



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Exeter City Council  
for the year ended  
31 March 2007**

**The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.**

## **Annual Letter 2006/07 - Introduction**

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

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**

### ***Volume and Character***

There has been an increase in the number of complaints received in each of the last two years from 19 in 2004/2005 to 27 this year; however, there does not appear to be anything particularly significant in this increase, nor about the types of complaint received. I note that the Council has recently adopted a choice-based letting scheme under which prospective tenants bid against one another for properties; no difficulties with this have been reflected in complaints received during the year.

## **Decisions on complaints**

### ***Reports and local settlements***

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

I did not find it necessary to issue any reports against your Council this year, but six complaints were settled locally. Of these, two related to repairs to Council housing. The Council has many post-war properties and as part of a modernisation programme had installed a new central heating boiler in the complainant's flat: however, this was faulty and leaked. Although the Council attended promptly and rectified the fault, it agreed to pay the complainant £500 compensation to account for the inconvenience and damage to property caused, and for his time and trouble in complaining. In the second of these cases, the Council agreed to consider improvements in the dissemination of information to prospective tenants about to take a lease of these older properties.

Two further complaints concerned the way in which the Council handled reports of neighbour nuisance. Councils now have extensive powers to deal with complaints of antisocial behaviour, a problem which can cause great stress to residents from, for example, excessive noise, or abusive or even violent behaviour. In one of these cases, action to evict an offending tenant was delayed by a failure to follow correct procedures: and the Council also failed to answer the letters sent by the complainant's solicitor requesting progress reports on the eviction proceedings. The Council offered compensation of £500 to the complainant for the extra distress suffered and her time and trouble complaining; together with a contribution of £250 towards the costs of her solicitor's unanswered letters. In the other case, the Council was able to move the tenant away from the nuisance when his housing need was correctly assessed.

There are no particular lessons to be learned from the other two complaints settled locally. I am glad to note that the Council has always been ready to make amends when things do go wrong. This year the Council paid compensation totalling £1400 in respect of complaints brought to me.

## ***Other findings***

Including the six complaints settled locally, I determined a total of 26 complaints about your Council this year. In general there was no particular pattern to the other decisions made: although two complaints concerned the redevelopment of a former sports ground, I did not see evidence of maladministration in the way that was handled. This was also the decision in four other complaints; while three concerned issues which lay outside my jurisdiction.

In last year's annual letter I referred to criticisms made of the Council's planning department for the quality of some of its reporting, particularly reports on site visits and on applications determined by officers under delegated authority. The Council had, by that time, put measures in place in response to those criticisms. I am pleased to say that these reports appear, from the complaints I have handled since, to be much improved.

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

During this year, ten of the 26 complaints received were returned to the Council as "premature" – that is to say, complaints which the Council had not had an opportunity to resolve itself before the complainant came to me. The proportion of "premature" complaints has increased over the last two years, despite the fact that the complaints procedure is apparently both robust and readily accessible.

It can be difficult for front-line officers to recognise the point at which a request for a service becomes a complaint either that the service has not been received, or about the way in which the service was provided. However, I note that two of these "premature" complaints concerned homelessness and a further two antisocial behaviour. It may be that in such cases the complainants feel themselves to be in too urgent a situation to delay in coming to me and if this were so, it would account for the apparent increase. You may wish to consider what mechanisms might help to make staff more aware of the Council's complaints procedures in these two service areas in particular.

I do not always expect complaints to be put through the Council's complaints process before I accept them for investigation, especially where there is a good reason to prioritise them. However, where complaints do go through the Council's own complaints procedure, I am pleased to note that responses are generally full and detailed.

## **Training in complaint handling**

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. You may wish to bear this in mind if the Council acquires unitary status. We can run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

A further Link Officer seminar will be held in Coventry in November. Please let Mr Purser, the Assistant Ombudsman, know if you would like to send a delegate.

In addition, if it would help for Mr Purser to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange this.

## **Liaison with the Local Government Ombudsman**

Your Council liaises fully and effectively with us; and I particularly appreciate your co-operation in providing detailed information in good time and your readiness to discuss possible ways of resolving complaints. While the time taken to respond to our initial enquiries about complaints has increased over the last two years, it remains within the period (28 days) in which we expect a response. Your comments are generally full and helpful, and I appreciate the effort that will have gone into achieving this.

## **LGO developments**

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

## **Conclusions and 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.

**J R White**  
**Local Government Ombudsman**  
**The Oaks No 2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry**  
**CV4 8JB**

**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	8	9	8	2	0	<b>27</b>
<b>2005 / 2006</b>	4	3	12	0	3	<b>22</b>
<b>2004 / 2005</b>	5	4	7	1	2	<b>19</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	6	0	0	6	1	3	10	16	<b>26</b>
<b>2005 / 2006</b>	0	2	0	0	9	3	2	6	16	<b>22</b>
<b>2004 / 2005</b>	0	2	0	0	8	3	4	2	17	<b>19</b>

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

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	13	27.3
<b>2005 / 2006</b>	10	23.2
<b>2004 / 2005</b>	8	20.9

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0