

Local Government
OMBUDSMAN

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

South Gloucestershire 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 South Gloucestershire 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 55 complaints against your Council during the year, three fewer than last year. We expect to see fluctuations like this from year to year. The numbers are broadly consistent with the last two years.

Character

Sixteen complaints, approximately 30% of all those we received against your Council, were about planning and building control. This is a decrease from last year when this category comprised over a third of complaints received.

Six complaints were received about transport and highways, five complaints about children and family services, and the same number about education and housing. Only two benefits complaints were received, compared to eight last year. The types of complaint received remain broadly consistent.

Ten complaints were received in the 'other' category. This category is wide-ranging but complaints received included waste management, antisocial behaviour, drainage, and licensing.

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).

Nine complaints were settled.

In one complaint about planning enforcement, the Council failed to take action when the farm house next door to the complainant was turned into a residential home for the elderly. There were good reasons to think that planning permission would have been refused if action had been taken in a timely fashion. But the Council's delay led to permission being granted in default, to the detriment of the complainant's amenity. The Council accepted fault and agreed an independent valuation by the District Valuer. Diminution in value was assessed at £15000, and the Council paid total compensation

of £15250.

Other settlements included the following:

- In one complaint the Council did not have the correct set of plans stamped as approved with the complainant's planning permission. Agreement could not be reached as to what had actually been approved. The only way in which the complainant could establish what he could build was by submission of a fresh planning application and the Council agreed to pay compensation equivalent to the fee for a new planning application.
- The Council paid £250 to a complainant who had not been given adequate guidance about the Council's new knowledge test for prospective taxi drivers, without which he was less well-prepared for the test and uncertain as to its precise contents. The complainant withdrew from the test. The Council subsequently issued guidance.
- Delays totalling nine months in assessing a housing benefit claim, restoring appeal rights and providing information about how entitlement was calculated, resulted in the payment of £500 compensation.
- The Council failed to enforce the terms of an untidy land notice. The Council was influenced by difficulties in prosecuting the occupier on other, unrelated, matters. The Council eventually agreed to clear the land itself and pay compensation of £300.
- The Council delayed over a number of years in adopting a highway outside the complainant's property. The complainant's principal concern was that the Council should adopt the highway. The council agreed so to do and pay compensation of £100.
- The complainant was concerned about the delay in failing to meet with him to agree the line of the boundary between his land and the Council's land. The Council met with the complainant and agreed the boundary. The complainant was also concerned about the Council's failure to respond to his complaint about the destruction of a hedgerow, allegedly on the Council's land. The Council agreed to carry out a detailed investigation into ownership of the hedge which had to be resolved before further action can be taken.

In total the Council paid compensation of £16,559. I am most grateful for the Council's willingness to put things right that have gone wrong.

Other findings

Forty-eight complaints were decided during the year.

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

Nine cases were settled locally, as I have already mentioned.

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

Of the remaining 20 complaints 11 were not pursued because no evidence of maladministration was seen. I discontinued my investigation of the other nine in the exercise of my discretion, mainly because I considered that any fault by the Council had not caused significant injustice.

Your Council's complaints procedure and handling of complaints

The number of premature complaints has remained consistent over the last three years, but has risen as a percentage of decided cases to 27%, the national average for this year.

Nine complaints were resubmitted, two of which were by two different complainants about the same matter. Four are still under investigation. Two were settled locally, I exercised my discretion and discontinued investigation of two others, and did not pursue the last because no evidence of

maladministration was seen.

Liaison with the Local Government Ombudsman

Last year I commented on the poor performance by the Council in its response time to enquiries by my officers. I am pleased to note the marked improvement this year, with an average response time of 35.6 days compared to last year's 44.8. I commend the Council for its improvements here.

Of particular concern to me last year were the times of planning and building control and housing. The former has achieved a marked reduction from 57 days to 43.9 this year. However, I note that the response on only one complaint came within our time target of 28 days. In two planning cases, received last year but decided this year, there were very significant delays, in one of which I had to indicate to your Council that I would use my powers to subpoena evidence in the absence of a prompt response. I rarely need to exercise this power and would hope that it does not prove to be necessary in the future with your Council.

The response time on the three housing complaints averaged 56 days, an increase of one day on last year. Frankly, this is unsatisfactory and I look to see a marked improvement in the coming year.

Response times by adult care services, children and family services, and education were within our time target.

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.

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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, had dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, e-mail 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. 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

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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	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	2	2	5	5	5	10	16	4	6	55
2006 / 2007	2	8	2	7	3	12	21	1	2	58
2005 / 2006	2	3	2	3	6	7	25	3	2	53

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	9	0	0	11	9	6	13	35	48
2006 / 2007	1	13	0	0	15	9	8	13	46	59
2005 / 2006	1	7	0	0	19	20	5	14	52	66

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	35.6
2006 / 2007	27	44.8
2005 / 2006	27	37.6

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