



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Breckland 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 Breckland District 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 26 complaints during the year, similar to last year.

Character

The number of complaints about planning and building control has remained the same at 18. The remaining eight complaints are spread across the range of services provided by the Council.

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.

One complaint was settled locally this year. It related to drainage problems which had allegedly occurred following the granting of planning permission for a new housing development. The Council had lost the complainant's file and there was a subsequent misunderstanding about what had already been agreed by an officer who had left the Council. Before the complaint was made to me the Council had already offered to undertake drainage works at a cost of £10,000 to alleviate the flooding problems but the complainant felt the Council could do more. I considered the Council's actions to be fully appropriate and the Council also agreed to make a payment of £150 for the complainant's time and trouble.

I issued one report against the Council during the year.

The information presented to Members in respect of a planning application for a skateboard park did not adequately set out all relevant implications and policy tests. It was misleading to suggest that revised plans had addressed the complainant's concerns. There was failure to consult environmental health or independent noise specialists about the wording of appropriate conditions and as a result the conditions were imprecise. When the skateboard park opened it caused a statutory nuisance and the complainant suffered loss of amenity for seven months until an acoustic fence was erected. I could not conclude that, but for the maladministration, the application would have been refused but I did feel that a remedy was due for the loss of amenity. By the time I published my report, the Council had already taken action to improve reports to the Development Control Committee. It also swiftly agreed the recommended remedy and paid £2000 compensation to the complainant.

Other findings

Twenty-nine complaints were decided during the year. Of these one was outside my jurisdiction. Seven complaints were premature. Two complaints were resolved as described above. The remaining 19 were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

The number of premature complaints (seven) is slightly lower than the national average (28% of all submitted cases) and suggests that your complaints process is visible to customers and that staff, when dealing with requests for assistance, signpost the complaints process for customers who remain unhappy with what the Council has done.

Five complaints were re-submitted to me in the year. Two files are still open and the other three have been discontinued because no maladministration was identified or for other reasons.

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. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we can also run open courses for groups of staff from smaller authorities and 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 training for you please let Barbara Hedley, Assistant Ombudsman, know.

Liaison with the Local Government Ombudsman

We made enquiries on twelve complaints this year, and the average time for responding was a very creditable 20.4 days, well within our response time target of 28 days. I am grateful for your prompt and thorough responses.

I was pleased to welcome your link officer to the seminar I held in Coventry in November. I hope she found the seminar useful.

In addition, 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
Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry CV4 8JB

June 2007

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

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	2	1	1	18	4	0	26
2005 / 2006	0	1	4	18	0	1	24
2004 / 2005	2	0	3	24	7	0	36

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	1	1	0	0	15	4	1	7	22	29
2005 / 2006	0	0	0	0	17	1	3	6	21	27
2004 / 2005	0	7	0	0	7	5	5	3	24	27

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	12	20.4
2005 / 2006	7	18.1
2004 / 2005	26	19.8

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