

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

**Tunbridge Wells
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 Tunbridge Wells 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

In 2007/08 I received 19 complaints against your Council a slight increase compared with the previous two years. As before planning and building control generated the most complaints but across the board numbers remain small. Given the low number of complaints overall, I do not consider these figures indicate any particular problems in service delivery.

Decisions on complaints

We made decisions on 16 complaints during the year. We found no maladministration in seven and three were outside my jurisdiction. We referred five complaints to your authority as 'premature' as we did not think you had had sufficient opportunity to deal with them through your own procedures.

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.

We agreed just one local settlement. The Council omitted to include a condition to a planning consent requiring a bedroom window overlooking the complainant's property to be obscure glazed and fixed shut. Prior to the complainant approaching my office the Council had agreed it was at fault and on the recommendation of the District Valuer had paid £5,000 in compensation for loss of value to the complainant's property plus £500 for his time and trouble in pursuing the matter. On receipt of the complaint we were unsure of the basis for the District Valuer's recommendation. The Council readily agreed to arrange a further assessment by the District Valuer which resulted in the compensation for loss of value being increased by £2,500. I am grateful for officers' help in settling the matter and in particular for the assistance of your Council's Customer Care Manager in securing authorisation for payment of the additional compensation.

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Liaison with the Local Government Ombudsman

Your Council's average time to respond to my investigators' enquiries increased from 19.7 days last year to 27 days in 2007/2008. However, this is still below my 28 calendar day target. Liaison between our organisations continues to be good, with your officers taking a proactive approach to investigating complaints thoroughly and providing a consistently high standard of responses to my enquiries. I am grateful for this assistance from the Council.

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.

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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	3	0	5	9	0	2	19
2006 / 2007	0	2	5	7	0	0	14
2005 / 2006	0	2	2	6	2	3	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	1	0	0	7	0	3	5	11	16
2006 / 2007	0	0	0	0	5	1	4	4	10	14
2005 / 2006	0	0	0	0	3	4	4	5	11	16

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	4	27.0
2006 / 2007	3	19.7
2005 / 2006	2	27.0

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