



The Commission for
Local Administration in England

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

Surrey Heath 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

In 2006/7 I received 11 complaints against your Council. This compares with 19, 11 and 34 in the previous three years.

Eight of the 2006/7 complaints concerned planning matters (of which five were about planning applications). There was also one highways complaint and one each about rights of way and anti-social behaviour. The predominance of planning complaints is usual for district councils.

Decisions on complaints

I made decisions on 14 complaints in 2006/7. One case was outside my jurisdiction, in four I used my discretion not to investigate further, and in seven cases I found there was no or insufficient fault to warrant my involvement.

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. As in previous years I issued no formal reports against your Council.

In two cases a local settlement was agreed. In one case a breach of a noise abatement order was witnessed. The Council decided to take legal action, but unnecessary delays meant that action was not taken within the six month time limit imposed by the courts. The Council also failed to keep the complainant up to date with what was happening. However, as no subsequent breaches were witnessed, I considered that the significant injustice for the complainant was the unnecessarily time and trouble they had been put to. The Council apologised, changed its procedures to ensure that such a delay would not occur again, and paid £75 compensation to the complainant.

In the other case it was reported to the Council that trees were threatened with felling near the complainant's home. I concluded that delay by the Council in responding meant that most had been felled before the relevant officer visited, and those left were not worthy of a Tree Preservation Order. The Council did not accept it had been at fault, but nevertheless agreed to spend £500 in excess of its normal budget on planting and care of trees in 2006/7, and the same this year. It has also introduced new procedures for handling enquiries about tree felling.

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.

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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. Two of your officers attended an Effective Complaint handling course in October 2006; I hope they found this useful. 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

I ask Council's to reply to enquiries within 28 calendar days. Your Council's average response time was within this limit and a great improvement on the 2005/6 figure. I nevertheless note that it was over 40 days before I received the Council's comments on a planning matter.

I note that the Policy and Resources Committee meeting in July 2006 considered my 2005/6 Annual Letter. If the Committee formally considers this letter it would be helpful to be sent a copy of the minutes of the meeting, along with a copy of any report to the Committee.

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.

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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.

Tony Redmond
Local Government Ombudsman
10th floor, Millbank Tower
Millbank
London
SW1P 4QP

June 2007

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

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	0	0	1	8	0	2	11
2005 / 2006	1	3	3	12	0	0	19
2004 / 2005	2	1	0	7	1	0	11

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	0	2	0	0	7	4	1	0	14	14
2005 / 2006	0	2	0	0	5	6	1	7	14	21
2004 / 2005	0	1	0	0	4	3	1	2	9	11

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	5	26.2
2005 / 2006	8	45.3
2004 / 2005	1	22.0

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