



# **CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE**

## ***Committee Report***

**Public**

**Date of Meeting:** 28 July 2005

**Title:** CORPORATE COMPLAINTS PROCEDURE  
ANNUAL REPORT 2004/5

**Report of:** Head of Customer & Information Services

**Report reference:** CIS.10/05

### **Summary:**

This report reviews the operation and monitoring of the Corporate Complaints procedure for the eleventh year of its existence.

### **Recommendations:**

- i) The Overview and Scrutiny Committee are asked to review the information contained in this report and appendix relating to the eleventh year of operation of the Corporate Complaints Procedure.
- ii) The Overview and Scrutiny Committee are asked to note monitoring of Corporate Complaints undertaken for 2004/5 as required by the Council's Equal Opportunities Policy and Racial Equality scheme.
- iii) The Overview and Scrutiny Committee are asked to note the contents of the Local Government Ombudsman's Annual Letter specifically the positive comments with regard to the Council's speedy response to restoring services after the January 2005 flood.

**John Nutley**

Head of Customer & Information Services

## **1 Introduction**

This report analyses Stage 2 (Formal) to Stage 4 (Ombudsman) complaints received by the Corporate Complaints section in the 12-month period from 1<sup>st</sup> April 2004 to 31<sup>st</sup> March 2005.

## **2 Stage 1 Complaints**

These complaints are usually lodged directly with the Business Unit that operates the service and are generally readily resolved at the point of service. Occasionally Stage 1 complaints are received prematurely by Corporate Complaints. These complaints are immediately re-directed to the relevant service, thereby providing the service with the opportunity to address the complaint and put things right.

## **3 Corporate Complaints (Stage 2) recorded in 2004/5**

These are complaints, which have not been resolved at the Stage 1 level, to the satisfaction of the customer. During 2004/5 there were 18 complaints recorded at the stage 2 corporate level, compared to 19 stage 2 complaints in 2003/04.

The main method remained the corporate complaint form (See Figure 1 below) with Ombudsman Referrals, increasing from 5% last year to almost a quarter of all stage 2 complaints. Ombudsman Referrals are complaints, which have been sent directly to the Local Government Ombudsman. He/she deems that the complainant has not provided the Council with the opportunity to resolve the complaint and immediately returns it to the Council as a "premature" complaint. (See also pt. 6.4, Observations from the operation of the Corporate Complaints procedure)

<b>Figure 1 Mode</b>	<b>2004/5</b>	<b>2003/4</b>	<b>2002/3</b>	<b>2001/2</b>
Complaint Form	44%	47%	69%	72%
Letter	17%	37%	16%	18%
Personal Visit	0%	0%	3%	0%
E-mail	6%	0%	6%	0%
Telephone call	11%	11%	6%	0%
Ombudsman Referral	22%	5%	0%	10%

## **4 Corporate Complaint Details**

Figures 2 and 3 on the next two pages give an overview of Business Unit involvement and types of complaint made in 2004/5. Comparison is made to years 2000 to 2004. A  
Annual Report to CROS 280705

summary of each 2004/5 Stage 2 complaint can be found in Appendix 1 at the end of this report.

**Figure 2 Business Unit(BU) involvement in Corporate complaints**

N.B. Some complaints involve more than one BU hence columns and totals do not agree.

<b>Business Unit: Complaint Involvement</b>	<b>04/05 Corp Stage 2</b>	03/04 Corp Stage 2	02/03 Corp Stage 2	01/02 Corp Stage 2	00/01 Corp Stage 2
CEX	0	0	1	0	0
CIS	1	0	0	0	0
CLS	1	1	3	1	1
CTS	4	3	6	9	8
ECD	1	0	0	2	1
EPS	1	0	1	0	2
FIS	0	0	0	0	0
LDS	1	1	0	0	0
MSE	0	1	0	0	0
PLS	4	8*	9	5	11
PRS	1	1	0	0	0
RBS	4	6	4	2	7
SPS	0	1	1	0	0
<b>Total No Complaints</b>	<b>18</b>	19*	24	19	29

*\*1 PLS complaint withdrawn, 1 complaint involved 2 BUs, 1 complaint involved 3BUs*

**KEY**

CEX	Chief Executive	LDS	Legal & Democratic
CIS	Customer & Information	MSE	Member Support & Employee
CLS	Culture, Leisure & Sport	PLS	Planning Services
CTS	Commercial & Technical	PRS	Property Services
ECD	Economic & Community Development	RBS	Revenues & Benefits
EPS	Environmental Protection	SPS	Strategic & Performance
FIS	Financial Services		

