

Local Government
OMBUDSMAN

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

Wear Valley District 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 received about Wear Valley District Council and comments on the authority's performance and complaint-handling arrangements.

As a result of Secretary of State's decisions on the future structure of local government in Durham this is the last Annual Letter that I shall be sending to the Council in its present form. I should like to take this opportunity of thanking all the members and officers who have dealt with my office for their courtesy and co-operation and wish you well for the future.

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

During the year I received 23 complaints against the Council a figure consistent with the number of complaints received in the previous year when I received 24 complaints. No patterns or trends emerged during the year and once again complaints about planning and building control matters constituted the largest single category of complaints sent to me.

Liaison with the Local Government Ombudsman

I ask all authorities to respond to my initial enquiries within 28 calendar days. I only made detailed enquiries of the Council on three occasions during the year, each one concerning a planning matter. The Council took, on average, 30.7 days to respond to these enquiries. From such a small sample I would draw no conclusions, I simply take this opportunity to remind the Council of the importance, for both complainant and those officers whose professional conduct has been questioned, of dealing with complaints as quickly as possible.

Decisions on complaints

Reports and local settlements

We will often discontinue enquires into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. 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). If an investigation is completed I issue a public report.

I issued no reports against the Council during the year.

Other findings

I determined 26 complaints against the Council during the year, a figure which differs from the number of complaints received because of work in hand at the beginning of the year. Nine of these complaints were premature and I sent each one to the Council so that it would have the opportunity to address the issues. Two complaints were outside of my jurisdiction while in 4 cases I exercised the general discretion available to me not to pursue the matter. In 6 cases I found there to be no evidence of maladministration by the Council and the Council agreed in 6 further cases to settle the matter accepting that something had gone wrong and acknowledging that it would be appropriate to offer some form of remedy. Subject only to what I say in the paragraph below I commend the Council for its willingness to settle complaints so readily when it is appropriate.

Your Council's complaints procedure and handling of complaints

Four complaints, prematurely sent to me but sent to the Council for consideration, were re-submitted by complainants dissatisfied with the outcome of the Council's consideration of the matter. In two of these cases I found evidence of maladministration causing some injustice and these complaints plus the others settled by the Council make me wonder if the Council's complaints procedure is as robust as it needs to be to hold the Council to account as appropriate. The sample is too small to enable me to pass any meaningful comment, I simply pose the question and ask the Council to reflect upon it. If I can assist the Council in this process in any way then do please let me know.

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. A detailed evaluation of the training provided to councils over the past three years shows very high levels of satisfaction. We will customise courses to meet your Council's specific requirements and provide courses for groups of staff from different smaller authorities. Participants benefit from the complaint-handling knowledge and expertise of the experienced investigators who present the courses.

I enclose 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'. Feedback on special reports is always welcome. I would particularly appreciate information on complaints protocols in the governance arrangements of partnerships with which your Council is involved.

Conclusions and general observations

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Anne Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

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	Total
01/04/2007 - 31/03/2008	0	6	4	12	1	23
2006 / 2007	2	2	6	13	1	24
2005 / 2006	2	10	8	13	0	33

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	5	0	0	6	4	2	9	17	26
2006 / 2007	0	3	0	0	14	5	2	4	24	28
2005 / 2006	0	3	0	0	9	6	5	11	23	34

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	3	30.7
2006 / 2007	12	36.1
2005 / 2006	14	36.4

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