



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Babergh District Council  
for the year ended  
31 March 2007**

**The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction**

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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. I am pleased to see that the Overview and Scrutiny (Stewardship) Committee meeting in considered my Annual Letter and your own internal report on complaints made to the Council. One of my Assistant Ombudsmen attended the November 2006 Committee meeting and gave a presentation on the work of my office.

There are two attachments which 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 2006/7 I received 13 complaints against your Council, compared to the last three years figures of 10, 21 and 12. Apart from the higher than usual number in 2003/4, complaints against the Council have been broadly steady.

Seven concerned planning matters (5 related to planning applications); the others involved council tax, drainage, housing allocations, antisocial behaviour and environmental health. This is a similar pattern to complaints received in 2004/5.

## **Decisions on complaints**

I made decisions on 17 complaints in 2005/6. Three cases were outside my jurisdiction, in two I used my discretion not to investigate further, and in six cases I found no or insufficient fault to warrant my involvement.

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report. As in previous years I did not issue any formal reports against your Council.

In only one case was a local settlement agreed. The complainant asked the Council whether what he wanted to do required planning permission. The Council initially sought to clarify his proposals, but they remained unclear. He asked for a meeting so that the circumstances could be explored, but the Council did not do this and instead entered into protracted correspondence. I considered there was a six month delay in deciding whether or not what the complainant wished to do was covered by permitted development rights and, in particular, a meeting could have sorted matters out. Despite my view, the Council maintained that the complainant was unclear what he wanted to do, so there was no point in a meeting. However, to resolve the matter it agreed to pay him £100 to reflect the unnecessary time and trouble to which I felt he had been put.

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

Five complaints were referred back to the Council because it had not had a reasonable opportunity of considering them before I became involved. While more than in the previous year and noting the Council's Overview and Scrutiny Committee's wish to reduce the number of premature complaints, the proportion of such complaints is in line with the national average (of 28%).

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## Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and 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. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from 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.

## Liaison with the Local Government Ombudsman

I ask Council's to reply to enquiries within 28 calendar days. Your Council's average response time was within this limit. As requested in last years Annual Letter and agreed by the Overview and Scrutiny Committee a link to the Local Government Ombudsman website has now been added to your website.

## LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

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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**  
**10<sup>th</sup> floor, Millbank Tower**  
**Millbank**  
**London**  
**SW1P 4QP**

**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	1	3	6	2	1	<b>13</b>
<b>2005 / 2006</b>	3	2	5	0	0	<b>10</b>
<b>2004 / 2005</b>	3	3	11	4	0	<b>21</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	1	0	0	6	2	3	5	12	<b>17</b>
<b>2005 / 2006</b>	0	1	0	0	5	3	1	1	10	<b>11</b>
<b>2004 / 2005</b>	0	0	0	0	4	3	1	7	8	<b>15</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	6	25.3
<b>2005 / 2006</b>	3	27.7
<b>2004 / 2005</b>	7	28.3

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0