**Figure 3. 2004/5 Corporate Complaints and common complaints by BU and type**

<b>COMPARISON 2000 to 2005</b>		<b>04/05 Upheld?</b>	<b>04/05</b>	<b>03/04</b>	<b>02/03</b>	<b>01/02</b>	<b>00/01</b>
<b>CIS</b>	Civic Centre Reception	<b>Yes</b>	<b>1</b>	0	0	0	0
<b>CLS</b>	Tree Pruning	<b>Yes</b>	<b>1</b>	1	1	0	0
	The Pools - Swimming		<b>0</b>	0	1	0	1
<b>CTS</b>	ECNs/PCNs	<b>Yes</b>	<b>1</b>	1	4	8	7
	Green Box/Recycling	<b>No</b>	<b>2</b>	0	0	0	0
	Highways matters		<b>0</b>	2	0	0	0
	Miscellaneous		<b>1</b>	0	0	0	1
	Works		<b>0</b>	0	2	1	0
<b>ECD</b>	Community Development	<b>Yes</b>	<b>1</b>	0	0	2	1
<b>EPS</b>	Miscellaneous	<b>No</b>	<b>1</b>	0	1	0	2
<b>LDS</b>	Legal Services	<b>No</b>	<b>1</b>	1	0	0	0
<b>MSE</b>	Recruitment		<b>0</b>	1	0	0	0
<b>PLS</b>	Planning Applications	<b>No</b>	<b>1</b>	6*	8	5	9
	Building Control		<b>0</b>	1	1	0	0
	Tree Preservation Order	<b>Yes</b>	<b>1</b>	1	0	0	1
	Planning Enforcement	<b>Yes</b>	<b>2</b>	0	0	0	1
<b>PRS</b>	Land Management	<b>No</b>	<b>1</b>	1	0	0	0
<b>RBS</b>	Customer Services		<b>0</b>	0	0	0	1
	Council Tax/Collect	<b>No</b>	<b>3</b>	3	1	1	0
	Housing Benefits	<b>No</b>	<b>1</b>	3	3	1	4
	Miscellaneous		<b>0</b>	0	0	0	2
<b>SPS</b>	Communications		<b>0</b>	0	1	0	0
	Recruitment		<b>0</b>	1	0	0	0

## 5. Boards of Arbitration (Stage 3)

- 5.1 Only one Board of Arbitration was called during 2004/05 to consider a complaint about Dog Barking. The complainant felt that the Council had not adequately dealt with their complaint about dog barking and that the service should be available outside normal office hours. The complaint was not upheld. Further details can be found in Appendix 1 at the end of this report.

**Figure 4. Boards of Arbitration 2000/01 to 2004/5**

	<b>04/05</b>	03/04	02/03	01/02	00/01
CLS	<b>0</b>	0	1	0	0
CTS	<b>0</b>	0	0	2	0
EPS	<b>1</b>	0	0	0	0
LDS	<b>0</b>	1	0	0	0
PLS	<b>0</b>	1	0	0	2
PRS	<b>0</b>	1	0	0	0
RBS	<b>0</b>	0	0	1	1
<b>TOTAL Boards of Arbitration</b>	<b>1</b>	1	1	3	3

- 5.2 The number of cases that went to Boards of Arbitration in 2004/05 compared to 2003/04 remained the same. As in 2003/4 this seems to reflect the general decrease in the number of corporate stage 2 complaints received. It may or may not indicate greater complainant satisfaction with the Authority's responses to their complaints resulting in fewer requests for the matter to be taken to Arbitration.

## 6. Observations from the operation of the Corporate Complaints procedure

- 6.1 Stage 2 corporate complaints are monitored by age, disability, ethnicity and gender. This monitoring includes identifying whether any relate to racial discrimination or

that a policy is having an adverse impact on racial equality. This monitoring commenced from April 2002 as required by the Council's Equal Opportunities Policy and Racial Equality scheme which were first adopted by Carlisle City Council on 30 April 2002 Council Minute Reference C.71/02 (c). The Council's specific duties, under section 71(1) of the Race Relations (Amendment) Act 2000, are further explained in the Council's Race Equality Scheme revised in December 2004.

- 6.2 During 2004/5, 39 % of corporate complainants (7 complaints) provided the requested equal opportunities information. The results were as follows in figure 5.

**Figure 5. Equal Opportunities Monitoring**

Age		Disability		Ethnicity		Gender	
Under 16	0%	Yes	28.5%	White British	100%	Male	86%
16-24	0%	No	71.5%	White Irish	0%	Female	14%
25-35	0%			White Other	0%		
36-45	43%			Black/Black Brit	0%		
46-59	28.5%			Asian/Asian Brit	0%		
60+	28.5%			Chinese	0%		
				Mixed	0%		
				Other/Unspec	0%		

The key trends are 100% of complainants are over 35, 28.5% are disabled, 100% are white British and 86% are males. None of the corporate complaints received related to racial discrimination or demonstrated that a policy was having an adverse impact on racial equality.

- 6.3 In terms of equality of access, since December 1997, Corporate Complaints has adhered to the Council's Policy & Guidelines – Communicating with Citizens. Clear, understandable information/application forms are available immediately in a variety of formats including large print, audio-tape and electronic format including from April 2002 a downloadable form from the Council's web-site.
- 6.4 Under the Local Government Act 1974, Section 26(5), from 1 April 2001, new arrangements for handling premature Complaints referred back to the Council by the Local Government Ombudsman (LGO) were introduced. The LGO refers premature complaints to the Council's Corporate Complaints system with a time requirement for completion within 12 weeks. There is a possibility in the future this

may reduce to 8 weeks. The eight-week target has been applied to all Corporate Complaint (Stage 2) handling from 2000 and of the 18 Corporate Complaints received during 2004/5, four took longer than 8 weeks to resolve. (See Appendix 1, Figure 1)

- 6.5 The Corporate Complaints' Officer is currently providing skill training in Complaints' handling and the Council's Complaints' Procedure within the Employee Enhancement Programme (EEP) training course, "Handling Difficult Situations". (See Appendix 1, EEP Training Programme Course Details)

## **7. Observations re Local Government Ombudsman (Stage 4)**

The Overview and Scrutiny Committee are asked to note the contents of the Local Government Ombudsman's Annual Letter attached in Appendix 1 specifically the positive comments with regard to the Council's speedy response to restoring services after the January 2005 flood.

