

Local Government  
**OMBUDSMAN**

**The Local Government Ombudsman's  
Annual Letter  
Exeter 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 we have received about Exeter City 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**

### ***Volume***

The volume of complaints we received remains little changed on last year, down two to 25. However, this figure conceals the fact that six separate complaints were made about the same planning application.

### ***Character***

Five other complaints about planning and building control were received, bringing the total to 11. This was the largest single group of complaints which, but for the multiple complaint, would have been little different to last year's total of seven.

Five housing complaints were received, while two concerned Council Tax administration and one Housing Benefit. There was no particular pattern to the remaining six.

## **Decisions on complaints**

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

When we complete an investigation we issue a report. I have not issued any reports on complaints against your authority this year.

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 some 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).

Three complaints were settled locally. No compensation was sought, as each of the three settlements involved practical measures to put the complainants, as far as was possible, back in the position they would have occupied but for the administrative errors found.

In one of these complaints, the Council had failed to consult either the relevant professional Environmental Health Officer or local residents before deciding to locate a skateboard ramp in a local park some 50m from the complainant's home. Noise nuisance and general disturbance was suffered as a result of this decision: but the Council did not find that there was statutory nuisance. The Council agreed to arrange for an Environmental Health Officer from another authority to assess the siting of the ramp, as though they had been consulted before it was installed, and to carry out any mitigation measures recommended in the report.

The other two complaints show no particular pattern and there are no lessons to be learned from them.

## ***Other findings***

Of the other 22 complaints determined this year, three were sent back to you to be put through the Council's own complaints procedure.

I considered that four others concerned matters which lay outside my jurisdiction.

The remaining 11 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

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

Your complaints procedure appears robust and easy to access. I have been impressed by some of the responses I have seen, which have been clear, helpful and appropriately self-critical. I note that one complaint to me was withdrawn this year because the Council had been able to resolve the matter itself, by contributing to the cost of screening for an unsatisfactory grant of planning permission. As only three complaints were returned to you as "premature" - having not been through the Council's complaints procedure - compared to ten last year, it appears that there has been an improvement in officers identifying where the complaints procedure can be helpfully used.

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

Average response times for first enquiries have remained within 28 days, although slightly increased to 27.7 days. Your officers have been helpful and prompt in dealing with informal enquiries by telephone and e-mail.

## **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.

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.

## **LGO developments**

We launched the LGO Advice Team in April 2008, 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, have 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 2007, which also came into force in April 2008. 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'. 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.

**J R White  
Local Government Ombudsman  
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Coventry CV4 8JB**

**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	6	11	2	0	<b>25</b>
<b>2006 / 2007</b>	0	8	10	7	2	0	<b>27</b>
<b>2005 / 2006</b>	0	4	3	12	0	3	<b>22</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>	0	3	0	0	6	9	4	3	22	<b>25</b>
<b>2006 / 2007</b>	0	6	0	0	6	1	3	10	16	<b>26</b>
<b>2005 / 2006</b>	0	2	0	0	9	3	2	6	16	<b>22</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	27.7
<b>2006 / 2007</b>	13	27.3
<b>2005 / 2006</b>	10	23.2

**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