

Local Government
OMBUDSMAN

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

Surrey Heath 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 Surrey Heath 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

In 2007/08 I received 13 complaints against your Council, close to the number received in 2006/07.

Character

The usual pattern for district councils is for the majority of complaints I receive to concern planning matters, and this year was no exception. I received five complaints concerning planning applications, one about planning enforcement and one concerning high hedges. I also received complaints about council tax benefit, council tax, parking, supplying services to the Council, drainage and the provision of information.

Decisions on complaints

During 2007/08 I made decisions on 12 cases.

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. In 2007/08 the Local Government Ombudsmen determined 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). None of the complaints we investigated this year justified the issue of a report.

I agreed three local settlements. One concerned recovery action for a council tax benefit overpayment where the complainant said they had not received the notification letter and so had not appealed. The Council took action to satisfactorily resolve the matter by reviewing the decision, deciding not to pursue the overpayment and withdrawing the summons.

An unusual case concerned an investigation into a death caused by Legionnaires' disease. There was six years between the death and the completion of the Council's investigation, and relatives were not kept informed of what was happening. You offered an unreserved apology to the complainant and confirmed that changes had been made to the way you would investigate such matters.

The final settlement concerned a planning application. There was confusion over which planning policy was relevant. This did not affect the validity of the decision, but caused unnecessary confusion for the complainant. The Council recognised this and paid them £50. It said it would issue guidance to planning officers about the area of confusion and, when its policies are next reviewed, these policies will be clarified.

/...

Other findings

In one planning application case I found no evidence that the Council was at fault. Four complaints concerned matters outside my jurisdiction. In two cases I used my discretion not to investigate further. Finally, two cases were referred back to the Council as I did not consider you had an adequate opportunity to consider and respond before I became involved.

Your Council's complaints handling and liaison with the Local Government Ombudsman

One of the complaints for which I agreed a local settlement had originally been referred back, by me, to the Council to investigate. Unfortunately, the complainant then heard nothing and had to again ask me to investigate. The Council claimed it had not received the referral, but later confirmed it had and apologised for this error.

I ask councils to reply to my enquiries within 28 calendar days. Your Council's average response time was within this 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.

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	1	0	3	7	1	1	13
2006 / 2007	0	0	1	8	0	2	11
2005 / 2006	1	3	3	12	0	0	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	3	0	0	1	2	4	2	10	12
2006 / 2007	0	2	0	0	7	4	1	0	14	14
2005 / 2006	0	2	0	0	5	6	1	7	14	21

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	5	22.2
2006 / 2007	5	26.2
2005 / 2006	8	45.3

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