



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Stafford 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 Stafford Borough Council 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 88 complaints during the year, almost double the number last year. But the 88 included a group of 65 complaints about the same matter. I will comment further on this below.

Character

Eighty-three complaints were received about planning, three about benefits and one about housing. The one complaint in the 'other' category was about waste management. No complaints were received about transport and highways and for the second year running we received no complaints about public finance. This is commendable, suggesting good complaint handling and resolution in these Council functions.

Decisions on complaints

Reports and 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. Seven complaints were settled locally.

In one complaint, about the Council's failure to determine a retrospective planning application in 2000, the Council paid £3,500 in compensation to the person who had raised repeated complaints about the issue not being dealt with properly. The failure to determine the application meant that enforcement action could not be taken and so, in effect, planning permission was granted by default. A mock planning assessment was carried out by an independent planner, and I took the view that, had the planning application been determined at the correct time, conditions would have been added requiring odour control measures. While there is no guarantee that odour problems would have been eliminated, I felt that the Council taking steps to enforce such conditions might have improved the situation for the complainant.

Following resolution of this complaint, the complainant contacted the press. As a result 65 other residents in the area made similar complaints. However, due to the time that had passed since the originating events, and since complainants had been aware of problems in respect of the site, I did not pursue these complaints.

Another group of four residents complained about the way in which the Council dealt with an application for a telecommunications mast. The Council failed to notify the applicant within the specified time period that prior approval was not granted. This meant that the mast was approved by default. The complainants did not know this mistake had occurred until the mast was erected. I also

found that the Council had not given proper consideration to the possibility of site sharing, though I was not persuaded that the outcome would have been any different but for this maladministration. The Council paid each of the four complainants £500.

I issued one report against the Council during the year. In this case, the Council gave incorrect information about the complainants' financial contribution towards a disabled facilities grant. Three different assessments resulting in widely varying figures were carried out. Eventually the Council realised that the assessment should only include the income of the disabled person as he had been in nursing care for over a year. This resulted in the complainants being entitled to the full available grant despite previously being told their contribution would be £39,000. As a result of these errors, it was found that the complainant remained in nursing care a year longer than he otherwise would have done. The Council paid the family £4,000 to reflect the anxiety suffered and for their time and trouble in pursuing the complaint.

Another two complaints were also settled when the Council agreed to make payments and so in total the Council paid compensation of £9,950. I am grateful to the Council for its assistance in settling these complaints.

Other findings

Eighty-one complaints were decided during the year. Of these 60 were outside my jurisdiction because of time, as explained above. Four complaints were premature and, as I mentioned earlier, seven were settled locally and one was the subject of an issued report. The remaining nine were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

Your Council's complaints procedure and handling of complaints

The number of premature complaints (four) is small when set against the number of incoming complaints (88). This suggests that the Council's complaints process is sufficiently visible to customers and that staff, when dealing with requests for assistance, signpost the complaints process for customers who remain unhappy with what the Council has done.

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 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

We made enquiries on 13 complaints this year, and the average time for responding was 41 days, an increase on the 38 days it took last year. I am aware that the Council has recently reviewed the way it responds to my enquiries and that it has made a commitment to provide information within 5 working days. My investigator tells me that this timescale is being achieved and I hope that this will continue throughout the coming year. This impressive commitment to good complaint handling is much welcomed.

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 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
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June 2007

Enc: Statistical data
Note on interpretation of statistics
Details of training courses

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	3	1	1	83	0	0	88
2005 / 2006	0	2	7	38	0	1	48
2004 / 2005	0	7	15	16	2	3	43

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	7	0	0	5	4	60	4	77	81
2005 / 2006	0	2	0	0	10	28	3	4	43	47
2004 / 2005	0	2	0	0	23	3	0	16	28	44

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	13	41.2
2005 / 2006	29	37.7
2004 / 2005	17	27.6

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