



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Fenland 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 Fenland 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 31 complaints this year, a reduction of nine on the previous year.

### ***Character***

As I noted in last year's letter the largest number of complaints related to planning and the number of issues complained about has been broadly similar year on year. Fifteen complaints were received about planning, and five about housing. Five complaints were received in the 'other' category. Two of these were about anti-social behaviour, two about waste management, and one each about drainage and land. Three complaints concerned benefits and two local taxation (which we now record as public finance). The number of complaints received in these categories is low.

## **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.

Nine complaints were settled locally. Two were about the Council's Energy Tax Credit Scheme and the failure to progress requests for assistance in accordance with it. Both applications were reviewed by the Council and awards made to the residents. In addition the Council agreed to pay compensation to each complainant. In a complaint about housing grants the Council agreed to pay £500 compensation for its failure to notify an applicant about the grant application procedure which prevented him from making an informed choice about the work that needed to be done. Two complaints were received about delays in the Council's response to complaints about alleged breaches of planning conditions. In each case my investigator considered that the Council should pay the complainant £500. In a further planning complaint the Council agreed to pay compensation to a resident who was denied an opportunity to make representations on a planning application. A complaint about housing allocations identified a lack of clarity in the way that offers for housing were made and the Council agreed to pay compensation of £250 and to explain to the complainant's relative (the housing applicant) the correct status of his application and the type of properties for which he was eligible. The remaining two complaints raised no issues of particular interest. The total compensation paid was £3325. I am grateful to the Council for its assistance in settling these complaints.

When we complete an investigation we must issue a report. I issued no reports against the Council during the year.

## ***Other findings***

Thirty three complaints were decided during the year. Of these, four were outside my jurisdiction for a variety of reasons. Nine were premature and, as I mentioned earlier, nine were settled locally. The remaining 11 were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them. One of these cases related to the Council's attempts to remedy a complaint about flooding. The Council spent a considerable sum on drainage works to a garden and devoted hours of officer time to designing a solution on something that might have been a civil matter. I found no maladministration here and my investigator considered that the complainant's own actions had some effect on frustrating the Council's attempts to remedy the situation. The Council's attempts to resolve the issue were commendable and reflect well on its staff in this service.

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

The number of premature complaints (nine) is not especially high when set against the number of incoming complaints (33). However, seven of these were resubmitted, and four were settled locally only after I investigated the complaints. One remains under investigation. Both the number resubmitted and the number subsequently settled is unusually high. The Council may wish to look at these cases to see if there was anything more it could have done through its complaints process to secure resolution of the complaints. It is best for everyone concerned if justified complaints can be resolved without the need to involve me.

In last year's letter I commented that the Council's complaints process was clear and accessible through the Council's website and that the facility to make complaints online was of benefit to citizens. I am encouraged that this remains the case and that customers can make complaints quickly and effectively via the Council's 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 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**

We made enquires on 16 complaints this year and the average time for responding was 43 days, against a target of 28 days, a slight decrease on the 47 days it took last year. While the improvement is welcomed I have no doubt that the way my enquiries are dealt with centrally by the Council could be improved. I hope the Council will improve its response times here, particularly given the relatively low number of enquiries I made of the Council. In one complaint the delay was so bad that the Assistant Ombudsman was obliged to write to you to remind you of my statutory powers to oblige the Council to provide me with information. This is an unusual step which I hope does not need to be repeated.

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 Stephen Purser my Assistant Ombudsman know and he will arrange for an invitation to be sent.

In addition, if it would help for Mr Purser to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange this. Your 3Cs Manager has indicated that this might be helpful for staff, particularly as responses often lack sufficient detail for us to deal with the complaint.

I would like to hold a regional seminar in Cambridgeshire during 2007/2008. These seminars have proved popular and enable Members and Officers to obtain a better understanding of my role and of our role in complaint handling. If your Council would be willing to host such a seminar please let Stephen Purser know. Assuming a venue can be found, I will be sending out invitation letters later in the year.

## **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**  
**The Oaks No 2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry**  
**CV4 8JB**

**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>Adult care services</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	3	5	6	15	2	0	<b>31</b>
<b>2005 / 2006</b>	0	2	5	8	21	3	1	<b>40</b>
<b>2004 / 2005</b>	1	0	5	2	17	2	1	<b>28</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	9	0	0	10	1	4	9	24	<b>33</b>
<b>2005 / 2006</b>	0	4	0	0	13	5	6	14	28	<b>42</b>
<b>2004 / 2005</b>	1	2	0	0	11	2	3	6	19	<b>25</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>	16	43.7
<b>2005 / 2006</b>	16	47.1
<b>2004 / 2005</b>	14	49.6

**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