



The Commission for
Local Administration in England

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

We received 14 complaints during the year, about the same as last year.

Character

The majority of complaints, eight of the 14, were about planning. Two complaints were about benefits. I received one complaint each about cemeteries, environmental health, housing and anti-social behaviour.

The number of complaints about planning reflects the normal pattern for district councils in rural England.

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. Three complaints were settled locally.

I considered one complaint from a resident where the Council had laid down as dangerous the memorial stone at her late husband's grave. I did not consider that the Council had balanced the risk, which in this case was minimal, against the certainty of distress that its action would cause. At about the same time I had issued a Special Report on 'Memorial Safety in Local Authority Cemeteries'. The Council had not had time to consider the recommendations in my report, but it agreed to review its strategy. It wrote a sensitive letter of apology to the complainant and reimbursed her costs in re-erecting the memorial stone which amounted to £250. It also paid £150 in recognition of the time and trouble to which she had been put in pursuing her complaint.

One resident complained at the manner in which the Council dealt with her request for assistance as a homeless applicant. The Council's response to my enquiries revealed serious shortcomings in the manner in which the application was dealt with. It identified training needs and said that procedures were being reviewed. Because of the complainant's particular housing needs it would not have been possible to offer alternative accommodation at that time, even had there been no shortcomings on the Council's part. But the Council apologised, and paid £200 compensation in recognition of its poor level of service in this case. The complainant was rehoused shortly afterwards.

The same resident submitted a second complaint to me. This was about the manner in which the Council dealt with her application for housing benefit, once she had been rehoused. While I found that there was delay, I could not conclude that this was the Council's fault because the necessary

supporting information had not been submitted with the claim. The Council agreed to accept information provided by a third party, which enabled it to determine the claim. I did not consider that compensation was appropriate in this case.

When we complete an investigation we must issue a report. I issued one report against the Council during the year. It concerned two complaints about the same matter: how the Council handled a planning application in respect of development to the rear of the complainants' homes. I upheld the complaints because I found fault in the way the Council dealt with the application for planning permission. In particular, the Council did not keep a proper record of the site visit, failed to produce a report for the delegated decision, did not follow its scheme of delegation and failed to inform the complainants about the decision-maker.

I did not conclude that the planning decision would have been significantly different without the maladministration. But the complainants were caused an injustice because they cannot be sure their views were taken into account, they are left uncertain as to whether the outcome might have been different if the application had been handled properly and they have been put to unnecessary time and trouble in pursuing their complaint. The Council agreed to pay compensation of £250 to the first complainant and £1,000 to the second, who was more affected by the development.

Overall a total of £1,850 was paid in compensation. I very much welcome the Council's willingness to put things right when mistakes have been made.

Other findings

Fifteen complaints were decided during the year. Of these, two were outside my jurisdiction. One was about a housing benefit assessment where a right of appeal existed, and the second related to a complaint about anti-social behaviour which the complainant had already referred to court. As I mentioned earlier, three were settled locally and two were the subject of issued reports. One complaint was premature. The remaining seven 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

Only one complaint was premature, which suggests the Council's complaints process is readily accessible. Complaints can be made online, a feature welcomed generally by residents. No issues arose in the complaints I have investigated which relate to the complaints process, which seems to me to be working very well.

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 eight complaints this year, and the average time for responding was 26 days. This is within the target we set of 28 days. Responses are comprehensive and helpful. The Council is to be congratulated on this performance. I appreciate the amount of effort officers have put in to 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)

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Total
01/04/2006 - 31/03/2007	2	1	3	8	14
2005 / 2006	0	1	1	13	15
2004 / 2005	0	1	3	2	6

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	2	3	0	0	6	1	2	1	14	15
2005 / 2006	0	3	0	0	6	0	1	4	10	14
2004 / 2005	1	1	0	0	8	0	1	0	11	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	8	26.5
2005 / 2006	7	24.6
2004 / 2005	2	16.5

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