

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

In 2007/08 I received 16 complaints against your Council, a drop of ten compared to those received in 2006/07. In that year, however, there had been 11 complaints about the same matter.

### ***Character***

I received six complaints concerning planning applications (two about the same matter), two each on housing repairs, leasehold matters, management of tenancies, one about the mismanagement of funds, one on waste management and one concerning housing allocations.

## **Decisions on complaints**

During 2007/08 I made decisions on 17 cases.

### ***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).

In 2007/08 I issued three reports, all concerning the same telecommunications mast development. In law, the Council had 56 days from the date the 'prior approval' application was received to notify the applicant of its decision, or else the proposal becomes 'permitted development' by default and does not require the Council's agreement. The Council had decided to refuse permission, but did not notify the applicant within 56 days. The mast was erected. There are rights of appeal against refusals of permission and I could not conclude the fault meant the mast would not otherwise be there. But the complainants were placed in a position of uncertainty about the status of the mast and its impact upon them and put to time and trouble. The Council agreed to pay each complainant £250 and to review its procedures regarding telecommunications development. Following publication of my report, I received a further complaint about this matter from a resident whose complaint I had initially passed back to the Council to consider. The Council agreed to pay that complainant £250 also as a local settlement.

I agreed one other local settlement. This concerned damage caused when a boiler leak damaged goods in a council house. The Council had offered £402 compensation but this had been refused and withdrawn. When I considered the matter I proposed the offer be reinstated with an additional £30 for inappropriate personal comments made by a council officer about the complainant.

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### ***Other findings***

In four of the cases I did not find any evidence that the Council was at fault. Three complaints concerned matters outside my jurisdiction. In one case I used my discretion not to investigate further. Finally, four cases were referred back to the Council as I did not consider you had an adequate opportunity to consider and respond before I became involved.

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

I ask councils to reply to my enquiries within 28 calendar days. Your Council's average response time was consistently well within this target. My officers have also noted your quick and professional responses to local settlement proposals.

### **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. One of your officers attended one of our complaint handling training courses held at another authority. I hope they found this useful.

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.

## **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  
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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	Transport and highways	Total
01/04/2007 - 31/03/2008	0	7	2	6	1	16
2006 / 2007	1	1	4	19	1	26
2005 / 2006	1	5	1	9	1	17

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	3	2	0	0	4	1	3	4	13	17
2006 / 2007	0	0	0	0	5	6	4	12	15	27
2005 / 2006	0	3	0	0	1	7	2	6	13	19

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	6	11.5
2006 / 2007	6	15.0
2005 / 2006	3	14.3

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