

Local Government
OMBUDSMAN

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

Carrick 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 Carrick 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 29 complaints against your Council during the year, the same number as last year and ten fewer than in 2005-2006. I see nothing significant in the volume received.

Character

Ten complaints, approximately a third of all those we received against your Council, were about planning and building control. This is fewer than the number received last year (15). As planning and building control complaints made up three quarters of the total complaints received in 2005/6 it seems there has been a significant improvement in compliant handling this area.

Seven complaints concerned housing, an increase from three complaints last year. Six complaints were in the 'other' category, which includes complaints about a number of areas such as antisocial behaviour, drainage, and land. Three complaints were each made about public finance and 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 in 2007-8.

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).

Two complaints were settled locally this year, and the Council paid a total of £1250 in compensation. Both were housing complaints and the Council quickly acknowledged fault and readily agreed the suggestions of local settlement.

The first complaint occurred when the Council overlooked the complainant's housing application resulting in her missing out on offers of accommodation, in particular on a new development where she very much wanted to live. The Council had already acknowledged fault to the complainant and tried to resolve the complaint with an offer of £500 compensation before my investigation commenced. The complaint was resolved by the Council paying £1000 and maintaining the complainant's housing priority despite her change in circumstances.

The second complaint involved the way the Council applied its local connection criteria to a young

disabled woman who lived out of the district but sought assistance with housing in a suitably adapted property. The complaint was made by the young woman's mother following her death. My investigation showed that the Council's various policies and practices were not consistent with the policy approved by Members and that the applicant had not been told that a referral from her social landlord could be considered. The Council agreed to carry out an urgent review of policies and to put the matter before Members. It also paid the complainant compensation of £250 for her time and trouble.

Other findings

Eight 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 seven cases I took the view that the matters complained of were outside my jurisdiction.

The remaining 12 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. For one complaint where I exercised discretion not to commence an investigation the Council had recognised some fault in the handling of a homelessness application in the early stages of its complaint process and had put things right for the complainant. But she remained dissatisfied as she had not been financially compensated. The Council wished to complete its complaint process which the complainant had not used, and carry out a final review. I considered this was reasonable in the circumstances. The complainant has not written to me again.

Your Council's complaints procedure and handling of complaints

The proportion of premature complaints has risen in the last year to some 27.6% which is close to the national average this year of 27%.

Last year I suggested that there might be benefit to the Council in including a direct link to our web page. I am pleased to see that this has now been included on the [Complaints@Carrick](#) page as an offsite link.

Four of the eight premature complaints were resubmitted to me. In one case I decided that there were no grounds to pursue the investigation because no evidence of maladministration was seen. One was still under consideration at the end of the year. In two cases I discontinued my investigations for other reasons including insufficient injustice by the complainant and that there was a more appropriate alternative solution at that stage.

Liaison with the Local Government Ombudsman

Enquiries were made on ten complaints during the year. Your Council's average response time of 34.6 days was an improvement on last year's average of 39 days and I am sure your Council will continue to make improvements in this area to meet my target timescale of 28 days. I am very grateful for the progress here, and the attention taken to point out a recording error on our part, for which I apologise.

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 quality of responses is generally satisfactory and I am pleased to note that my officers have had cause to comment favourably on some pro-active and helpful responses from your officers which have resulted in speedy resolutions and good outcomes for the complainants.

I note that no-one from your Council has attended one of our link officer seminars for a number of

years. These seminars help to explain how my office operates and how to develop an effective working relationship, and are usually held in the autumn. If you would like someone from your Council to attend, please contact Mr D Pollard, Acting Assistant Ombudsman.

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 Council 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
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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	7	6	10	3	3	29
2006 / 2007	1	3	7	15	1	2	29
2005 / 2006	0	2	5	30	0	2	39

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	2	0	0	6	6	7	8	21	29
2006 / 2007	0	5	0	0	10	3	8	5	26	31
2005 / 2006	0	4	0	0	9	3	1	18	17	35

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	10	34.6
2006 / 2007	12	39.0
2005 / 2006	12	27.4

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