- 7.1 In 2004/5 the Local Government Ombudsman handled 16 different complaints, 4 remaining from 2003/4 and 12 received in 2004/5.  
(See Appendix 1, Figure 3 – Corporate Complaints' Stage 4).
- 7.2 For the period 1 April 2004 to 31 March 2005 there was a 25% reduction in the number of complaints (12) received by the Local Government Ombudsman (LGO) compared to 2003 (16) and 2004 (17). The drop in numbers is accounted entirely by a drop in Planning Complaints from eight to four.
- 7.3 The main complaint areas were Planning (4), Highways (3), Housing Benefit (1), Local Taxation (1), and other (3). (See the Figure 2 Ombudsman's Local Authority Report and notes in Appendix 1 at the end of this report.) Of the 12 complaints received only 2 were former Corporate Complaints, numbers 04/10 and 04/13 compared to 6 in 2003/4.  
(For details see Appendix 1 – Figure 2, LGO Local Authority Report for the period ending 31/03/05)
- 7.4 The Ombudsman made 14 decisions of which 4 were received in 2003/2004 and four were deemed premature complaints and returned to the Council for consideration at Stage 2 of the Council's complaints' procedure. (See Pt. 3 of this report, Figure 1 Ombudsman Referrals 22%).

- 7.5 There were two Local Settlements, one for Housing Benefit and the other with regard to the refusal of a planning permission.

The Housing Benefit complaint concerned delays in making interim payments, as a result the complainant became the subject of possession proceedings. The Council settled this complaint by paying the complainant's court costs and compensation for time, trouble and distress caused.

The Planning complaint involved misleading information being given to a developer who, as a result of the Council's advice, submitted a planning application that was unlikely to be approved. The Council agreed to the Local Government Ombudsman's suggestion that it should meet half the complainant's abortive costs, as it was felt the complainant had himself to some extent contributed to his own problems.

- 7.6 Two complaints, categorised as Planning and miscellaneous, were awaiting determination at 31 March 2005. The miscellaneous complaint was determined latterly in May 2005 as being Outside the Ombudsman's jurisdiction. (See the Figure 2 Ombudsman's Local Authority Report in Appendix 1 at the end of this report.)
- 7.7 This year the response times to first enquiries increased from an average of 17.5 to 29 days, putting the Council's performance in the bottom 40% of District Councils compared to the previous three years' performance in the top 21%. The response for one Planning enquiry received on 21 December 2004 took 65 days as a direct result of the flooding on 8 January 2005. The Council has approached the Ombudsman with the request this figure be reviewed, in light of the abnormal situation the Council faced. The response was that the Ombudsman's figure would stand. The Annual Letter, included at Appendix 1, acknowledges the exceptional circumstances, which led to the Council's failure to meet the 21 day target.
- 7.8 The full set of Ombudsman statistics forms an integral part of the Annual Letter, sent to the Council in June 2005. (See Appendix 1 LGO Annual Letter)
- 7.9 ***Ombudsman Exceptions.*** Complaints can be dealt with by the Ombudsman immediately provided that the complainant can demonstrate **Notice of Complaint**, that is that the complainant can show that he or she has made the complaint in



writing to **any** council employee, or contractor acting on behalf of the Council  
**Irrespective of Seniority** and the complaint falls in one of the categories below:-

- a) Breakdown of trust evident between the Complainant and the Council.
- b) Waste of time and money for Council's systems to deal with complaint
- c) Entire administrative system under complaint at fault.
- d) Inability to resolve the complaint because of need to divulge third party information
- e) Where reference back puts complainant at a disadvantage
- f) Where the complainant is vulnerable
- g) Where more than one Council is involved

#### **8. Lessons learnt from 2004/5 Complaints Operation**

There have not been any specific learning points for the Council from individual complaints. It is apparent that early quality responses at all complaint levels from informal (Stage 1) to Ombudsman (Stage 4) have a dramatic effect on the course of complaints, their impact on the day to day service delivery and customer satisfaction.

Officers investigating complaints on behalf of the Council are reminded that there is an overriding necessity to respond to all complaints and Ombudsman references within their respective time limits, as complaint handling forms part of the external assessment of the Council's overall performance.

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**July 2005**

## **APPENDIX 1 CONTENTS**

### **Corporate Complaints (Stage 2) 2004/5**

Figure 1 – Corporate Complaint Summary Anon. This 2-page report lists the complaints in order of receipt.

### **Corporate Complaints (Stage 2) Detail 2004/5**

Complaint summaries

### **Corporate Complaints (Stage 3) Detail 2004/5**

Complaint Summary and Arbitration Board recommendations

### **Local Government Ombudsman Complaints (Stage 4) 2004/5**

Annual Letter for 2004/5

Figure 2 - Local Authority Report for the period ending 31/03/2005.

