



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Waverley Borough 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. I am pleased to note that last year's Annual Letter was considered by your Executive Committee and also by the Corporate Overview and Scrutiny Committee. I welcome the decision to transfer overall responsibility to the Executive (from the Standards Committee) on the grounds that complaints relate to management of the Council's core business

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

In 2006/07 I received 32 complaints against your Council, ten more than in the previous year. The largest area of complaint was again planning and building control, where there were 13 complaints (twelve planning complaints and one about building control). This was the same number as in the previous year. Two planning complainants each made two complaints.

Last year I received eight 'other' complaints, whereas in 2005/6 I did not receive any. These miscellaneous matters included waste management, environmental health and anti-social behaviour. The remaining complaints related to public finance (where there were four complaints about local taxation, up from one previously), housing benefit (three complaints from none in 2005/06) housing (down from six complaints to two: one each concerning repairs and managing tenancies) and transport and highways (stable, with two complaints).

Decisions on complaints

I made a total of 32 decisions on complaints against your Council last year. Ten complaints were outside of my jurisdiction, in most instances because the complainant had an alternative remedy for his or her complaint which they could reasonably be expected to pursue. I referred four cases back to your Council because you had not had a reasonable opportunity to deal with the matter before I became involved.

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: nationally 27.7% of complaints with which we can get involved (because they are not 'outside jurisdiction' or 'premature'). When we complete an investigation we must issue a report.

Last year I did not issue any reports against the Council. But I did agree ten local settlements. This was 56% of those which were not outside my jurisdiction or premature, double the national average. While I am pleased that the Council has been willing to agree settlements of complaints, I am concerned that the number which I find to be justified appears substantially above the norm.

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Three complaints on which I agreed local settlements concerned the same problem: noise caused by motor racing on an old airfield. There were concerns about breaches of planning control and about addressing noise nuisance through environmental health powers. The Council issued a noise abatement notice but I considered this decision could have been taken more quickly if there had been more effective communication between council departments. The Council agreed to pay the complainants £500 each for the injustice caused by delay in dealing with the matter and the unnecessary time and trouble to which they were put.

I also found delay and fault by the Council in dealing with three other unrelated planning enforcement matters. In all three there was a failure to keep the complainants informed for long periods when they complained about breaches of planning control. In total, compensation of £575 was agreed.

The complaints about the airfield and the other planning enforcement complaints appear to show problems in internal and external communication. The Council may wish to consider whether there are issues here which need to be addressed.

The other local settlements involved two complaints about local taxation, one about housing benefit and one about a council tenancy. A total of £225 compensation was paid in respect of these cases.

Your Council's complaints procedure and handling of complaints

Nationally 28% of all complaints are referred back to councils because they have not yet had a reasonable opportunity of considering and responding to the complaint. In the Council's case this was 12% of all decisions I made. Numbers are low and so percentages are easily distorted, and I am making no judgement whether this proportion is good or bad, but you may wish to consider whether there are local factors to explain this.

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.

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Liaison with the Local Government Ombudsman

The average time the Council took to respond to my inquiries last year was 41.3 days. This is well outside my target, but a very significant improvement on the year before. One housing complaint took 70 days before I received a response. I understand that the Council allocated more resources to complaint handling following the concerns I expressed in last year's Annual Letter, and I am pleased that these appear to be producing some results. But there is still a long way to go. I know that you are committed to making further efforts to achieve an average response time that complies with my target and hope that we can continue to work together to achieve further improvements.

My Assistant Ombudsman visited the Council in November and gave a presentation to the Corporate Overview and Scrutiny Committee on our role and the Council's performance in dealing with my inquiries. I am pleased to hear that members found this information helpful in their subsequent discussions on improving the Council's formal complaints procedure. I would of course be interested in details of any further changes that have been made.

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
10th floor, Millbank Tower
Millbank
London SW1P 4QP

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	3	2	8	13	4	2	32
2005 / 2006	0	6	0	13	1	2	22
2004 / 2005	2	1	2	16	0	0	21

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	10	0	0	4	4	10	4	28	32
2005 / 2006	0	3	0	0	6	3	2	5	14	19
2004 / 2005	0	5	0	0	37	4	3	7	49	56

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	15	41.3
2005 / 2006	4	73.3
2004 / 2005	10	50.8

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