



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
South Gloucestershire 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

We received 59 complaints during the year which shows no significant change from the number received in the previous two years.

Character

In terms of the types of complaints received, this seems also to be broadly consistent over the last three years. There are some variations but nothing I consider significant. The largest number relate to planning and building control with 20 complaints this year. The next largest category of complaints relates to benefits, with nine complaints, followed by education with seven.

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.

One of significance concerned the sale of various plots of land which had been used for many years by the adjoining property owners as garden land. The Council decided to sell the plots but when subjected to challenge about the process adopted by one of the neighbours the Council delayed in deciding on an appropriate course of action and then went back on previous undertakings that had been given. This was not a straightforward matter but nonetheless I considered the Council had acted unreasonably and the consequence for the complainant was that he had paid more for the land than he would otherwise have done. The Council agreed to pay compensation of £10,500 to reflect the inflated price he had paid for the land and for his time and trouble in making the complaint.

Some of the other complaints that were settled were:

- A complaint of failure to take enforcement action in respect of increasing engineering activities at a farm. The complainant did not live near to the site but owned and rented out several properties nearby. He complained that the Council had over many years failed to deal with changing activities at the site. As a consequence his properties were devalued and harder to let. The Council accepted that it had not dealt with the matter adequately over the years but was now taking enforcement action which would have to be allowed to run its course. The Council agreed to pay compensation of £500 for its delays here.

- An applicant for housing benefit complained that the Council delayed in notifying her that she was not entitled to benefit. The letter notifying her of the decision lacked relevant information. The Council volunteered to settle this complaint without any prompting from my investigator. It paid the complainant £50, apologised for the delay and reviewed its procedures to establish why the letter was deficient.
- A council tenant complained about delay in repairing the windows in her property. There had been delay but the consequence for the complainant was not great. The Council agreed to pay compensation of £250.
- The Council failed to consider objections made by a neighbour to a planning application that was made for a nearby property. The complainant emailed her objections but they were not passed to the case officer. I concluded that the comments would not have made any likely difference to the outcome of the application but nonetheless considered that compensation of £250 was appropriate to which the Council agreed.
- The complainants sent a letter to the Council which contained allegations about the former partner of one of the complainants. The Council disclosed the letter to a third party and to the former partner which caused distress and exacerbated an already difficult situation. The Council initially denied any liability for the disclosure even though the letter showed a Council date stamp. In response to my investigator's enquiries the Council then accepted it was at fault and paid compensation of £150.
- The complainant's mother went into a care home. His mother died some months later. There was delay by the Council in sending the bill for the care home fees. By the time it was received by the complainant he had wound up his mother's estate. The Council accepted that it had been at fault and agreed to reduce the liability by £250.
- The Council failed to make proper provision for the complainant's son after the preparation of a statement of special educational needs and failed to carry out multi-disciplinary planning. The Council had identified these shortcomings as part of its own investigation of the complaint and agreed to the suggestion of £250 compensation.

I issued one report. This concerned an error in the plotting of a footpath on the complainant's land. The Council failed to take action to divert the footpath and there was delay in dealing with the diversion order. During that time the complainant was unable to use the land to build an extension. It only became clear in response to the draft report that it was the predecessor authority that had been responsible for the original error and this information could have usefully have been provided sooner in the investigation. Once I had issued my report the Council quickly accepted that it needed to take action and to pay compensation of £2500.

In total the Council paid compensation of £14,800. I am most grateful for the Council's willingness to put right things that have gone wrong.

Other findings

Fifty-nine complaints were decided during the year. Of these eight were outside my jurisdiction for various reasons and 13 were premature. As I refer to above, 13 were settled and I issued one report; 15 were closed because I considered there was insufficient evidence of maladministration to pursue them and the remaining nine were closed for other reasons.

Your Council's complaints procedure and handling of complaints

There were 13 premature complaints which is in line with the number we expect to see given the overall volume of complaints. Seven complaints were resubmitted but I do not consider that is significant or indicates any failing in the Council's own handling of the complaints. I am pleased to see that the Council's complaints procedure is well sign-posted on the Council website.

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. 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.

We delivered the effective complaints handling course at the Council on 5 December 2006. I hope this was useful.

Liaison with the Local Government Ombudsman

We made enquiries on 27 complaints and the average time for responding was 45 days. This is poor performance by the Council. The improvement seen last year has now gone into reverse. This is unacceptable and puts the Council in the worst performing quartile of councils. Particular problem areas seem to be planning and building control with an average response time of 57 days and housing with 55 days. This is an area where the Council now must take action to improve matters.

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

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June 2007

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

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	2	9	2	7	3	13	20	1	0	2	59
2005 / 2006	2	3	2	3	6	7	25	3	0	2	53
2004 / 2005	2	9	0	8	6	11	22	5	2	4	69

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
01/04/2006 - 31/03/2007	1	13	0	0	15	9	8	13	46	59
2005 / 2006	1	7	0	0	19	20	5	14	52	66
2004 / 2005	0	4	0	0	17	5	8	20	34	54

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

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	27	44.8
2005 / 2006	27	37.6
2004 / 2005	33	45.0

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

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
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