



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Portsmouth City 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***

We received 39 complaints during the year, slightly down on the previous year. We expect the number of complaints to vary from year to year.

### ***Character***

Almost half the complaints received were about housing and planning and building control, a broadly similar proportion to the previous year. Complaints about benefits and education increased and we received eight complaints about other matters relating to antisocial behaviour, waste management, a contract, land and employment and pensions.

## **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.

Four complaints were settled locally.

In one complaint about Housing Benefit, the complainant raised concerns about a letter she received from the Council that implied that she had failed to inform it promptly of a change in her circumstances and it reserved the right to take Court action, neither of which was relevant to her circumstances. The Council met with the complainant to agree a way forward on her benefit claims and agreed to review the wording of standard text in its letters.

In another complaint about Housing Benefit, I found that the Council had delayed unjustifiably in processing a change to the complainant's claim, leading to an overpayment of benefit and confusing decision letters and correspondence. The Council agreed to review its notification letters and make the complainant a payment of £95 for the delay in adjusting the claim.

In a complaint about housing repairs, I decided that the Council had mishandled remedial works at the complainant's mother's property and delayed in completing the works. The Council accepted that there had been problems in the way the work had been carried out. It agreed to finish the repairs, give a formal apology and make a payment of £175 for the difficulty caused.

In a complaint about a land matter, I found that the Council had shown a lack of incisiveness and clarity in dealing with an enquiry about the ownership and fencing of a strip of land. The Council offered to sell the land to the complainant for a reduced sum or grant an annual licence. It also agreed to review its procedures for dealing with boundary issues. The Council's willingness to take the action agreed was welcome, but its timescale in responding to enquiries from my office was protracted.

During the year, I was not required to issue any reports against your authority.

### ***Other findings***

Thirty-eight complaints were decided during the year. I found no evidence of maladministration in thirteen. I decided that five complaints were outside my jurisdiction. Of these, one concerned the terms of a contract. In another complaint I decided that the events referred to were out of time. I decided that I could not look into three further complaints as the complainants had rights of appeal and as one concerned a personnel matter. I did not pursue five other complaints for various reasons.

Eleven complaints were premature and referred to the Council.

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

The number of premature complaints (11) is slightly down, but was still a significant proportion of the total decided during the year. The Council's web site has reasonably clear information about how to complain to your authority and to my office. But you may wish to consider further whether the Council's complaints process is sufficiently robust and visible for service users and if staff, when dealing with requests for assistance, are signposting the complaints process for those who remain unhappy with what the Council has done.

We note that the recent Member level review of the Council's complaints procedure has been completed and details of the outcome of the review are being sent to my office. My staff will be happy to help your officers and Members in any further review of complaints handling arrangements.

Of the eleven complaints referred back to you, three were resubmitted to me. This suggests that when complaints reach the appropriate people in the organisation, they work hard to resolve them.

### **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.

We have not delivered any formal training courses to your Council this year. I strongly urge the Council to take advantage of the advice and guidance that my staff can give on the effective handling of complaints. If we can provide any training for you, please let Vereena Jones, Assistant Ombudsman, know.

### **Liaison with the Local Government Ombudsman**

We made enquiries on twenty complaints this year. The average time for responding was 60 days, more than double the 28 days we ask for. The Council's performance in this area was wholly unacceptable and a significant deterioration from the year before when your authority met our target time. This has significantly hampered my ability to investigate complaints in a timely and efficient manner and has been frustrating and demoralizing for my staff and complainants.

My understanding is that your Link Officer is on secondment. The Council has put other arrangements in place for liaison with my office. But I ask your authority to look again, and urgently, at the adequacy of these arrangements in view of the performance issues that have been identified here.

I also draw the Council's attention again to the seminars that we hold for link officers. Our records indicate that your Link Officer has not attended one of these seminars most recently. If you would like to send someone from your authority to this year's seminar, please contact Vereena Jones.

If you would like Vereena Jones to visit the Council to present this letter or to give a presentation about how we 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 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>Children and family services</b> | <b>Education</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                          | 5               | 1                                   | 2                | 11             | 8            | 6                                      | 3                     | 3                             | <b>39</b>    |
| <b>2005 / 2006</b>                         | 5                          | 3               | 1                                   | 0                | 14             | 8            | 3                                      | 3                     | 4                             | <b>41</b>    |
| <b>2004 / 2005</b>                         | 2                          | 2               | 1                                   | 1                | 6              | 4            | 6                                      | 1                     | 2                             | <b>25</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              | 4         | 0             | 0              | 13            | 5               | 5                           | 11                          | 27                          | <b>38</b>    |
| <b>2005 / 2006</b>             | 0              | 4         | 0             | 0              | 9             | 4               | 4                           | 14                          | 21                          | <b>35</b>    |
| <b>2004 / 2005</b>             | 0              | 6         | 0             | 0              | 9             | 8               | 1                           | 5                           | 24                          | <b>29</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> | 20                            | 60.0                              |
| <b>2005 / 2006</b>             | 11                            | 27.7                              |
| <b>2004 / 2005</b>             | 14                            | 36.2                              |

**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                    |