

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

We received 39 complaints about your Council, an increase of nearly 25% on the previous year.

In each of the last three years the highest number of complaints we received has been about planning and building control, and 13 complaints have been received in each of the three years about this subject. This year all but one of these complaints were about the council's handling of applications for planning permission.

In the next highest category, transport and highways, we received six complaints covering highway management and rights of way.

It is interesting that we received five complaints this year about education but none the year before. Four of these complaints were about school admissions.

Complaints about adult social care increased to four and we received the same number about benefits.

## **Decisions on complaints**

### ***Reports and local settlements***

A 'local settlement' is an outcome of 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.

None of the complaints we investigated this year justified the issue of a report. We decided three complaints as local settlements, two about planning and the other about housing benefit.

In the first planning complaint there was doubt that the members of the committee which approved planning permission for a number of houses close to the complainants' boundary had understood properly their relationship to the site. There was no mention in the committee report of overlooking of the complainants' home although this clearly was an issue. Compensation of £4,000 was agreed to recognize the uncertainty and distress to the complainants of the failure to consider properly the impact of the development on their home.

In the other planning case there were problems with the liaison between planning and public protection services in dealing with a number of issues raised by the complaint in relation to the grant of planning permission to extend a business. Your Council agreed to pay £75 to compensate the complainant for his time and trouble, and to adopt a new service level agreement for liaison between planning and environmental health services. You provided a copy of the new code following a corporate services review.

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In the housing benefit complaint a housing association complained about the way that deductions were made to recover an overpayment. Your Council accepted that the approach to recovery had been inappropriate.

### ***Other findings***

A complex education complaint was also of interest. The complainant's son who suffers from a chronic illness was not offered a place at the local primary school because it was full and the appeal was unsuccessful. The case was considered by a Panel, but there was no provision for children with chronic illness within the terms of the protocol on vulnerable and hard to place children. We received a second related complaint about the matter. We decided there were insufficient grounds to ask for a re-hearing by the Panel but the case raised an issue about how children with an illness or disability are treated within the protocol. Your Council agreed to review it and I understand that the protocol has been amended to cover such circumstances.

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

We referred nine complaints back to the Council to be dealt with under its complaints procedure. We also decided three complaints which had previously been referred back to the Council in this way but where the complainants came back to us, dissatisfied with the Council's reply. We did not find maladministration in any of those cases.

When an Assistant Ombudsman visited the Council earlier this year, he noted that the Council has acted on feedback from a satisfaction survey about its complaints handling arrangements and is in the process of introducing significant changes. I welcome the Council's positive approach to this important area of customer service.

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

During the year we made written enquiries on 14 complaints and the Council's average response time was 21 days, a considerable improvement on the preceding year. I am grateful to those concerned.

Your Council has provided prompt and helpful responses to our enquiries over the last year and has shown a willingness to settle in the small number of complaints where we found some evidence of administrative fault causing an injustice.

I was pleased that the Council was represented at the Link Officer seminar which we held in November. I hope that the officer found the day useful.

### **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.

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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. I am grateful to you and your staff for your co-operation and assistance this year in dealing with complaints. The complaints I have received against your Council are not at a level that would indicate particular trends, or service failure in any area. You have been willing to settle complaints where appropriate and to consider the implications of my findings for the relevant procedures. I should like to thank your complaints staff for their help in dealing with complaints this year.

**Tony Redmond**  
**Local Government Ombudsman**  
**10<sup>th</sup> 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	Adult care services	Benefits	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	4	4	5	1	5	13	1	6	39
2006 / 2007	1	3	0	0	1	13	6	7	31
2005 / 2006	1	3	2	0	6	13	2	3	30

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	19	6	3	9	31	40
2006 / 2007	0	3	0	0	19	3	5	3	30	33
2005 / 2006	0	2	0	0	10	6	5	6	23	29

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	14	21.0
2006 / 2007	11	29.5
2005 / 2006	8	39.8

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