



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Poole Borough 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***

In the year to 31 March 2007 my office received 51 complaints against your Council, three more than the previous year. We expect to see fluctuations year on year and I see no significance in this small rise.

### ***Character***

The spread of complaints between different areas of the Council's functions has fluctuated slightly in recent years but the most significant changes were: an increase of five complaints about Social Services, where we received four complaints about Adult Care and three about Children and Family services; reductions of four complaints about Education and four complaints about Planning; and an increase of six complaints in other subject areas, including a significant number of complaints about antisocial behaviour.

## **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. Occasionally, the circumstances of the complainant or others involved, particularly children, suggest that publication would not be appropriate. Last year, this was the case in one complaint I investigated where I concluded there was maladministration by your Council which caused injustice to the complainant. The Council agreed to pay the complainant a sum of money in recognition of that injustice, and I am grateful for its willingness to do so and to review the relevant procedures.

In six other cases decided last year your Council offered to take action which I or my staff considered to be a reasonable way to resolve the complaint. One complaint concerned delay in investigating and taking enforcement action involving an industrial site, causing avoidable disruption and uncertainty for the complainant. The Council agreed to review its procedures and pay the complainant £900 in recognition of the injustice caused. In another case the Council failed properly to describe the proposed development when notifying the complainant of a planning application, but agreed during

the course of the investigation to meet the cost of installing obscure glazing in a room in the complainant's home to mitigate the impact of overlooking from the new development. Another Planning case involved the Council publishing on its web site confidential information provided with comments on a planning application; it reviewed its procedures, apologised, and paid the complainant £200 in recognition of the distress its actions caused.

In one Housing case the Council failed properly to consider whether the complainants were homeless or threatened with homelessness, and in another it failed to advise the complainant of his right to request a review of the suitability of temporary accommodation. The Council paid the complainants £150 and £250 respectively, as well as taking action to put the potentially homeless complainants back in the position they might have been, as far as it was possible to do so.

In total, last year the Council paid £2750 in remedies for injustice, but the payment of money is often not the complainant's motivation for pursuing a complaint. When your Council withdrew a volunteer driver service from a complainant with disabilities in a way that it accepted was less than satisfactory, it resolved matters to the complainant's satisfaction by reinstating the service subject to certain conditions and by apologising. I am grateful to your Council for its positive approach and willingness to resolve this complaint and the others which were settled locally during 2006/2007.

### ***Other findings***

Apart from the seven cases mentioned above, we decided 44 complaints against your Council last year. Thirteen cases were referred back to be considered through your own complaints procedure, and I comment further on these below. Of the remainder, five complaints were about matters outside my jurisdiction, in 16 cases there was insufficient evidence of default by the council, and in 12 cases insufficient evidence that the complainants had been caused significant injustice.

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

Approximately one quarter of all the decisions we made on complaints against your Council last year were referrals back to the Council of complaints which it had not previously had the opportunity to consider through its complaints procedures. This is now broadly in line with the national statistic, whereas previous years have shown a higher proportion of premature complaints; this was the subject of a specific comment in my letter to you last year, and I am now pleased to see and comment on this improvement.

Only three of the complaints we received last year had previously been referred back to the Council, well under the national average of 10%. These two factors suggest that your Council now provides good access to its complaints procedure, and that the procedure works well in resolving disputes locally.

### **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. 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.

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

My office made fewer enquiries on complaints against your Council last year than in previous years, but the time taken for you to send the comments and information required remains outside the target time of 28 days, at an average of just over 34 days. Responses on cases involving children and family services, education, and transport and highways were sent within the 28 day target and that is to be welcomed.

Last year I pointed out that delays in the investigation of complaints cause uncertainty for complainants already anxious about their complaints, and I said I would welcome any steps the Council could take to improve response times. Your Council reassured me that it would be taking steps to seek improvements, and it is disappointing that any action you have taken does not appear to have achieved the desired result. I would strongly urge you, for the benefit of your citizens who do have cause to complain to me, to consider this aspect of your handling of complaints again, and to let me know what action you propose to take. If my office can be of any help or provide any guidance in this, please let us know.

The quality of comments and information provided by councils in response to our enquiries is also important, of course, and my staff continue to hold the view that the responses they receive from your Council are clear and helpful in progressing our investigations. Please pass on my thanks to those officers involved.

One of your officers with responsibility for coordinating the Council's responses to, and liaison with, my office attended one of our seminars, here in Coventry in November 2006. The aim of the seminar was to increase understanding of the work of my office and enable officers to share experiences and good practice with their counterparts in other councils. The feedback we receive from these seminars shows that councils find them helpful in improving the quality of their responses and handling of Ombudsman cases, and in enabling more complaints to be resolved promptly. I hope that your delegate found the event worthwhile.

### **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.

**Jerry White**  
**Local Government Ombudsman**  
**2, The Oaks,**  
**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>Adult care services</b>	<b>Children and family services</b>	<b>Education</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>	4	3	1	9	12	20	0	2	<b>51</b>
<b>2005 / 2006</b>	1	1	5	6	6	24	3	2	<b>48</b>
<b>2004 / 2005</b>	2	2	0	4	6	14	1	3	<b>32</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>	1	6	0	0	16	12	5	13	40	<b>53</b>
<b>2005 / 2006</b>	0	6	0	0	10	5	4	11	25	<b>36</b>
<b>2004 / 2005</b>	0	5	0	0	10	6	4	11	25	<b>36</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>	12	34.3
<b>2005 / 2006</b>	28	34.4
<b>2004 / 2005</b>	19	40.4

**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