Notes to assist in interpreting the LGO local authority statistics

Figure 3 – Corporate Complaints' Stage 4 Ombudsman Summary Anon

### **Employee Enhancement Programme Training Course**

#### **“Handling Difficult Situations” Details**

Y3 Handling Difficult Situations and Responding to Complaints

# Corporate Complaint Summary Anon 2004/5

No	Corp Complaint	Rec	Sent	Unit 1	Unit 2	Due	15 Dys	After?	Wit	BUH	who?	Outcome	8 Wks? Comp
04/01	Planning Permission Qu	14/04/2004	14/04/2005	PLS		05/05/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Service Imp/Uph	11/06/2004 <input type="checkbox"/>
04/02	Housing Benefit Corresp	19/05/2004	19/05/2004	RBS		09/06/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	14/07/2004 <input checked="" type="checkbox"/>
04/03	Rydal Street Play Area	02/07/2004	05/07/2004	PLS		22/07/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	26/08/2004 <input checked="" type="checkbox"/>
04/04	Fusehill Street Commun	02/07/2004	05/07/2004	PRS		22/07/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	26/08/2004 <input type="checkbox"/>
04/05	Trees at Knowfield	20/07/2004	22/07/2004	PLS		10/08/2004	<input type="checkbox"/>	20/08/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Service Imp/Uph	14/09/2004 <input checked="" type="checkbox"/>
04/06	Trees at Knowe Park Av	30/07/2004	30/07/2004	CLS		20/08/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Service Imp/Uph	24/09/2004 <input type="checkbox"/>
04/07	Hadrian's Wall National	31/08/2004	03/09/2004	ECD		21/09/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	RB	Service Imp/Uph	26/10/2004 <input checked="" type="checkbox"/>
04/08	Green Box & Green Bin	14/09/2004	15/09/2004	CTS		05/10/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	09/11/2004 <input checked="" type="checkbox"/>
04/09	Green Box & Green Bin	14/09/2004	15/09/2004	CTS		05/10/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	09/11/2004 <input checked="" type="checkbox"/>
04/10	Electoral Registration E	23/09/2004	23/09/2004	LDS		14/10/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	26/11/2004 <input type="checkbox"/>
04/11	Civic Centre Reception	20/10/2004	20/10/2004	CIS		10/11/2004	<input type="checkbox"/>	18/11/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Service Imp/Uph	15/12/2004 <input checked="" type="checkbox"/>
04/12	Special Collections	21/10/2004	22/10/2004	CTS		11/11/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Service Imp/Uph	16/12/2004 <input checked="" type="checkbox"/>
04/13	Dog Barking	22/10/2004	26/10/2004	EPS		12/11/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	GC	Not Upheld	17/12/2004 <input checked="" type="checkbox"/>

No	Corp Complaint	Rec	Sent	Unit 1	Unit 2	Due	I5 Dys	After?	Wit	BUH	who?	Outcome	8 Wks? Comp
04/14	Council Tax backdating	26/10/2004	26/10/2004	RBS		16/11/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Service Imp/Not	21/12/2004 <input checked="" type="checkbox"/>
04/15	Council Tax Liability Sur	28/10/2004	28/10/2004	RBS		18/11/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Service Imp/Uph	23/12/2004 <input checked="" type="checkbox"/>
04/16	Car Parking Administrati	11/11/2004	17/11/2004	CTS		02/12/2004	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	SB	Service Imp/Uph	06/01/2005 <input checked="" type="checkbox"/>
04/17	Trees at Robert Chance	09/02/2005	09/02/2005	PLS		02/03/2005	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Service Imp/Uph	06/04/2005 <input checked="" type="checkbox"/>
04/18	Council Tax Account	24/03/2005	30/03/2005	RBS		14/04/2005	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	19/05/2005 <input checked="" type="checkbox"/>

## **CORPORATE COMPLAINTS STAGE 2 DETAILS**

**04/01**                      **Planning Permission Queries**

**Business Unit:**        **Planning Services**

**Decision:**              **Service Improvement/Upheld**

Perceived non-compliance with planning permission 03/0007 specifically treatment of boundary wall and extent of the parking area at new bungalow. The developer agreed to attend to matters before completion.

**04/02**                      **Housing Benefit Correspondence/Payment**

**Business Unit:**        **Revenues and Benefit Services**

**Decision:**              **Not Upheld**

Perceived failure to respond to letters and incorrect payment of Housing Benefit. Investigation revealed detailed correspondence with complainant and correct payment

**04/03**                      **Rydal Street Play Area**

**Business Unit:**        **Planning Services**

**Decision:**              **Not Upheld**

Improper handling of Planning Application for Rydal Street Play Area viz.

- (1) Abuse of due planning process
- (2) Planning Department behaviour was not impartial
- (3) Statutory consultation documents not available
- (4) Loss of open space

Investigation failed to substantiate issues (1) and (2). Complainant had received or had sight of all the statutory consultation responses. Public petition heard at 19 July 2004 Executive (Minute EX.123/04). The Executive decided that the Council had followed the relevant statutory procedures relating to the disposal of this open space which was sold in response to requests from petitioners in 2002.

**04/04**                      **Fusehill Street Community Gardens Sale**  
**Business Unit:**        **Property Services**  
**Decision:**                **Service Improvement/Not upheld**

Council was proposing to sell off open space as a "brown field" site and appeared to be ignoring conditions of covenant when land gifted to Council. The Council failed to provide reports used in the decision making process when requested.

The complainant had received or had sight of all the statutory consultation responses. Executive of 17 August 2004 (Minute EX.160/04) requested that the Town Clerk and Chief Executive make arrangements to undertake further consultation with the community, by letter and public display. The Council's Executive of 16 September 2004 (Minute EX.193/04) authorised Property Services to dispose of part of Fusehill Street Gardens in a 125 leasehold interest.

