



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter to Derwentside 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

This annual letter provides a summary of the complaints we have received about your authority. Where possible, we comment on the authority's performance and complaint-handling arrangements to assist with your 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.

Two attachments 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

Complaints against the Council received by my office in the year rose from 21 in the previous year to 31. I note the increase in complaints about planning from five to 13. This is a particularly sensitive area and fluctuations of this order can occur with no specific cause. Nonetheless, the Council might like to examine the specific cases to see if there is any general issue that needs addressing.

Decisions on complaints

Reports and local settlements

A 'local settlement' is a complaint that is resolved by the Council taking, or agreeing to take, action which we consider is a satisfactory response to the complaint so that the investigation can be discontinued. In 2006/07 27.7% of complaints dealt with by the three Local Government Ombudsmen (excluding premature and those outside jurisdiction) were resolved by local settlement. When we complete an investigation we must issue a report.

I did not issue any reports against the Council during the year. In only one case was there a need to seek some form of settlement. That involved a relatively minor mistake when dealing with a claim for Housing Benefit. In one other case the Council had failed to spell out what 'final warning' meant when dealing with a case of antisocial behaviour by one of its tenants. Clarity in all things is important and whilst no specific harm arose in the particular incident that need not always be the case.

Other findings

Twenty six complaints were decided by staff here during the year. Of those six were premature – ie the Council had not itself been given a fair opportunity to investigate and respond before I became involved. Five other complaints lay outside of my jurisdiction.

Your Council's complaints procedure and handling of complaints

I am not aware of any problems with the way in which the Council deals with complaints from members of the public.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from councils that have taken up the training 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 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 Council responded to our enquiries on average in over 38 days compared to our deadline of 28 days and around 30 days in the previous year. I ask the Council to look into the cause of delays and let me know what it intends. I trust there will be no repetition next year.

Otherwise, I am pleased to report that working relationships between our two offices remain good.

LGO developments

You may be interested in the development of our initiative to improve the first contact that people have with us. A new Access and Advice Service will provide a gateway to our services for all complainants and enquirers. It will encourage telephone contact but will also deal with email, text and letter correspondence. We will let you have further details about how it will operate and the expected timescales and discuss with you the implications for the Council.

I hope you have received our latest special report about telecommunications masts. It draws on our experience of dealing with complaints about planning applications for masts which can be highly controversial. We recommend simple measures that councils can adopt to minimise the chances of maladministration occurring.

In July we will be publishing a special report about the difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships. *Local partnerships and citizen redress* provides advice and guidance on how these problems can be overcome by good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

Anne Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
York
YO30 5FZ

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 | 0 | 3 | 14 | 13 | 1 | 0 | 31 |
| 2005 / 2006 | 2 | 4 | 6 | 5 | 3 | 1 | 21 |
| 2004 / 2005 | 1 | 9 | 8 | 10 | 3 | 2 | 33 |

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 | 1 | 0 | 0 | 11 | 3 | 5 | 6 | 20 | 26 |
| 2005 / 2006 | 0 | 2 | 0 | 0 | 5 | 4 | 0 | 9 | 11 | 20 |
| 2004 / 2005 | 1 | 3 | 0 | 0 | 16 | 5 | 3 | 4 | 28 | 32 |

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 | 9 | 38.6 |
| 2005 / 2006 | 10 | 29.7 |
| 2004 / 2005 | 16 | 27.2 |

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 |