

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Mid Devon 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 Mid Devon 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 19 complaints against your Council during the year, 17 fewer than last year. While that appears a dramatic reduction it is the same number of complaints received in 2005/2006, and we expect to see these fluctuations year-on-year.

Character

Fourteen complaints, approximately 73% of all those we received against your Council, were about planning and building control. Last year, complaints in this category accounted for 55% of the total.

One complaint was received about benefits, one was about housing and one concerned public finance. The remaining two complaints were recorded in the "Other" category. They included a complaint about consumer affairs and one about environmental health.

We received no complaints about transport and highways.

Decisions on complaints

Reports and local settlements

When we need to 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).

One complaint was settled locally this year, and the Council paid £250 in compensation. It concerned the processing of a planning application. I criticised the Council's record-keeping as there were no site visit notes and the report for Committee did not comment on whether the development would have an acceptable impact on the complainant. I also criticised the Council for failing to consider whether a condition should be imposed to screen the development from the complainant. The Council agreed to pay the complainant £250 compensation and to erect a fence between the complainant's property and the development complained of.

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.

Of the remaining 11 complaints ten 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. The remaining complaint was withdrawn by the complainant.

Your Council's complaints procedure and handling of complaints

The proportion of premature complaints has risen in the last year to some 31%, slightly higher than the national average of 27%. However, the numbers involved are fairly small and I am pleased to see that the Council's complaints procedure is readily accessible on its website.

Five of the six premature complaints were resubmitted to me. In two cases I decided that no significant injustice flowed from the fault alleged and in another two cases I decided that there were no grounds to pursue investigation because no evidence of maladministration was seen. One was still under consideration at the end of the year.

Liaison with the Local Government Ombudsman

Enquiries were made on only three complaints during the year. Your Council's average response time was 56.7 days. However, the figures were affected by the Council's response on two linked planning complaints. The Council took 70 days to respond to enquiries on those complaints as I understand that the initial enquiry letter, although sent by e-mail to the Council's nominated address, was not received. The other complaint on which enquiries were made was also not responded to within the target timescale of 28 days, although in that case the target was only exceeded by two days. Given the Council's previously good response times I hope that these figures will be improved upon next year.

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 No 2
Westwood Way
Westwood Business Park
COVENTRY CV4 8JB

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	1	1	2	14	1	0	19
2006 / 2007	3	4	7	20	2	0	36
2005 / 2006	0	1	3	13	1	1	19

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	1	0	0	5	6	0	6	12	18
2006 / 2007	0	6	0	0	16	3	2	8	27	35
2005 / 2006	0	1	0	0	14	4	5	5	24	29

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	3	56.7
2006 / 2007	15	29.7
2005 / 2006	11	24.5

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