



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter

Waveney 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 and Character

In 2006/7 I received 26 complaints against the Council, down from 40 in 2005/6 and 31 in 2004/05. In last year's annual letter I referred to the high number of planning complaints and suggested that the Council reviewed them to see if it could identify any general issues which needed to be addressed. I am unclear whether a review was undertaken, but note that the reduction in complaint numbers from previous years appears, in large part, to stem from a reduction in planning complaints. These were down from 17 in 2005/06 to 6 (3 concerned planning applications and three concerned enforcement). I received 7 complaints about housing benefit and 4 about various housing issues. Within our 'other' classification, complaints included 2 complaints about anti-social behaviour and 2 about environmental health.

Decisions on complaints

I made 30 decisions on complaints against your Council. Four complaints were outside my jurisdiction to investigate and in 10 cases I found there was no or insufficient evidence of fault to warrant my involvement. Four complaints were closed at my discretion, generally where there was no injustice or it is insufficient to warrant me pursuing the matter. In one of these cases, concerning a parking penalty notice incurred in a car park, I suggested to the Council that it check the clarity and content of the signs in the car park. I would be grateful to know whether this was done.

I 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 I determine. When I complete an investigation I must issue a report. Five complaints were closed as local settlements. I issued no reports against your Council in 2006/07.

Two of the local settlements concerned the same issue but were from different complainants. They were about the Council's failure to deal with allegations of noise nuisance from a social club. The Council owned the premises. There was delay in carrying out a structural survey and implementing the recommended improvements to the property, as a result of which both complainants were subjected to avoidable noise. The Council undertook the works and the nuisance ceased, but the Council readily accepted there had been delay and agreed to pay the complainants compensation.

Another local settlement involved allegations of noise nuisance which the Council accepted it had delayed in investigating. The Council also failed to keep the complainant informed of the progress of its investigation into the allegations. The Council agreed to meet the complainant and to pay a small amount of compensation for the complainant's time and trouble in pursuing this matter.

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Another local settlement (and one other complaint) concerned the way the Council dealt with the disposal of land: the Council initially failed to have a clear plan for the disposal; there was an inadequate appraisal of the options, insufficient consultation and inadequate information given to Members. At the time of my consideration of this complaint, no decision had been made about the land, so I did not consider substantive injustice had been caused. The Council was also carrying out its own inquiry into the matter and agreed to take steps to ensure that there was adequate consultation before the final decision was made. In addition it agreed to a small payment to acknowledge the complainant's time and trouble in pursuing this matter.

The final local settlement concerned delay in making a payment of housing benefit, as a result of which the complainant received a summons for the repossession of their home. The Council had already agreed to refund the complainant's court costs and to pay £50 compensation, but agreed my recommendation that this should be increased with a further £100.

In total the Council paid complainants £750 in compensation as part of local settlements. It also, importantly, gave apologies as appropriate.

Your Council's complaints procedure and handling of complaints

One in six complaints to me were referred to the Council because it had not had a reasonable opportunity of considering and responding to the complaints before I became involved. This is slightly less than the national average (28%). There were no complaints which were resubmitted after the Council had investigated 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: some of your staff took part in February 2006. I was also pleased to see that your link officer attended the seminar run by my office on 1 November 2006

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.

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Liaison with the Local Government Ombudsman

The time it takes the Council to respond to our enquiries has improved: the average number of days was 31.3 in 2006/07, whereas it was 36.5 the year before. This figure is still slightly short of our target of 28 calendar days for a response, but I appreciate the improvement. Our target would have been met but for two planning cases, in one of which it took 64 days for a response to be received. The Council may wish to consider what improvements can be made here. My office now expects most correspondence to be via email, so this may help the Council to reach my target next 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.

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)

| Complaints received by subject area | Benefits | Housing | Other | Planning & building control | Public finance | Transport and highways | Total |
|--|----------|---------|-------|-----------------------------------|-------------------|------------------------------|-------|
| 01/04/2006 - 31/03/2007 | 7 | 4 | 7 | 6 | 1 | 1 | 26 |
| 2005 / 2006 | 5 | 5 | 8 | 17 | 0 | 5 | 40 |
| 2004 / 2005 | 5 | 5 | 6 | 12 | 1 | 2 | 31 |

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 | 5 | 0 | 0 | 10 | 6 | 4 | 5 | 25 | 30 |
| 2005 / 2006 | 0 | 3 | 0 | 0 | 11 | 4 | 4 | 15 | 22 | 37 |
| 2004 / 2005 | 0 | 0 | 0 | 0 | 9 | 6 | 5 | 13 | 20 | 33 |

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 | 10 | 31.3 |
| 2005 / 2006 | 14 | 36.5 |
| 2004 / 2005 | 11 | 27.3 |

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 |