The decision was scrutinised by Corporate Resources Overview and Scrutiny Committee on 5 October 2005 (Minute CROS.142/04). The Executive of 13 October 2004 (Minute EX.205/04) confirmed original disposal decision. During the budget process for 2005/6 consideration would be given to provide community facilities for Youth in consultation with the Greystone Community Association.

**04/05**                      **Trees at Knowefield**  
**Business Unit:**        **Planning Services**  
**Decision:**                **Service Improvement/Upheld**

The complaint was that Information currently and previously supplied with regard to a Tree Preservation Order (TPO 161) and Planning Permission 98/0501 for land at Knowefield, Stanwix varied. The TPO file has been updated to contain reference to planning permission 98/0501.

**04/06**                      **Trees at Knowe Park Avenue**  
**Business Unit:**        **Culture, Leisure and Sport Services**  
**Decision:**                **Service Improvement/Upheld**

Failure to undertake removal of trees identified as damaging pavements and in July 2002 survey. The trees were also perceived as reducing light to the complainant's property. Tree pruning to reduce height and width of trees is to be undertaken in the next 12 months.

**04/07**                      **Hadrian's Wall National Trail Closure**  
**Business Unit:**        **Economic and Community Development Services**  
**Decision:**                **Service Improvement/Upheld**

Temporary Closure of the Hadrian's Wall National Trail on Sunday 8 August 2004 for Pop in the Park without adequate notice or adequate signage on the day to provide walkers with an alternative route.

The Council closed the trail in Bitts Park for Health and Safety reasons. Notice of the Council's intention to close the path was given by pre-event publicity, signage in the park and correspondence with the Hadrian's Wall Partnership. The Council conceded, that for future events, more thought needs to be given to access issues for walkers.

**04/08 & 04/09**        **Green Box & Green Bin Recycling**  
**Business Unit:**        **Commercial and Technical Services**  
**Decision:**                **Not Upheld**

Failure to provide "free assisted collection" of green bin or box if unable to take to the kerbside. The complainants did not meet the current criteria for an assisted collection. Kerbside access is not possible by the council's vehicle as the private road concerned (same road for both complaints) is too narrow. The Council suggested that the complainants contact their developer and request that a bin store be provided at the end of the road.

**04/10**                      **Electoral Registration Entry**  
**Business Unit:**        **Legal and Democratic Services**  
**Decision:**                **Service Improvement/Not Upheld**

The complainant felt their entry in the full and edited Electoral Register contravened the provisions of the Data Protection Act and that the Council had acted without the statutory provisions governing registration as laid down in the Representation of the Peoples Act 1983. The complainant had failed to respond to the 2003 annual canvass carried out in October 2003. They maintained that the Electoral Registration Officer had not sufficient information at that time to assume that the complainant satisfied the prescribed requirements of the aforementioned Act for inclusion in the Electoral Register.

The Electoral Registration Officer removed the elector's name from both the full and edited 2003/4 Electoral Registers and requested that the complainant, as they did satisfy the prescribed requirements of the Representation of the Peoples Act 1983, respond to the 2004 Electoral Registration canvass.

**04/11**                      **Civic Centre Reception**  
**Business Unit:**        **Customer and Information Services**  
**Decision:**                **Service Improvement/Upheld**

The complainant was dissatisfied with the handling of their request by a member of staff at the Civic Centre Reception desk. The complainant had misplaced the contact details of an officer they needed to speak to and had requested assistance with finding the name, telephone number and department of said member of staff.

Although an apology was provided the complainant wanted re-assurance that the Council was taking positive steps to improve the services to its customers to ensure this type of incident was not repeated. The Council acknowledged the service delivery had been at fault and that it needed to determine its customers' requirements more accurately. The Council hoped that the imminent introduction of the new walk in customer contact centre in December 2004 would go some way to remove such incidents.

**04/12**                      **Special Collections**  
**Business Unit:**        **Commercial and Technical Services**  
**Decision:**                **Service Improvement/Upheld**

The Council failed to collect a special collection due to the collection vehicle breaking down. The complainant also experienced difficulty in contacting the service by telephone to find out what was happening. The complainant felt the Council should have had adequate provisions in place to cover this eventuality.

The Council acknowledged that the demand for the special collections' service was occasionally exceeding existing resources. This matter would be raised in the Council's 2005/6 budget cycle. It was hoped that delays in responding to telephone calls would be reduced with the introduction of a new telephone call centre as part of the new Customer Contact Centre.



**04/13**                      **Dog Barking**  
**Business Unit:**        **Environmental Protection Services**  
**Decision:**                **Not Upheld**

The complainant felt that the Council had not adequately dealt with their complaint about dog barking and that the service should be available outside normal office hours.

Unfortunately investigations by officers using sound recording equipment and site visits had not substantiated a statutory noise nuisance and therefore the Council was unable to take enforcement action. The Council currently did not have the resources available to provide this service outside office hours. The Council had provided advice and guidance to the both the complainant and the dog owner to try to resolve the situation.

**04/14**                      **Council Tax backdating**  
**Business Unit:**        **Revenues and Benefits Services**  
**Decision:**                **Service Improvement/Not Upheld**

The complainant had been advised by the Valuation Office that they had been awarded back dating of their Council Tax banding adjustment but this had not been confirmed by the Council.

The Council had actioned the change and amended the Council Tax account for the year 2004/5 on receipt of the information from the Valuation Office. The Council apologised for not refunding the credit balance sooner.

