



The Commission for
Local Administration in England

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

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 & Character

We received 29 complaints, 10 fewer than last year. Fifteen concerned planning and building control. The rest covered the broad spectrum of the Council's services.

Decisions on complaints

Reports and local 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.

There were no reports issued against the Council this year. In five complaints a local settlement was reached with the Council providing what I considered to be a reasonable remedy for the injustice suffered:

1. The Council decided not to take action when told by the complainant's agents that the neighbouring owner had exceeded the permitted height for his building but it failed to provide adequate reasons for its decision. The Council agreed to pay £750 for the time and inconvenience caused to the complainant and to pay £124 for the complainant's agents' fees.
2. The Council failed to follow its usual policy and procedure and did not notify the complainant of a planning application for permission to build on neighbouring land. In my view the lack of notification was not likely to have altered the final decision but the Complainant lost an opportunity to make representations and the Council agreed to pay him £500, as compensation.
3. The Council failed to inform the owner of student-occupied accommodation of changes in its charging procedures which led to the owner incurring Council Tax liabilities she otherwise could have avoided. The Council agreed to write off the resultant Council Tax debt.
4. Due to a failure in record keeping the Council passed a debt for court costs to the bailiffs when in fact it had already been paid. The Council agreed to pay £100 in recognition of the inconvenience caused.

5. The Council failed to keep a complainant informed about its active consideration of its powers to control the use of his neighbour's property as a care home. It took Counsel's advice and discovered that its powers were insufficient to prevent the use but its failure to inform the complainant encouraged an expectation that action would be taken when in fact none was possible. For the inconvenience caused by the failure to keep the complainant informed the Council agreed to pay £100.

The total compensation paid during this year was £1574.

Other Findings

We decided 26 substantive complaints in the year. In eight I considered the issues to be outside my jurisdiction. In three I considered there to be insufficient injustice to pursue the matter, and in 10, I considered there was no evidence of maladministration.

Your Council's complaints procedure and handling of complaints

Of the 31 cases decided only five were referred back to the Council for it to consider under its own complaints process.

The low number of complaints referred back to the Council's own complaints procedure suggests that your complaints procedure is well known and used by citizens.

The Council invites its citizens to make complaints via its website, a facility that is becoming increasingly used and valued by the public. It has details of how the complaint will be investigated and tells them how I can investigate a complaint if they remain dissatisfied with the outcome. The Council's website also has a link to the County Council's website link to our website. I wonder if it might make locating this information easier for those less experienced in browsing or searching websites if a direct link were placed on the website.

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 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

The average time to respond to our first enquiries about complaints was 39 days an increase over last year where you were able to respond on average within our 28 day target. I understand that this may have been caused in part by some postal difficulties which hopefully will not be repeated this year and the improvement achieved in 2005/06 can be maintained.

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.

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 2007

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	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	1	3	7	15	1	2	29
2005 / 2006	0	2	5	30	0	2	39
2004 / 2005	1	2	3	12	0	0	18

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	5	0	0	10	3	8	5	26	31
2005 / 2006	0	4	0	0	9	3	1	18	17	35
2004 / 2005	1	3	0	0	13	3	3	1	23	24

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	39.0
2005 / 2006	12	27.4
2004 / 2005	16	45.3

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