



The Commission for
Local Administration in England

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

Weymouth & Portland 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 10 complaints against your Council, two fewer than the previous year. These numbers are relatively low in comparison to the number of transactions your Council carries out for its citizens each year, but they appear to be reducing year on year and that is to be welcomed.

Character

The small number of complaints received makes it difficult to discern clear patterns in the spread between different subject areas. Three complaints were about planning matters, and one each about Highways, Finance, Benefits, Drainage, Land, Leisure, and Waste Management. The proportion, approximately one third, of complaints about planning matters is typical of borough and district councils in non-metropolitan areas. For the second year running I received no complaints about Housing matters.

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 often form a significant proportion of the complaints we determine, but last year no complaint against your Council resulted in a local settlement.

When we complete an investigation we must issue a report, and I issued one report against your Council last year. The investigation revealed that your Council had failed to investigate some reports of noise nuisance or to explain properly how the complainant should complete noise record sheets; and that it had made a statement to the local press on the matter which was inaccurate. The result of this for the complainant was delay in the Council considering whether there was a statutory nuisance, a missed opportunity for him to gather additional evidence, anxiety resulting from the uncertainty and delay, and justifiable outrage about the press statement. I recommended your Council should take action to establish whether there was a statutory nuisance and to deal with it as appropriate, review its systems for recording complaints and liaison between different departments of the Council, and make a payment of £500 to the complainant in recognition of the injustice he had been caused. I am pleased that your Council responded positively and promptly to my recommendations and that I was able to confirm that I was satisfied with the action it had taken.

Other findings

Including the case mentioned above, we make decisions on 10 complaints made against your Council last year, of which one case was referred back to you to be put through the Council's own complaints procedure. Of the remainder, three complaints were about matters outside my jurisdiction, and in the other five cases there was either insufficient evidence of fault by the Council or insufficient evidence that the Council's actions had caused significant injustice to the complainant, and so those investigations were discontinued. This pattern is not significantly different to that seen in previous years.

Your Council's complaints procedure and handling of complaints

Only one complaint we decided last year was referred back to your Council because it had not been considered through the Council's own complaints procedure. And none of the complaints we received last year had previously been referred back to the Council in this way.

It would appear from this that the Council's own complaints procedures are working well. I am pleased to see that there is a clear and accessible link to information about them on the homepage of the Council's own website, including an online feedback form and details of how else citizens can make complaints and offer compliments.

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. We offer generic courses in 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

My staff asked your Council to provide information on comments on four cases last year, a slight reduction on the numbers in the previous two years. In three cases your Council responded within the target of 28 days which we asked councils to try to achieve in the interests of providing your citizens with a decision on a complaint in a timely way. And in most cases, my staff are grateful for the clear and helpful responses your Council provides.

In one case about local taxation, however, the response took slightly longer than the 28 day target and would appear to have contained inaccuracies which my investigator then needed to clarify. I recognise that the time taken was not excessive, and that the inaccuracies were identified and resolved promptly, but I think this serves to highlight the importance of councils providing accurate information at the same time as trying to achieve a response within the target time. I also recognise that this case might not be typical, but you may wish to consider whether any change is required in your procedures to try to prevent a recurrence.

We continue to hold, here in Coventry, seminars for those Council officers with responsibility for liaison with my office to further improve the understanding of my role and the investigative process, and allow officers to share good practice with their counterparts in other councils. Feedback from delegates on previous seminars shows how useful they have found the exercise. If you are interested in sending someone from your Council to a future seminar, please contact my office for more details.

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
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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	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	1	0	4	3	1	1	10
2005 / 2006	0	0	4	3	1	4	12
2004 / 2005	1	4	0	5	1	3	14

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	0	0	0	2	3	3	1	9	10
2005 / 2006	0	2	0	0	3	3	1	3	9	12
2004 / 2005	0	0	0	0	5	2	1	3	8	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	4	26.8
2005 / 2006	6	17.7
2004 / 2005	7	22.7

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