

Local Government  
**OMBUDSMAN**

**The Local Government Ombudsman's  
Annual Letter  
Dover District Council  
for the year ended  
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction**

This annual letter provides a summary of the complaints we have received about Dover District Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

Two attachments 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**

I received 36 complaints about your council last year, compared with 23 in the previous year.

This increase is primarily attributable to two main areas. The number of planning and building control complaints rose from six to 17 (although this includes five complaints about the same matter and two complaints referred as 'premature' being resubmitted). The number of housing-related complaints also rose from five to 11.

## **Decisions on complaints**

During the year we made decisions on 34 complaints against your authority. We found no maladministration in seven complaints and we exercised discretion to close a further 13 without requiring any action by the Council. I found that three complaints were outside my jurisdiction. We returned ten complaints to your authority as 'premature' as we did not consider you had had sufficient opportunity to deal with them through your own procedures. This was an increase on the six premature complaints for each of the previous two years.

## ***Reports and local settlements***

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them – and those outside our jurisdiction).

None of the complaints we investigated this year justified the issue of a report. I again settled just one complaint.

This case concerned the issuing of a summons for non-payment of council tax. The Council did not respond to further correspondence from the complainant disputing her liability. In agreeing to settle the complaint, the Council apologised, cancelled the cost of the summons and explained the complainant's independent appeal rights. The Council also agreed to update the advice on its website relating to exemptions and appeals.

### ***Other findings***

I considered several complaints about planning enforcement involving a County Council development. I did not consider that your Council's actions had caused any injustice to the complainants. But I felt that the complaints raised questions about the operation of the enforcement protocol between the two Councils. I asked the County Council to review the protocol and in doing so to see the District Council's views.

### **Your Council's complaints procedure and handling of complaints**

The number of complaints returned to your Council increased a little this year, but was broadly in line with the national average of premature complaints.

I am aware that the Council has changed its arrangements for dealing with complaints at the final stage of its procedure. It seems to me that, in general, the Council continues to review complaints in a thorough manner at each stage.

### **Liaison with the Local Government Ombudsman**

I note that this year saw an increase in the average response time to my investigators' formal enquiries from 17.1 days to 30.9 days. However this figure was significantly affected by two complaints: one a complex planning matter and the other a complaint where information was sought from a third party. The great majority of responses were made well within my target of 28 calendar days, and I would like to thank the Council for its efforts in this regard.

I understand also that the Council will be joining a county-wide choice-based letting scheme later this year. It would be useful to receive further information on the operation of this scheme in due course, in order to understand the implications for the Council's allocations arrangements.

The liaison between our offices remains very effective, and your officers continue to provide helpful, constructive and prompt responses to requests for information from our office.

### **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are 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 and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

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All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I am pleased that an Effective Complaints Handling Course was held at your offices in January for a number of officers. I understand from the feedback received that this event was felt to be useful.

We run, from time to time, seminars for Council staff who liaise directly with my office. I am pleased that the Council's link officer was able to join the seminar last October and I hope this event was useful also.

I understand that you have expressed some interest in a Good Complaints Handling Course. I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

### **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

### **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**  
**Millbank Tower**  
**Millbank**  
**London**  
**SW1P 4QP**

**June 2008**

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
01/04/2007 - 31/03/2008	1	11	1	17	6	0	36
2006 / 2007	0	5	6	6	4	2	23
2005 / 2006	1	5	1	14	1	1	23

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
01/04/2007 - 31/03/2008	0	1	0	0	7	13	3	10	24	34
2006 / 2007	0	1	0	0	3	9	4	6	17	23
2005 / 2006	0	0	0	0	4	5	3	6	12	18

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
01/04/2007 - 31/03/2008	11	30.9
2006 / 2007	7	17.1
2005 / 2006	3	28.7

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0