**04/15**                      **Council Tax Liability Survey Form**  
**Business Unit:**        **Revenues and Benefits Services**  
**Decision:**                **Service Improvement/Not Upheld**

The complainant felt that the Council had breached the Data Protection Act 1998 by allowing the Electoral Registration Officer, whilst undertaking the annual Electoral Registration canvass, to access Council Tax records. The complainant had supplied information on the Council Tax Liability Survey Form, which they understood would be used solely for Council Tax purposes.

The Council had acted correctly in allowing the Electoral Registration Officer access to the Council Tax records (Representation of the People Act 2002 and consequential regulations, which came into force on 16 February 2001) without advising the complainant of the fact. The Council accepted the complainant's suggestion that the Council Tax Annual Report to CROS 280705

change of circumstance form should include a warning that information supplied on that form may be shared. The next reprint will included the following wording:

“We may allow access to Council Tax Information to other parties such as the Electoral Registration Officer, Police, Child Support Agency, Inland Revenue etc. as allowed by law”

**04/16**                      **Car Parking Administration**  
**Business Unit:**        **Commercial and Technical Services**  
**Decision:**                **Service Improvement/Upheld**

The complainant felt that the Council had failed to reply and properly answer a formal request in writing when challenging the issue of a Penalty Charge Notice (PCN) at Town Dyke Orchard Car Park. The complainant had received the PCN due to parking his vehicle beyond the bay markings.

The Council apologised to the complainant and cancelled the PCN because the notice board closest to the complainant’s vehicle did not have the local traffic order regulations displayed which included the offence of parking outside a bay. The notice boards are to be amended and replaced in early 2005.

**04/17**                      **Trees at Robert Chance Gardens**  
**Business Unit:**        **Planning Services**  
**Decision:**                **Service Improvement/Upheld**

The complainant had tried to obtain information as to when new trees would be planted at a new development at Robert Chance Gardens. The planning permission allowed a mature tree to be cut down and included a planning condition that required the planting of five new trees.

The Council provided the complainant with the following information. As only one tree has been planted, the Council has undertaken discussions with the developer with a view to re-siting the remaining trees in public areas on the site rather than in homeowners’ gardens. The developer is technically in breach of the planning condition however in this case enforcement action is at the discretion of the local planning authority. As the homeowners in the development will be planting their own trees and shrubs it was felt that the absence of the four trees would not unacceptably affect public amenity. Therefore it would be inappropriate to take enforcement action in this instance.

**04/18**                      **Council Tax Account**  
**Business Unit:**        **Revenues and Benefits Services**  
**Decision:**                **Not upheld**

The complainant queried their continued liability for a Council Tax bill for a property and complained about the time and trouble expended in trying to resolve the matter. The Council's investigations show the complainant is still the legal owner of the property and as such liable for the Council Tax on it. The complainant was urged to provide any evidence that may show that this is no longer the case.

**CORPORATE COMPLAINTS STAGE 3**  
**ARBITRATION BOARD HELD ON 3 DECEMBER 2004**

**04/13**                      **Dog Barking**  
**Business Unit:**        **Environmental Protection Services**  
**Decision:**                **Not Upheld**

The complainant felt that the Council had not adequately dealt with their complaint about dog barking and that the service should be available outside normal office hours.

**Full Text of unanimous decision on the Complaint**

The Board found no overall justification in the complaint but acknowledged that:

- i) The Council is still offering to establish the noise nuisance complaint but needs the co-operation of the complainant to gather the necessary information. Whilst there is evidence of dog noise given by the tapes used by Environmental Protection Services (EPS), it is insufficient evidence, without being personal witnessed by an Environmental health Officer (EHO), to proceed with the issue of a Noise Abatement Order.
- ii) The Board recommends that the EPS case officer makes personal contact with the complainant to discuss the best way forward and if possible to establish the best times and conditions for future visits to gather the necessary information.
- iii) The Board recommends that in future EPS officers advise complainants of visits to *"gather information/or called but complainant out"* by way of a card through the door. This would provide a visible means to our customers to demonstrate that the Council is "still on the case".
- iv) In light of point iii) the Board recommends all Business Units should review their visiting procedures particularly the usage of cards for missed visits.
- v) The Board reminds Business Units that they should deal with requests for Complaint Forms directly at point of contact rather than giving a complainant another telephone number to ring or directing them to the Council's web-site.

The Board recommends that consideration should be given to providing mobile phones to all EPS Officers undertaking inspections.

Annual Report to CROS 280705

June 2005



**The Commission for  
Local Administration in England**

Ms M Mooney  
Town Clerk and Chief Executive  
City Council of Carlisle  
DX 63037  
CARLISLE

**Patricia Thomas**  
Local Government Ombudsman

**Michael King**  
Deputy Ombudsman

Our Ref: Annual Letter 05/PAT2/jpd  
(Please quote our reference when contacting us)

**If telephoning contact: Mr C Cobley's personal assistant on 01904 380238**

**If e-mailing: [st2york@lgo.org.uk](mailto:st2york@lgo.org.uk)**

Dear Ms Mooney

### **Annual Letter 2004/2005**

I would like to start by saying once more how sorry I and my staff were at the terrible flooding that affected Carlisle earlier this year and the effect it had on everyone in the area. I know too that, while you are now back in the Civic Centre, it will be many months before the ground floor areas are able to be used and that those Council departments that used to be located there have lost many, if not all, their paper records. I would also like to say that I and my staff are full of admiration at the speed with which your staff got the Council up and running again, despite some of them no doubt having been personally affected by the flooding. Carlisle was well served by the Council during those very difficult days and I hope its citizens appreciate the efforts you all made to ensure their services were functioning within the shortest possible time.

