



The Commission for  
Local Administration in England

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

# **Chiltern 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***

This year we received just 14 complaints against your Council, significantly less than in 2005/6 when 21 complaints were made.

### ***Character***

As with previous years and in keeping with the profile of complaints made to me about District Councils, the majority of complaints concerned issues about planning or building control. We also received a small number of complaints about a broad range of Council functions including benefit administration, transport and highways, environmental health, and housing.

## **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.

The measure of administrative fault causing injustice is not the total number of decisions by my office but the number of settlements and formal reports which found maladministration and injustice. I did not issue any reports against your Council this year. We reached a decision on 19 complaints and agreed a local settlement in just one of these cases (6% of all the complaints we decided excluding those that were premature – as the Council had not yet had a reasonable opportunity of dealing with them - or outside jurisdiction). This is an impressive achievement for the Council when compared with the national average of 27% for all authorities.

The one local settlement agreed related to a complaint where the Council had delayed in investigating a report of noise nuisance and thereafter failed to keep the complainant informed. In another case about enforcement of a breach of planning control, the Council queried why a member of my staff had suggested – at an early stage of the investigation – that compensation may be appropriate based on what he had seen so far. Although, having had sight of the Council's comments in response to his enquiries he no longer maintained that view, I would stress that it is common practice for my staff to propose such settlements when making enquiries where there seems to be evidence of fault. Such proposals are always made with the caveat that the Council may provide information which would – as in this case – lead to a conclusion that the provision of compensation was no longer thought to be appropriate.

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

We referred three complaints back to the Council as 'premature' in that your Council had not had an adequate chance to respond to them. Two of these complaints were resubmitted to my office as the complainants were not satisfied with the Council's response. One complaint was deemed to be outside the Ombudsman's jurisdiction and one was settled by way of a local settlement which is mentioned above.

The proportion of complaints referred back to your Council as 'premature' is well beneath the national average of 28% which may suggest residents are aware of how to raise a concern through the Council's complaints procedure.

## **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**

On 28 November 2006 I attended a meeting at the Council at which I gave presentations relating to the role of the office of the Local Government Ombudsman; the Council's performance in respect of its handling of complaints; and my planned new initiatives. In total over 50 staff attended including all the leading Council Members and Officers. I felt the meeting proved productive to all parties involved. At the meeting the point was made that comparatively small councils may spend a disproportionate amount of time responding to our enquiries especially in relation to planning complaints where it was often necessary to collate a large number of documents and accompanying information.

This year the average length of time taken to respond to initial enquiries has risen from last year's average of 28 days – which is the target I set all councils - to 38 days. Given the small number of enquiries my staff made this year – 4 in total – and the fact that 49% of all District Councils achieve the 28 day target I feel that this is an area in which the Council could seek to improve.

## **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.

**Tony Redmond**  
**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)

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	2	1	3	6	2	<b>14</b>
<b>2005 / 2006</b>	1	0	5	10	5	<b>21</b>
<b>2004 / 2005</b>	0	0	2	22	2	<b>26</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	8	4	3	3	16	<b>19</b>
<b>2005 / 2006</b>	0	0	0	0	10	4	5	1	19	<b>20</b>
<b>2004 / 2005</b>	0	0	0	0	12	4	1	6	17	<b>23</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>	4	38.0
<b>2005 / 2006</b>	6	28.0
<b>2004 / 2005</b>	10	34.4

**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