

**The Local Government Ombudsman's  
Annual Letter  
Harrogate Borough 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 Harrogate Borough Council and comments on the authority's performance and complaint-handling arrangements.

I hope that the letter will assist you in improving services by providing a useful perspective on how some people who are dissatisfied 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**

During the year I received 42 complaints against the Council which, although significantly more than last year, when I received 33 complaints, is exactly the same number as was sent to me in the previous year. Although the number of complaints sent to me is not large, I should perhaps point to the fact that complaints about planning and related matters rose sharply this year from 16 to 31. The number here is still relatively small and I have no meaningful observations to make other than to suggest that the Council may wish to reflect on possible reasons why complaints about planning matters rose this year.

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

I remain very happy with the working relations between the Council and my office. This is reflected in the willingness of your officers to approach my office for advice and guidance where appropriate and the performance of the Council in responding formally to my enquiries so promptly.

I ask all authorities to respond to my initial enquiries within 28 calendar days and again I am happy to report that the Council met this target by some distance. The Council took, on average, 24.2 days to respond to my enquiries and I commend the Council for this performance.

## **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 (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 no reports against the Council during the year.

### ***Other findings***

I determined 45 complaints during the year, a figure which differs from the number of complaints sent to me because of work in hand at the beginning of the year. Of these complaints 15 were sent to me prematurely and 4 were outside of my jurisdiction. In 8 cases I exercised the general discretion available to me not to pursue the matter and in the remaining 18 complaints I found there to be no evidence of maladministration by the Council. I found no cause to be critical of the Council this year in any complaint and the opportunity for the Council to settle a complaint locally, through my office, never arose. This will be good news for the Council.

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

No issues have arisen during the year to suggest that there are any problems with the way in which the Council handles complaints made to it by members of the public. Although this fell just outside of the year to 31 March it is appropriate here and now to refer to the thought given by the Council recently about the way in which it responds to unreasonably persistent complainants. The Council asked for a meeting with one of my Assistant Ombudsmen to discuss this issue and then asked for an opinion about a draft policy about how to deal with such complainants. It would be wrong to wait until June 2009 to commend the Council for dealing with this issue in such a positive way and it is right for me to acknowledge the right, indeed the duty, of the Council to act to protect its staff and members from the tiny number of people whose unreasonable attitude towards public servants can, at times, be both threatening and time consuming.

### **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  
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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>	0	5	5	31	0	1	<b>42</b>
<b>2006 / 2007</b>	4	2	6	16	2	3	<b>33</b>
<b>2005 / 2006</b>	2	2	4	24	5	5	<b>42</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	0	0	0	18	8	4	15	30	<b>45</b>
<b>2006 / 2007</b>	1	3	0	0	9	4	4	8	21	<b>29</b>
<b>2005 / 2006</b>	0	8	0	0	16	7	3	11	34	<b>45</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>	22	24.2
<b>2006 / 2007</b>	6	25.0
<b>2005 / 2006</b>	24	22.5

**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