I will now turn to more routine matters. I wrote to you in January 2005 to explain our proposals for annual letters for 2005 and to invite your comments on the format of statistics and plans to make the letters more widely available in the future. We are grateful to all those councils who replied.

As a result of the comments received, we have decided not to include the proposed simplified heading of 'complaints upheld in full or part' above the figures for reports finding maladministration and local settlements. We agree with those who say this would misrepresent those cases where a local settlement is offered by a council before I, or one of my colleagues, has decided whether to uphold a complaint; and that it could undermine this practice, which would not be to the benefit of complainants.

There was widespread support for our proposals to put annual letters on our web site and to share the letters with the Audit Commission. We will go ahead with this from 2006

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and will wait for four weeks after sending you the letter before making it more widely available. In this way you will have an opportunity to consider and review the letter first. If a letter is found to contain any factual inaccuracy we will reissue it.

I am writing now to give you my reflections on the complaints received against your authority and dealt with by my office over the last year. I hope that in reviewing your own performance you will find this letter a useful addition to other information you hold highlighting how people experience or perceive your services.

In addition to this narrative there are two attachments which 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**

I received 12 complaints against your Council in 2004/2005, compared with 16 the year before. This drop in numbers is accounted for entirely by a drop in Planning complaints from eight to four.

### **Decisions on complaints**

Of the 14 complaints against your Council that were decided in 2004/2005, four were premature and were returned to the Council for consideration through the Council's complaints procedure, and two were outside my jurisdiction. I issued no critical reports against the Council.

Two complaints were upheld by me and both were settled locally by the Council. One concerned delays in making interim payments of Housing Benefit, as a result of which the complainant became the subject of possession proceedings. The Council settled this complaint by paying the complainant's court costs and compensation for time, trouble and distress caused. The second complaint locally was a Planning matter when misleading information was given to a developer who, as a result of the Council's advice, submitted a planning application that was unlikely to be approved. The Council agreed to my suggestion that it should meet half the complainant's abortive costs, as I felt that the complainant had himself to some extent contributed to his own problems.

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

None of the premature complaints that I sent back to the Council for consideration was re-submitted to me. On this basis it would appear likely that the Council's handling of these four complaints was satisfactory and I know that the Council makes great efforts to handle complaints properly and efficiently.

/...

### **Liaison with LGO**

Your Council has always prided itself on its speedy responses to my enquiries and up to December 2004 your responses to my written enquiries were averaging 17 days – exactly the same as last year. Following the floods in early January 2005 we agreed to a blanket extension for your responses to my enquiries until the Council could get its administrative systems operating again. The inevitable delays that ensued have meant that the Council's average response time for the year 2004/2005 went up to 29 days. This is entirely understandable and I certainly would not wish to criticise the Council for its failure in these exceptional circumstances to meet the 21 day target.

We do recognise that it can be difficult for councils to meet the current 21 day target and provide good quality and comprehensive responses to our enquiries, though your Council has invariably done so. However, in recognition of the problems that can arise, from 1 July 2005 we are revising this target to 28 days. I have no doubt whatsoever that your Council will meet this target comfortably.

### **Training in complaints investigation**

Last year we told you about the training we were developing for local authorities on complaints handling as part of our role in promoting good administrative practice and asked for your views. Our pilot programme has been extremely successful with very positive feedback from the local authorities involved, so we are now increasing the amount of training we can provide.

A key element of the training is our Effective Complaint Handling course, specifically developed for council staff who deal with complaints as a significant part of their job. This one-day course is aimed at those who handle complaints in the higher stages of the authority's complaints procedure, up to the point of deciding the complaint. A further course has been developed on Complaint Handling for Front-Line Staff and other specialist areas are also being considered to meet the needs of local authorities and further promote good practice.

All courses are presented by an experienced LGO investigator, so participants benefit from their knowledge and expertise in complaints handling. Courses can be delivered to a single local authority or to staff from a group of authorities at a regional centre. We do have to charge for the training, just to cover our costs, but the feedback has shown that councils consider it good value for money.

I have enclosed some further information about our complaints handling training courses, including contact details.

/...

## **Conclusions/general observations**

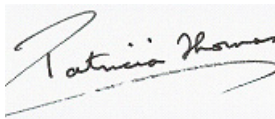
I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services. I would again very much welcome any comments you may have on the form and content of the letter.

Last year a number of councils asked if I could visit the council to present the letter in person and to discuss it with councillors or staff. I, and my senior colleagues, would be happy to consider any similar requests this year and we will do our best to meet them within the limits of the resources available to us.

This is, however, the last annual letter which I shall be sending to you as I retire at the end of September. I have no doubt that my successor will wish to make early contact with as many councils as possible and I hope that you will welcome this.

I am arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the Council and post it on your website should you decide to do this.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patricia Thomas', with a long horizontal flourish underneath.

