



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter

Mendip 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 Mendip 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 25 complaints during the year, an increase on the 17 received in the previous year. We expect numbers of complaints to vary from year to year, and I see nothing significant in the rise.

Character

Ten complaints were received about planning and building control, and two about housing. Of the eight complaints in the 'other' category, four were about environmental health, three about drainage and one about land. Only one complaint was received about transport and highways, and four about housing benefit.

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.

Four complaints were settled locally. In one complaint, a clerical error resulted in the address of a listed building being entered incorrectly on the Council's list. The fact that it was a listed building did not come to light when searches were carried out. Subsequently work was carried out to the property without listed building consent. The complainant bought the property in ignorance of the fact that it was listed, and that unauthorised work had been carried out. The Council then refused the complainant's application for retrospective consent. The Council agreed to pay the complainant's out of pocket expenses, which amounted to £4,086 and a further £1,000 to reflect the complainant's time and trouble in making the complaint.

A second complaint concerned the process followed by the Council to regularise a breach of planning consent in a property close to the complainant's home. The matter took too long to resolve and the complainant's letters about the situation were not followed up in a timely way resulting in frustration and anxiety for the complainant. The Council apologised and agreed to pay the complainant £200 in compensation.

The third was about the Council's delay in commencing work under a Disabled Facilities Grant. The Council agreed to start the works quickly, and I considered that a satisfactory outcome of the complaint.

The final settlement concerned a complaint about regeneration and improvement. There was a delay in the implementation of a renovation scheme and the Council failed to communicate properly with the complainant about the problems they had experienced. The Council agreed to reduce the five year grant repayment condition by half and waived the charges that would otherwise have been incurred by the complainant.

I am grateful to the Council for its help in providing appropriate redress to complainants once it can be shown that things have gone wrong. A total of £5,286 compensation was paid in response to complaints brought to my attention.

I issued no reports against the Council during the year.

Other findings

Nineteen complaints were decided during the year. Five complaints were premature and, as I mentioned earlier, four were settled locally. The remaining ten were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them. That was mainly because I considered no significant injustice resulted from the fault alleged.

Your Council's complaints procedure and handling of complaints

The proportion of premature complaints is high (14 out of 25 received) when compared to the national average of 28.2%. This suggests that the Council's complaints process may not be sufficiently visible to customers or that staff, when dealing with requests for assistance, do not signpost the complaints process for those who remain unhappy with what the Council has done.

The Council's website does contain a complaint form on-line and complaints booklet so that service users can make complaints quickly and effectively. However the facility could be signposted more clearly from the home page to make access easier. The Council may wish to consider whether additional staff training in how to inform customers of the complaints process might help reduce the number of premature complaints to me.

Of the 14 complaints referred back to you as premature, only three were resubmitted to me. Two were not upheld and the third is still being investigated.

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 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 further training for you please let Barbara Hedley, Assistant Ombudsman, know.

It was useful to have an opportunity to discuss our draft guidance on handling unreasonably persistent complainants at the Regional Seminar held in Somerset in October 2006. I am pleased to inform you that in the light of the seminar and comments received, the guidance has been revised and is now available on our website. I was pleased so many Councillors and officers were able to attend.

Liaison with the Local Government Ombudsman

We made enquiries on eleven complaints this year, and the average time for responding was 51.6 days, an increase on the 47.1 days it took last year. In particular, the average response time for planning complaints was 58.3 days. On one occasion the response time for a planning complaint was 162 days. These response times are not acceptable. Our target is 28 days and an increasing number of Councils are achieving it. Only one complaint was responded to by your Council within the timescales requested.

This is the second year I have had to comment negatively on your response times and it is very disappointing that there has been no improvement this year. The Council must take action to improve its times in the coming months, and I should now like your Council to inform me what action is being taken to improve the situation. If required my staff can provide help through training or general advice.

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 Barbara Hedley know and she will arrange for an invitation to be sent.

If it would help for Barbara Hedley to visit the Council to present this letter or to give a presentation about how we work with Councils to 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
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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	4	2	8	10	0	1	25
2005 / 2006	1	3	2	10	1	0	17
2004 / 2005	0	0	2	14	0	0	16

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	4	0	0	7	3	0	5	14	19
2005 / 2006	0	2	0	0	6	2	0	6	10	16
2004 / 2005	0	2	0	0	4	10	2	3	18	21

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	11	51.6
2005 / 2006	7	47.1
2004 / 2005	7	32.9

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