

Local Government OMBUDSMAN

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

Forest of Dean 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 Forest of Dean 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

Volume

We received only six complaints against your Council during the year, ten fewer than last year. We expect to see fluctuations like this from year to year but this is a substantial decrease on recent years.

Character

Four of the complaints we received against your Council were about planning and building control which follows the pattern of previous years. One complaint was about housing and the other about personnel matters (an issue outside my jurisdiction).

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your Council 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 and a total of £2075 was paid in compensation.

One concerned the imposition of conditions on the complainant's planning approval. The Council agreed they were unreasonable and sought our advice on a suitable remedy. The complainant said she delayed starting her building works waiting for the removal of the conditions but I was not persuaded that the delay in starting the building works was a necessary consequence of the Council's delay in dealing with the matter. I suggested compensation of £1000 to which the Council agreed.

A second settlement concerned the consideration given to proposed and existing ground levels when determining a planning application. I considered that the Council failed to obtain sufficient details of ground levels and approved the erection of a retaining wall based on insufficient information. The complainant was therefore left with some doubt whether the wall would have been approved if further details had been obtained. The Council agreed to compensation of £1000.

The final complaint to be settled related to the provision of information to the complainant about the ownership of land next to the complainant. The complainant spent a long period of time seeking the information from the Council. The Council agreed to pay compensation of £75.

Other findings

Nine decisions were made on complaints. One complaint was treated as premature and referred back to your Council so it could first be considered through your Council's complaints procedure.

The remaining complaints were not pursued because either there was no evidence of maladministration or because I decided there were no grounds to pursue the complaint.

Your Council's complaints procedure and handling of complaints

As in last year the number of premature complaints is very low.

I understand that there has been a change of link officer and I hope the new officer may be able to attend the link officers seminar we will run later in the year.

Liaison with the Local Government Ombudsman

We made enquiries on four complaints and the average time for responding was 45.3 days. However this was skewed because of one complaint where the response time was 106 days. If this is removed the average is 25 days which is within our target of 28 days. I understand the delay was because of staff sickness but the Council should have arrangements in place to ensure that a response can be sent in good time.

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, 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, 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'. 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
The Oaks No2
Westwood Way
Westwood Business Park
Coventry CV4 8JB

18 June 2008

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	1	1	4	0	0	6
2006 / 2007	1	4	9	1	1	16
2005 / 2006	0	1	12	1	0	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
01/04/2007 - 31/03/2008	0	3	0	0	2	2	1	1	8	9
2006 / 2007	0	2	0	0	5	2	5	1	14	15
2005 / 2006	0	1	0	0	15	1	2	3	19	22

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	4	45.3
2006 / 2007	6	41.7
2005 / 2006	9	37.6

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