

Local Government
OMBUDSMAN

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

Poole 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 we have received about Poole Borough 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 43 complaints against your Council during the year, fewer than in each of the two previous years. We expect to see small fluctuations from year to year, but a reduction is welcome.

Character

There were 18 complaints about Planning matters, a similar proportion to last year. Eight complaints were about Education, including six about School Admissions, and the remaining complaints were spread more or less evenly between other Council services, with no individual service area having more than two complaints. The mix of complaints does not appear to be significantly different to previous years apart from the number of School Admissions complaints.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued one report against your Council during the year. It was about the Council's failure to pay the cost of the complainant's mother's care in a residential home, amounting to over £30,000, in accordance with the duty contained in s117 of the Mental Health Act 1983. I recommended the Council reimburse the fees and pay interest at the county court rate for the relevant period. I am pleased to say that the Council complied with my recommendation and I was able to close my file shortly after the report was issued.

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).

Six complaints were the subject of local settlements during the year, involving the Council paying a total of £4,500 in compensation.

In one case the Council's handling of child protection issues showed a number of failings which caused considerable distress to a mother. Several complaints were upheld as part of the Council's own complaints procedures, and it accepted there were additional faults during my investigation. The Council agreed to implement the recommendations arising from its own investigation and to pay the complainant £3,000 in recognition of the serious impact of its failings on her.

In two separate complaints, the Council failed properly to distinguish what information should and should not be in the public domain in connection with planning applications. In one case the Council misled the complainant about how the application would be determined, and effectively denied him the

opportunity to put his views forward to a committee. In the other case its officers entered the complainant's rear garden, which adjoined the application site, and took photographs without the complainant's knowledge or consent. And in both cases photographs of the complainants' homes and gardens were wrongly displayed on the Council's website. While Planning application files and, in particular, comments on development proposals made by members of the public, are public documents and may be disclosed as such, the Council should reasonably have regard to the legitimate privacy of information which is not directly about the application, and, if necessary, seek legal advice about what should and should not be displayed on its website. The Council agreed to pay £350 to one complainant and £100 to the other, and I welcome its willingness to do so.

In another case poor liaison between departments hindered proper investigation of a complaint about neighbour nuisance. The Council agreed to apologise, pay the complainant £350 for the impact of delay in investigating properly, to install noise recording equipment and review its procedures.

One complainant was obliged to complain to my office twice when she was denied an offer of housing to which she would have been entitled according to the Council's housing allocations procedures; the accommodation was wrongly allocated to someone else. In the first instance the Council agreed to give the complainant sufficient priority when bidding for accommodation under its choice-based letting scheme to ensure that she would be successful. Seven months later the complainant had not been re-housed in spite of bidding for suitable accommodation and she complained again. Only after my officers explained that the Council would not be treating other people unfairly by giving the complainant priority, because she had already been wrongly denied an offer for which she had priority over others in any event, did the Council agree to implement its previous offer to ensure the complainant was re-housed as soon as practicable. It also paid her a total of £700 in recognition of the impact of its failings upon her.

Other findings

Five 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 six cases I took the view that the matters complained of were outside my jurisdiction.

The remaining 25 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 five complaints decided as premature represent less than 12% of the total number of complaints determined this year, well below the national average of 27%. Four complaints which had previously been referred back to the Council were re-submitted to my office. Two cases were discontinued without the need for significant further investigation and two remained open at the end of the year. Generally, this would suggest that your Council has a complaints procedure which is accessible to your citizens and which, for the most part, is effective in resolving complaints.

However, I believe the Council could be less defensive about complaints made to me, and that this would help to resolve more of them more quickly. The housing allocations complaint I mentioned above is a case in point. Where I or my staff identify administrative fault and invite the Council to settle a complaint locally, I do not believe it is helpful for the Council to present arguments in defence of its position which are about the interpretation of events rather than the underlying facts of the matter. Often such arguments cannot be justified in administrative terms; they amount to an adversarial, rather than an administrative approach. I consider that it would be helpful to all those involved if your Council could bear this in mind.

Liaison with the Local Government Ombudsman

Enquiries were made on 26 complaints during the year. Your Council's average response time of 29 days is shorter than in previous years but still just outside my target timescale of 28 days. Almost half our enquiries were about Planning complaints, and the average response time from this service area was over 38 days. Other significant areas were Education and Housing, where response times are only a little over 17 days, which is commendable. It would be useful, I think, if you could review how responses are provided on Planning complaints, since an improvement in this area could have a significant impact on performance overall.

From time to time we hold a seminar here in Coventry for Council officers designated as the link between your Council and my office. I see that someone from your Council attended in November 2007. The feedback we receive from delegates is very positive and the seminars are seen as a useful way of improving practice for the benefit of your officers and for improving service to people who find they need to make complaints. I hope that the experience of your own delegate last year reflects this, and if your Council would be interested in sending someone to the next seminar please contact my office for more information.

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 2008, 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 2007, which also came into force in April 2008. 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
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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	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	2	1	8	3	5	18	2	4	43
2006 / 2007	4	3	1	9	11	21	0	2	51
2005 / 2006	1	1	5	6	6	24	3	2	48

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	1	6	0	0	12	13	6	5	38	43
2006 / 2007	1	6	0	0	16	12	5	13	40	53
2005 / 2006	0	6	0	0	10	5	4	11	25	36

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	26	29.5
2006 / 2007	12	34.3
2005 / 2006	28	34.4

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