



The Commission for
Local Administration in England

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

Royal Borough of Windsor and Maidenhead

**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

During the year we received 28 complaints against the Council, the same number as last year. The distribution of complaints across the different service areas was also broadly similar, but with fewer complaints about education and more about planning and building control. Over half of the complaints we received were about planning and building control and most of these were about the way the Council had dealt with applications for planning permission.

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.

I issued no reports against the Council and I decided six complaints as local settlements. The local settlements included payments of compensation amounting to almost £6,000.

In one complaint about school admissions, the Council was seriously at fault, not least in the poor coordination between its admissions section, education welfare, specialist inclusion services and the schools concerned. There was a lack of ownership of the case for around six months and the child suffered from a lack of any educational provision for nearly two terms. In addition to paying significant compensation, as part of the settlement I asked the Council to enter into discussions with one school in particular which had refused to admit children in spite of direction orders from the Department for Education and Skills, and to introduce a protocol on hard to place children. I was disappointed that, after the settlement had been agreed, the Council delayed in implementing it.

I also dealt with a planning complaint in which the Council was slow to accept that its planning officer had misled the complainant. The Council paid compensation of almost £2,000 and changed the way it gives pre-application advice.

The other settlements were obtained on complaints concerning: enforcement action to deal with encroachment on to a highway; the Council's delay in responding to correspondence about its policy on section 106 agreements; a failure to consider a complainant's appeal against a decision on an overpayment of housing benefit; errors in the administration of a complainant's council tax account.

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Other complaints

In a complaint about school admissions which I did not uphold, I was pleased that the Council agreed to contact the schools in its area to ensure that their websites contain up to date admissions policies.

Your Council's complaints procedure and handling of complaints

During the year we referred four complaints back to the Council to be dealt with under its complaints procedures. We also decided three complaints which we had previously referred to the Council in this way, but where the complainants resubmitted their complaints to us. I did not uphold any of those complaints, although in one case I noted that the Council had failed to act following our referral.

During the year your officers kept us informed about a corporate restructuring which changed the arrangements for the handling of complaints. I should be interested to know whether the arrangements have been finalised and are fully staffed, and whether the Council has detected any improvement in its performance in this regard.

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.

Liaison with the Local Government Ombudsman

I was pleased to visit the Council in June last year when I gave a presentation on the annual letter which had just been issued. In that letter and at the meeting I expressed concern about the Council's delays in responding to our written enquiries on complaints. The Leader gave an assurance that response times would improve considerably. The restructuring to which I have referred was expected to improve the Council's performance in this area.

The average time taken to reply to our enquiries has improved considerably and now stands at 38 days. While I am grateful for that improvement, the target I set is 28 days and so there is still some way for the Council to go. While response times for planning complaints have certainly improved, those for most other services are lagging well behind.

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
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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	Adult care services	Benefits	Children and family services	Education	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	2	2	0	4	3	15	1	1	28
2005 / 2006	1	1	1	8	4	10	2	1	28
2004 / 2005	1	2	1	11	3	11	3	2	34

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	6	0	0	9	7	3	4	25	29
2005 / 2006	0	2	0	0	8	13	0	5	23	28
2004 / 2005	0	2	0	0	11	9	5	4	27	31

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	16	38.0
2005 / 2006	14	53.6
2004 / 2005	20	36.7

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