

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

**Durham City 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 received about Durham City Council and comments on the authority's performance and complaint-handling arrangements.

As a result of Secretary of State's decisions on the future structure of local government in Durham this is the last Annual Letter that I shall be sending to the Council in its present form. I should like to take this opportunity of thanking all the members and officers who have dealt with my office for their courtesy and co-operation and wish you well for the future.

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**

### ***Volume***

I received 15 complaints against the Council during the year a figure which shows a slight fall [from 21] from the previous year. The numbers are not large and I can offer no meaningful comment other than to say that no trends or patterns emerged during the year to alarm me.

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

I ask all councils to reply to enquiries from my office within 28 days. The Council has consistently met this target in recent years and this year took 24.9 days on average to reply to my enquiries. I am grateful to the Council for the efforts it clearly makes to deal with enquiries from my office.

## **Decisions on complaints**

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

We will often discontinue enquires into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement, a figure of around 2940 complaints nationally (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). If an investigation is completed I issue a public report.

I issued one report about the Council's decision to approve planning permission for an indoor soccer arena. I found that the complainant had suffered some injustice as a consequence of maladministration by the Council. The Council responded positively to my recommendations.

The Council agreed to settle 3 other complaints and I am grateful to the Council for responding so positively in these cases.

### ***Other findings***

I determined 19 complaints during the year including the four I have referred to above. This figure exceeds the number of complaints received in the year because of work in hand at the beginning of the year. Of these 19 complaints, 5 were sent to me prematurely by which I mean that the Council had not been given a reasonable opportunity to deal with the complaints. In 5 cases I found no evidence of maladministration while in 5 cases I exercised the general discretion available to me not to pursue the complaint.

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

I have no concerns about the way in which the Council deals with complaints put directly to it by members of the public.

## **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. A detailed evaluation of the training provided to councils over the past three years shows very high levels of satisfaction. We will customise courses to meet your Council's specific requirements and provide courses for groups of staff from different smaller authorities. Participants benefit from the complaint-handling knowledge and expertise of the experienced investigators who present the courses.

I enclose 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'. Feedback on special reports is always welcome. I would particularly appreciate information on complaints protocols in the governance arrangements of partnerships with which your Council is involved.

## **Conclusions and general observations**

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Anne Seex**  
**Local Government Ombudsman**  
**Beverley House**  
**17 Shipton Road**  
**YORK**  
**YO30 5FZ**

**June 2008**

Enc: Statistical data  
Note on interpretation of statistics

Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	1	5	2	2	4	1	<b>15</b>
<b>2006 / 2007</b>	1	7	2	8	1	2	<b>21</b>
<b>2005 / 2006</b>	0	8	5	13	1	0	<b>27</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	1	3	0	0	5	5	0	5	14	<b>19</b>
<b>2006 / 2007</b>	0	5	0	0	13	1	1	3	20	<b>23</b>
<b>2005 / 2006</b>	0	6	0	0	4	4	2	4	16	<b>20</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2007 - 31/03/2008</b>	7	24.9
<b>2006 / 2007</b>	12	19.8
<b>2005 / 2006</b>	17	15.9

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
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