

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Caradon District Council
for the year ended
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Caradon District Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

Two attachments 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 51 complaints against your Council during the year, seven more than last year and 20 more than in 2005-2006. This is a sustained upward trend which I believe the Council should note with some concern. I appreciate that uncertainty surrounding reorganisation may be affecting the Council's ability to operate as efficiently as it might wish in some areas. Twenty of those complaints were received in the last three months of the recording year.

Character

Thirty three complaints, nearly two-thirds of all those we received against your Council, were about planning and building control. This is the same number received last year. Ten complaints were in the other category which includes issues like antisocial behaviour, drainage, waste management and environmental health. Five complaints within the other category were about land.

Six complaints were made about housing compared to four last year. As last year, one complaint was received about public finance and about transport and highways.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your Council.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Five complaints were settled locally this year, and the Council paid a total of £700 in compensation. Three of these concerned planning matters, one was a housing complaint, and the last about antisocial behaviour.

1. The complainant wanted to know the status of a planning application made by her neighbour which had not had a decision notice issued for three years because a legal agreement between the applicant and the Council had not been completed. The Council did not respond to letters she and her legal representatives sent about this, and advised my investigator that officer shortages in its legal and planning teams had contributed to the delay. The Council remedied the complaint by agreeing to put the issue before Members of its Planning

Committee for a decision as to the appropriate way forward for the planning application, and to pay the complainant £250 for her wasted legal costs and time and trouble.

2. A complainant received an antagonistic letter from a Council officer after much correspondence which indicated that the officer would contact planning enforcement about the complainant's possible actions. The Council agreed to pay compensation of £100 to the complainant.
3. A complainant wanted the Council to take planning enforcement action against his neighbour's polytunnel. The Council responded to the complaints but did not fully explain the permitted development rights being exercised. The Council agreed to our suggested remedy to write to the complainant to set out the requirements for permitted development in these circumstances.
4. The Council's housing repair contractors were rude to a tenant, failed to repair a water leak and left the property in a poor decorative state. The Council had begun to resolve matters when the complaint was made to me: it had fixed the water leak, agreed to redecorate and to investigate the contractor's actions. Unfortunately further mistakes were made and the Council agreed to pay the complainant £100 compensation. My officer noted that the Council acted promptly and considerately to resolve this complaint.
5. A homeowner of a former Council-owned property made a complaint about the antisocial behaviour of a Council tenant, which was rooted in a boundary dispute and use of an access path. The Council agreed to remark the boundary, compensate the complainant for his time trouble and anxiety by paying him £250, and review its procedures to include the restorative justice process in assisting with neighbour disputes.

In April 2008 I issued a report against the Council which criticised it for failing to publicise a planning application. This caused a neighbour justifiable outrage that the Council did not inform him of a development that was of great significance to him. The Council also delayed reaching a decision on the application without justification, failed to investigate breaches of planning control alleged by the complainant. The Council has agreed to pay the complainant £1000 and to keep the complainant informed about the progress of any future enforcement action.

Although this complaint falls outside this year's period for reporting, I have raised it because I have received other complaints where neighbours were not notified of planning applications in accordance with the Council's policy. This is an important administrative matter and the Council should put in place appropriate checks to ensure its policy is complied with.

Other findings

Nineteen complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In a further three cases I took the view that the matters complained of were outside my jurisdiction.

The remaining 21 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

The proportion of premature complaints nearly doubled in the last year to some 39.6%, which is higher than the national average of 27%. This is despite the Council promoting its complaint process appropriately via its website, which includes a link to our website.

Nine of the 19 premature complaints were resubmitted to me. In one case I decided that there were no grounds to pursue the investigations because no evidence of maladministration was seen. One case, involving lack of neighbour notification of a planning application was locally settled, and one case I did not pursue as there was insufficient injustice to the complainant to justify doing so. Six complaints are still under consideration.

Liaison with the Local Government Ombudsman

Enquiries were made on 18 complaints during the year. Your Council's average response time of 43 days was an increase on last year's average of 40.7 days and is significantly poorer than my target timescale of 28 days. Only one response to first enquiries met that target. Last year I commented on the Council's continuing unacceptable response times to my enquiries and suggested it take steps to sharpen this up. Although I appreciate the difficulties the Council faces going forward to reorganisation, complainants deserve better.

In complex cases, I appreciate that the Council may need more time to gather information and to prepare its response. It is always appreciated when a council contacts my office to explain that it needs more time because we can then keep the complainant informed. The Council's responses, when received, were clear and comprehensive and further enquiries were not usually needed.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. 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 and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different 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 acknowledge that your Council may not wish to take advantage of our training at this time due to its dissolution in 2009. But I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings which may be of interest to those officers transferring to the new authority.

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

Conclusions and general observations

As a result of Secretary of State's decisions on the future structure of local government in Cornwall this is the last Annual Letter that I shall be sending to the in its present form. I should like to take this opportunity of thanking all the members and officers who have dealt with my office for their courtesy and cooperation and wish you well for the future.

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

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18 June 2008

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
01/04/2007 - 31/03/2008	0	6	10	33	1	1	51
2006 / 2007	2	4	3	33	1	1	44
2005 / 2006	1	2	4	23	0	1	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
01/04/2007 - 31/03/2008	0	5	0	0	12	9	3	19	29	48
2006 / 2007	6	1	1	0	13	6	4	9	31	40
2005 / 2006	0	2	0	0	11	9	5	5	27	32

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
01/04/2007 - 31/03/2008	18	43.1
2006 / 2007	22	40.7
2005 / 2006	13	48.8

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0