Mrs P A Thomas

Enc: 2005 Statistics  
Note on Statistics  
Training information



Complaints received by subject area	Highways	Housing (not incl. HB)	Housing Benefit	Local Taxation	Other	Planning	Total
01/04/2004 - 31/03/2005	3	0	1	1	3	4	12
2003 / 2004	2	0	1	2	3	8	16
2002 / 2003	4	3	0	1	1	8	17

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
01/04/2004 - 31/03/2005	0	2	0	0	3	3	2	4	10	14
2003 / 2004	0	0	0	0	7	3	2	2	12	14
2002 / 2003	1	1	0	0	5	3	4	2	14	16

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

Average local authority response times 01/04/2004 to 31/03/2005

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2004 - 31/03/2005	4	29.0
2003 / 2004	6	17.7
2002 / 2003	6	17.3

Types of authority	<= 21 days %	22 - 28 days %	> = 29 days %
District Councils	22	38	40
Unitary Authorities	11	24	65
Metropolitan Authorities	17	44	39
County Councils	12	59	29
London Boroughs	9	21	70
National Park Authorities	60	20	20

# Notes to assist interpretation of the Commission's local authority statistics

## 1. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and which we refer back to the council for consideration. The figures may include some complaints which we have received but where we have not yet contacted the council.

## 2. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. Below we set out a key explaining the outcome categories.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice. (The figures for the year 2002/3 may include reports which had a finding of 'local settlement'. For legal reasons, the LGO no longer issues reports with this finding.)

**LS (local settlements):** decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the Ombudsman's jurisdiction.

**Premature complaints:** decisions that the complaint is premature. The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter.

**Total excl premature:** all decisions excluding those where we referred the complaint back to the council as 'premature'.

### **3. Response times**

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

### **4. Average local authority response times 2004/05**

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

# Ombudsman Summary Anon 2004/5

Ombudsman Reference	Unit 1	Unit 2	Corp Complaint	Outcome?	Corp Source	No	Outcome	ABoard	8 Wks? Comp?
08/03/2004	03/C/14917/JO/D	PLS	Handling Planning Ap	LS Local Settlement	Telephone Call	03/13	Not Upheld		<input checked="" type="checkbox"/> 05/12/2003
30/03/2004	03/C/18434/CMH/	PLS	Land at Penton	NM No or insuff.evid of					<input type="checkbox"/>
13/04/2004	03/C/16794/CMH/	PLS	Planning Consent - To	OJ Outside LGO's juris					<input type="checkbox"/>
06/05/2004	03/C/12859/JO/D	PLS	Enforcing Planning Co	NM No or insuff.evid of					<input type="checkbox"/>
10/05/2004	04/C/00543/EW/s	CTS	PCN Challenge Handli	OD Ombudsman's dis					<input type="checkbox"/>
01/07/2004	04/C/04837/HW/c	PRS	Fusehill Street Comm	PC Premature Complai	Ombudsman Ref	04/04	Not Upheld		<input type="checkbox"/> 26/08/2004
01/07/2004	04/c/04367/HW/ch	PLS	Rydal Street Play Area	PC Premature Complai	Ombudsman Ref	04/03	Not Upheld		<input checked="" type="checkbox"/> 26/08/2004
30/07/2004	04/C/05986/JO/ch	PLS	Allotments Developme	OJ Outside LGO's juris					<input type="checkbox"/>
10/08/2004	04/C/02916/AJR/s	RBS	Housing Benefits Asse	LS Local Settlement					<input type="checkbox"/>
31/08/2004	04/C/08020/PHR/jl	ECD	Hadrian's Wall Nation	PC Premature Complai	Ombudsman Ref	04/07	Service Imp/U		<input checked="" type="checkbox"/> 26/10/2004
26/10/2004	04/C/11012/PHR/j	RBS	Council Tax backdatin	PC Premature Complai	Ombudsman Ref	04/14	Service Imp/N		<input checked="" type="checkbox"/> 21/12/2004
23/11/2004	04/C/10254/JMW/	PLS	Highways/Planning De	OD Ombudsman's dis					<input type="checkbox"/>
23/12/2004	04/C/13744/CMH/	PLS	Handling of Planning		Letter	03/19			<input type="checkbox"/> 10/05/2004
11/02/2005	04/C/05222/SS/ch	PLS	Planning Consultation	OD Ombudsman's dis					<input type="checkbox"/>
22/02/2005	04/C/14711/HW/c	EPS	Dog Barking	NM No evidence of ma	Complaint Form	04/13	Not Upheld		<input checked="" type="checkbox"/> 3/12/2004 17/12/2004
04/03/2005	04/C/17587/SMF/I	LDS	Electoral Registration		Letter	04/10	Not Upheld		<input type="checkbox"/> 26/11/2004

## **Employee Enhancement Training Programme Course Details**

### **Y3 Handling Difficult Situations and Responding to Complaints**

This workshop is designed to help staff deal with difficult day-to-day situations in a more structured, confident and assertive manner. Participants will also gain an understanding of the different aspects of dealing with a complaint in order to leave customers satisfied with the service they have received

#### **By the end of the workshop participants will be able to:**

- Recognise the difference between different types of behaviour
- Recognise their own behaviour in a range of situations
- Use a range of techniques to deal with situations more assertively
- Handle criticism more effectively
- Deal with complaints in a way which deals with the person who has the complaint, as well as the complaint itself
- Better understanding of the Council's Complaints Procedure

**Dates:** a) 26 July 2005 and b) 28 September 2005

**Venue:** Tullie House

**Trainer:** Marylou Brighty, with a contribution from Penny Crack , the Council's Corporate Complaints Officer