

Local Government OMBUDSMAN

The Local Government Ombudsman's Annual Letter

Kerrier 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 Kerrier 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 20 complaints against your Council during the year, one fewer than last year and eight fewer than 2005-2006. We expect to see fluctuations in numbers year on year, and I see nothing significant in the fall.

Character

Fifteen complaints, three quarters of all those we received against your Council, were about planning and building control. This is similar to last year (16) and is typical for rural authorities. Three complaints were about housing, although there were no such complaints last year.

One complaint received was about transport and highways and one came under the category of 'other'.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your Council in 2007-08.

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).

Two complaints were settled locally this year, and the Council paid a total of £1500 in compensation. Both related to the Council's actions in considering whether planning enforcement should be pursued. In one, the Council failed to take action to enforce planning conditions when a resident complained about unauthorised business activity next to his home. It also failed to keep the complainant informed of progress. The Council agreed to pay compensation of £1000, being £750 for the impact on the complainant's amenity which continued as a result of delay by the Council and £250 for the complainant's time and trouble in pursuing his complaint. It agreed to keep the complainant informed of its further investigation and to reach a decision within three months as to whether it was expedient to pursue further enforcement action.

In the second complaint, which involved migrant worker caravans placed on land without planning permission, the Council delayed in formulating policy to tackle these circumstances and in reaching a decision whether enforcement was appropriate. The Council agreed to compensate the complainant, a neighbour, by paying £500. It also agreed to reach a decision within three months of the closure of

my investigation.

For both of these complaints the investigator noted that the Council's response was slow, although I commend the Council's ultimate willingness to settle them.

Other findings

Six complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In a further four cases I took the view that the matters complained of were outside my jurisdiction.

The remaining ten 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

The Council continues to publicise via its website how complaints can be made to the Council and to me. The proportion of premature complaints has risen in the last year to some 27.3% which is similar to the national average. Two of the six premature complaints were resubmitted to me. In one case I decided that the Council should be given the opportunity to complete its complaint process as the complainant had not elected to pursue this, and she had raised new issues with me. One was still under consideration at the end of the year.

Liaison with the Local Government Ombudsman

Enquiries were made on 12 complaints during the year. Only one met our target response time of 28 days. Your Council's average response time of 66 days was a significant fall in performance on last year's average of 42 days, which was itself a decline from the previous year. The average time masks two complaints where the response times were 133 and 136 days respectively. This kind of performance prevents me from giving complainants a timely service and can do nothing to increase their confidence in the Council. In complex cases, I appreciate that the Council may need more time to gather information and to prepare its response. It is always appreciated when a council contacts my office to explain that it needs more time because we can then keep the complainant informed.

Last year I commented on the Council's continuing unacceptable response times to my enquiries. I appreciate that during the year arrangements to support your link officer have been improved, but the situation still did not improve in the last six months of the year. The responses, when received, were clear and comprehensive and further enquiries were not needed.

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 acknowledge that your Council may not wish to take advantage of our training at this time due to its dissolution in 2009. But I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings which may be of interest to those officers transferring to the new authority.

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.

As a result of Secretary of State's decisions on the future structure of local government in Cornwall 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 cooperation and wish you well for the future.

J R White
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18 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	0	3	1	15	0	1	20
2006 / 2007	1	0	3	16	0	1	21
2005 / 2006	1	2	2	20	1	2	28

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	2	0	0	6	4	4	6	16	22
2006 / 2007	0	3	0	0	10	1	0	4	14	18
2005 / 2006	0	2	0	0	11	6	2	11	21	32

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	12	66.1
2006 / 2007	13	42.1
2005 / 2006	10	32.2

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