

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

I received 17 complaints against the Council, a similar number to the previous year. Two were about benefits, and one about council tax but, as in previous years, the main subject of complaint was planning and building control. Seven of these concerned planning applications, and two were about enforcement, both from the same complainant.

Decisions on complaints

I made 12 decisions on complaints against your Council excluding those that were referred back to the Council to consider under your own complaints procedure.

Reports and local settlements

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.

None of the complaints we investigated this year justified the issue of a report. I agreed local settlements on three complaints.

In one complaint the Council initially denied there had been a breach of planning permission in relation to an extension next door to the complainant. Action had been taken by the time I received the complaint, but the council agreed to make a modest payment to recognise the complainant's time and trouble.

Another complaint arose in the aftermath of an investigation by the Standards Board for England which highlighted some problems between councillors and senior officers in the planning department. The complaint concerned untrue allegations about a voluntary organisation which were circulated and passed to the Standards Board in connection with its investigation. The settlement involved giving the voluntary organisation the opportunity to set the record straight.

The third settlement was a case of delay in rectifying several minor errors on a housing benefit claim, where the Council agreed to pay £150 compensation for the complainant's expenses in pursuing the complaint. I raised a concern in this case about the Council's failure to tell the complainant about how to take the complaint further if he was not satisfied with the outcome at the first stage.

Other findings

Of the remaining complaints decided two were outside my jurisdiction and in a further seven cases the investigation was discontinued either at my discretion or because there was either no or insufficient evidence of maladministration for me to pursue the complaint.

/...

Your Council's complaints procedure and handling of complaints

My office referred four complaints back to the Council to be dealt with under its complaints procedure, just under the national average of 27%. Three complaints, all concerning planning applications, were re-submitted to me when the complainant was dissatisfied with the Council's reply. Of the two which were decided by the end of the year I did not find evidence of maladministration.

Following my Assistant Ombudsman's visit to the Council in February, we were grateful for the opportunity to comment on the Council's proposed new complaints procedure. I understand that the Council will be producing its first annual report on complaints in June of this year and I should be interested in seeing a copy of the final report and how Members responded to it.

Liaison with the Local Government Ombudsman

My office made written enquiries on ten complaints. The Council's average response time of 24 days is an increase on the previous year's figure but is within the 28 day target which I ask councils to comply with. However in three cases, one concerning housing benefit and two about planning, the time taken was around 40 days.

I was pleased that an officer of the Council was able to attend the Link Officer seminar which we held in November. I hope she found the event informative.

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 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 am pleased that one of your officers was able to attend an Effective Complaint Handling course hosted by Horsham District Council and I hope he found it useful.

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, 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'. Again, 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.

Tony Redmond
Local Government Ombudsman
10th floor, Millbank Tower
Millbank
LONDON
SW1P 4QP

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	2	0	2	12	1	0	17
2006 / 2007	0	2	0	13	0	1	16
2005 / 2006	1	0	4	18	3	1	27

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	6	1	2	4	12	16
2006 / 2007	0	3	0	0	5	5	2	4	15	19
2005 / 2006	0	3	0	0	14	4	2	2	23	25

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	10	24.0
2006 / 2007	4	19.8
2005 / 2006	14	32.5

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