of Corporate Complaint***

4. SEN, the complaints process and resources are the three main categories where complaints were received - see table 2 below.

#### ***School Complaints***

5. Complaints received about schools are categorised by type. Bullying, complaints against staff and a miscellaneous category make up the bulk of the complaints. There has been a general trend towards complaints against schools reducing over the three years from 131 in 2001-02 to 88 in 2003-04. This is a 33% reduction – see table 3 below. However, the figures do not necessarily represent a reduction in complaints about schools, only those received by Education and Libraries. We do not have figures for those dealt with by schools themselves. The apparent reduction may be a result of more people knowing what the procedures are - or being guided by the website - and going direct to the school, where their complaints are being resolved locally.

**Table 1**  
**Corporate Complaints reaching stage 2 and stage 3**

**2001-02**

<b>Category</b>	<b>stage 2</b>	<b>stage 3</b>	<b>Total</b>
Admissions			0
Breach of Confidence			0
Complaints process			0
EYDCP	1		1
Staff conduct			0
Facilities			0
LEA payment methods			0
Personnel			0
Resources			0
Personal Data			0
SEN			0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>

**2002-03**

<b>Category</b>	<b>stage 2</b>	<b>stage 3</b>	<b>Total</b>
Admissions	1		1
Breach of Confidence	1		1
Complaints process	3		3
EYDCP			0
Staff conduct			0
Facilities	1		1
LEA payment methods			0
Personnel	1		1
Resources	2		2
Personal Data			0
SEN	2		2
<b>Total</b>	<b>11</b>	<b>0</b>	<b>11</b>

**2003-04**

<b>Category</b>	<b>stage 2</b>	<b>stage 3</b>	<b>Total</b>
Admissions			0
Breach of Confidence			0
Complaints process			0
EYDCP			0
Staff conduct	1		1
Facilities			0
LEA payment methods		1	1
Personnel			0
Resources			0
Personal Data			0
SEN	1	1	2
<b>Total</b>	<b>2</b>	<b>2</b>	<b>4</b>

**Table 2**  
**Categories of complaint that reached stage 2 - by year**

Category	2001-02	2002-03	2003-04	Total
Admissions		1		1
Breach of Confidence		1		1
Complaints process		3		3
EYDCP	1	0		1
Staff conduct		0	1	1
Facilities		1		1
LEA payment methods		0	1	1
Personnel		1		1
Resources		2		2
Personal Data				0
SEN		2	2	4
<b>Total</b>	<b>1</b>	<b>11</b>	<b>4</b>	<b>16</b>

**Table 3**  
**Complaints about Schools**

Category	2001-02	2002-03	2003-04	Total
Accident at school	2	0	0	2
Admissions	1	2	0	3
Attendance	0	0	1	1
Behaviour and Discipline	11	4	3	18
Breach of Confidence	1	4	1	6
Bullying	26	12	21	59
Complaints against staff	10	28	16	54
Complaints procedure	0	1	3	4
Curriculum content	2	1	1	4
Damage to property	2	0	0	2
Discrimination	1	0	2	3
Domestic	2	0	0	2
Environment	0	2	1	3
Exams/Coursework	4	1	1	6
Exclusion	5	1	3	9
Facilities	3	0	0	3
Health & Safety	3	5	2	10
Holiday in term time	0	0	2	2
Lack of communication	4	3	7	14
Lost Property	0	1	0	1
Lunch Time	0	0	3	3
Miscellaneous	33	22	13	68
Parking	3	1	1	5
Racist comment	1	0	0	1
Religion	1	0	0	1
School management	4	0	0	4
SEN	7	3	3	13
Standards	2	1	1	4
Suspected child abuse	2	2	1	5
Uniform	1	0	0	1
Various Issues		3	2	5
<b>Total</b>	<b>131</b>	<b>97</b>	<b>88</b>	<b>316</b>

## Transport and Environment

1. A lot of calls or letters go directly to the Area Offices and are dealt with by them. If the matter is then closed, it is not recorded as a complaint.
2. Experience has shown that there seems to be a slight pattern to the complaints:
  - coming up to the end of the financial year (end of March) many complaints are related to highways because of road works. This could be because of the high level of activity at this time of year;
  - in the spring and summer months grass cutting complaints increase;
  - in the autumn and winter, complaints increase regarding flooding because of blocked gullies after heavy rain.
3. A summary of complaints in 2003/04 by category is set out below.

	Types of complaints in Apr 03, May 03 & Jun 03	Types of complaints in Jul 03, Aug 03 & Sep 03	Types of complaints in Oct 03, Nov 03 & Dec 03	Types of complaints in Jan 04, Feb 04 & Mar 04	Total number of complaints in each category
	<i>Spring</i>	<i>Summer</i>	<i>Autumn</i>	<i>Winter</i>	
Drains and Gullies	1	0	0	0	1
Verges	5	1	3	1	10
Planning	3	2	1	0	6
Highways	13	3	7	6	29
Footpaths and Bridleways	1	0	0	1	2
Waste	0	1	2	0	3
Parking	4	0	1	1	6
Public Transport	0	0	0	0	0
Maladministration	1	1	1	2	5
Cycle Paths	0	0	0	0	0
Lights	2	1	0	1	4
Land	0	0	0	1	1
Miscellaneous	4	3	1	1	9
<b>Total number of complaints</b>	<b>34</b>	<b>12</b>	<b>16</b>	<b>14</b>	<b>76</b>