

Local Government  
**OMBUDSMAN**

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

**Tewkesbury 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 Tewkesbury 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 13 complaints against your Council during the year, seven fewer than last year. We expect to see fluctuations like this from year to year.

### **Character**

Nine of the complaints we received against your Council were about planning and building control, two about parking and one each about benefits and local taxation.

## **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).

Two complaints were settled locally and a total of £100 was agreed in compensation. One case concerned the payment of council tax by instalments. The complainant experienced problems in keeping up with their instalment agreement and therefore the Council obtained a liability order and bailiffs were instructed. But without any prompting by me the Council agreed to waive the court charges and enter into a further payment agreement. I commend the Council for such a helpful response.

In the other case the Council accepted that it had lost letters sent by the complainant in connection with their planning application and had failed to reply to telephone calls. It apologised for its failings and offered to pay compensation of £100.

### **Other findings**

Three 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 two cases I took the view that the matters complained of were outside my jurisdiction and in one I used my general discretion not to investigate the complaint further.

The remaining 15 complaints were not pursued because no evidence of maladministration was seen.

### **Your Council's complaints procedure and handling of complaints**

The number of complaints referred back to the Council was very low, only 13%, and is well below the national average of 27%. This indicates that the Council's complaints procedure is working well in capturing complaints and none of the complaints was resubmitted for me to consider, which again is positive outcome.

### **Liaison with the Local Government Ombudsman**

We made enquiries on eight complaints and the average time for responding was 47.3 days. This is considerably outside our target of 28 days and shows a marked deterioration by the Council from the previous year where the average response time was 21.1 days. Of the eight complaints where enquiries were made six related to planning and building control and it is there that the delay has occurred. In the other two complaints a response was received very quickly. Of the planning and building control complaints one complaint has skewed the figures somewhat as the response took 121 days but this was because the Council was carrying out its own investigation of the matters raised. But, even if that figure is removed, the average response time on planning and building control complaints is still 48.6 days which is very poor. I would ask the Council to take urgent steps to ensure that this is improved

### **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**

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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Westwood Business Park  
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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	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	1	0	0	9	1	2	13
2006 / 2007	0	2	0	16	1	1	20
2005 / 2006	1	1	1	10	2	0	15

**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	2	0	0	15	1	2	3	20	23
2006 / 2007	0	4	0	0	5	0	4	3	13	16
2005 / 2006	0	0	0	0	5	1	1	5	7	12

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	8	47.3
2006 / 2007	10	21.1
2005 / 2006	5	37.4

**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