

Local Government OMBUDSMAN

The Local Government Ombudsman's Annual Letter North Somerset 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 North Somerset 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

I received 63 complaints against your Council during the year, 10 more than last year. We expect to see fluctuations in numbers year on year and I see nothing significant in this increase.

Character

Twenty four complaints, over one third of all complaints received against your Council, were about planning and building control. This is a similar proportion to previous years and includes a group of nine complaints about the same matter.

We received a similar number of complaints to previous years in the areas of benefits (six) and public finance (11).

Seven complaints were received about education matters, an increase over the two received the previous year.

Although we received three complaints about children and family services, none was received about adult care services.

The remaining seven complaints were recorded in the "Other" category and include complaints about waste management and environmental health.

I did not receive any complaints about housing matters.

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).

Five complaints were settled locally this year and the Council paid a total of £385 in compensation.

Four complaints concerned local taxation. In summary, these concerned:

1. the Council's initial fault in delaying the issue of transitional relief certificates which ultimately

resulted in settlement by removing bailiff fees from the outstanding balance;

2. an error in cancelling the complainant's council tax account which was resolved by reducing the arrears by £300;
3. refunding credit to the wrong council tax account despite a previous agreement and failure to inform the complainant of its decision. The Council's contractor initially refused to settle the complaint but when I wrote to you it was agreed that the Council would apologise and make a payment of £85 to the complainant. You have also undertaken to ensure that all proposed settlements are considered by the Council rather than its contractors or agents;
4. a complainant who informed the Council that she had moved into her property but did not receive a council tax bill for 2 years. While I considered that she could have taken action sooner to ensure that she did not receive such a large demand, I am pleased that the Council has agreed to remedy the situation by spreading recovery over a twelve month period rather than demanding repayment of the balance owing as one lump sum.

The last local settlement concerned special educational needs. The Council took too long to meet a child's needs after he stopped attending school and failed to take sufficient account of the concerns expressed by the child's parents and professionals. Shortly after I made enquiries of the Council, a final amended statement was issued naming a new school. The Council has also contacted the complainant to ensure that outstanding issues have been addressed, and has now reviewed its procedures for out-of-area referrals.

Other findings

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

In seven cases I took the view that the matters complained of were outside my jurisdiction.

The remaining 34 cases were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

Your Council's complaints procedure and handling of complaints

Again I note that the number of premature complaints (ten) is relatively low when set against the number of incoming complaints (63). This suggests to me that the Council continues to make its complaints process visible and easily accessible to its citizens and I commend you for this.

Liaison with the Local Government Ombudsman

Enquiries were made on 29 complaints during this year. Your Council's average response time of just over 32 days is slightly higher than the target time of 28 days. I note that the response time for the group of nine planning complaints was 47 days which will have increased your average. The response to one children and family services complaint took 87 days which is wholly unsatisfactory to the complainant and to me. I would ask that you look at ways to try to reduce your response times during this 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.

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June 2008

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

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	0	6	3	7	0	7	24	11	5	63
2006 / 2007	1	7	1	2	3	5	18	13	3	53
2005 / 2006	1	6	0	3	4	11	38	15	12	90

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	5	0	0	26	8	7	10	46	56
2006 / 2007	2	13	0	0	17	15	4	8	51	59
2005 / 2006	0	19	0	0	25	26	10	12	80	92

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	29	32.3
2006 / 2007	35	31.2
2005 / 2006	54	32.9

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