

Local Government
OMBUDSMAN

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

West Devon 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 West Devon 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

Six complaints were received against your Council this year, fewer than half the number received last year (14).

Character

Four complaints were received about planning and building control and one each about benefits and miscellaneous matters.

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).

One complaint about planning applications was settled locally this year. The complainant was concerned that inaccuracies in the plans and drawings submitted with a planning application had not been recognised by the Council and, as the development progressed, the Council was slow to take action on unauthorised development. This delay resulted in uncertainty and anxiety for the complainants. The Council made a payment of £250 in compensation. I am grateful to the Council for its assistance in resolving this matter.

Other findings

Of the eight complaints decided this year, two were referred back to the Council as premature so that they could be investigated through the Council's own complaints procedure.

One complaint was outside my jurisdiction and the remaining four were not pursued either because no evidence of maladministration was seen or for a variety of other reasons, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

The two premature complaints represent a quarter of the complaints decided and this is similar to the national average of 27%.

One complaint was resubmitted to me in the year but was not pursued because no evidence of maladministration was seen.

Liaison with the Local Government Ombudsman

I ask councils to respond to my enquiries within 28 days. I made two enquiries of the Council this year and the average response time was a creditable 18 days. I congratulate the Council on its performance in this area.

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 can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

In January of this year, we delivered a good complaint handling Course to some of your officers and I hope participants derived benefit from the knowledge and expertise of the trainers.

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, have 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'. 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
Local Government Ombudsman
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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	Total
01/04/2007 - 31/03/2008	1	0	1	4	6
2006 / 2007	2	1	3	8	14
2005 / 2006	0	1	1	13	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	3	1	1	2	6	8
2006 / 2007	2	3	0	0	6	1	2	1	14	15
2005 / 2006	0	3	0	0	6	0	1	4	10	14

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	2	18.5
2006 / 2007	8	26.5
2005 / 2006	7	24.6

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