



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Bath & North East Somerset
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 Bath and North East Somerset Council 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.

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

Volume

We received 36 complaints during the year, a reduction of three on the previous year. We expect the number of complaints to vary from year to year and I see no significance in the change here.

Character

Seventeen complaints were received about planning, and four about adult services. Three complaints were received about education and three about transport and highways. We received two complaints about local taxation, and two about public finance. Of the seven complaints in the 'other' category, there were complaints about consumer affairs, environmental health, waste management and employment and pensions. The last two are matters outside my jurisdiction.

Decisions on complaints

Reports and settlements

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.

Three complaints were settled locally. In one, the Council undertook to consider whether to move a bus stop from outside the complainant's home because of anti-social problems caused by people waiting for buses. The Council then took no action to address the complainant's concerns. The Council decided not to move the bus stop but agreed to pay for the installation of gates across the complainant's drive to prevent some of the problems from occurring. I considered that a satisfactory resolution of the complaint.

In the second complaint, the Council delayed in taking planning enforcement action regarding an unauthorised staircase next to the complainant's home, which impacted on his privacy and amenity, and failed to keep him properly informed of what was happening. The Council agreed to apologise and pay the complainant £500.

The final complaint concerned flaws in a schools admissions appeal. The Council agreed to hold a new appeal for the complainant and I considered that a satisfactory outcome of the complaint.

I am grateful to the Council for its help in providing appropriate redress to complainants once it can be shown that things have gone wrong. A total of £500 compensation was paid in response to complaints brought to my attention.

I issued no reports against the Council during the year.

Other findings

Thirty nine complaints were decided during the year. Of these eight were outside my jurisdiction for a variety of reasons. A further eight complaints were premature and, as I mentioned earlier, three were settled locally. The remaining twenty were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them. That was mainly because I considered no significant injustice resulted from the fault alleged.

Your Council's complaints procedure and handling of complaints

The number of premature complaints is below the national average of 28.2%. This suggests that the Council's complaints process is sufficiently visible to customers and that staff, when dealing with requests for assistance, signpost the complaints process for those who remain unhappy with what the Council has done. The Council's website contains a complaint form on-line and complaints booklet so that service users can make complaints quickly and effectively via the Council's website.

Of the eight complaints referred back to you as premature, only three were resubmitted. Two were not upheld and the third complaint is still being investigated.

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 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.

If we can provide any further training for you please let Barbara Hedley, Assistant Ombudsman, know.

Liaison with the Local Government Ombudsman

We made enquiries on twenty complaints this year, and the average time for responding was 42.1 days, an increase on the 35.9 days it took last year. One adult care complaint took 64 days and an education complaint 51 days. The average for planning complaints was 46.3 days with one in particular taking 67 days. These response times are frankly not acceptable. Our target is 28 days and an increasing number of Councils are achieving it. Only five complaints were responded to by your Council within the timescales requested. Last year I had to comment negatively on your response times and it is very disappointing that the situation has deteriorated this year. The Council must take action to improve its times in the coming months and I would be grateful if you could inform me what action is being taken to improve the situation. If required, my staff can provide help through training or general advice.

No one from the Council has attended the annual link officer seminar recently and you may wish to consider sending someone to the seminar to be held later in November. If so, please let Barbara Hedley know and she will arrange for an invitation to be sent.

If it would help for Barbara Hedley to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange this.

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 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.

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
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June 2007

Enc: Statistical data
Note on interpretation of statistics
Details of training courses

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	4	0	0	3	0	7	17	2	3	36
2005 / 2006	3	1	1	1	1	4	18	2	8	39
2004 / 2005	0	1	1	2	1	6	20	2	10	43

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
01/04/2006 - 31/03/2007	0	3	0	0	12	8	8	8	31	39
2005 / 2006	0	6	0	0	13	10	1	7	30	37
2004 / 2005	0	2	0	0	13	10	7	10	32	42

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
01/04/2006 - 31/03/2007	20	42.1
2005 / 2006	18	35.9
2004 / 2005	18	34.2

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

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
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