

Local Government OMBUDSMAN

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

East Devon 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 East Devon 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 47 complaints against your Council during the year, seven more than last year. We expect to see fluctuations year on year and I see nothing significant in the increase.

Character

Twenty-nine complaints, over half of all those we received against your Council, were about planning and building control. This shows an increase of nine over the previous year. However this is a similar number and proportion to earlier years. Again I see no significance in the rise.

We received six complaints about public finance, five more than the previous year. There were similar numbers of complaints to previous years in the areas of housing (five) and transport and highways (one) and no complaints about benefits. The remaining six complaints were recorded in the 'other' category. They included complaints in the areas of antisocial behaviour, leisure and culture, drainage and waste management.

Decisions on complaints

When we complete an investigation we issue a report. I issued no reports against your Council in 2007/08.

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).

One complaint was settled locally and a total of £100 was paid in compensation.

In this complaint, about a parking matter, the complainant stated that he had never received any indication that he may have committed a parking offence by overstaying the time he had paid for in a car park in the Council's area. The Council did not send the complainant a reminder letter nor did it advise him of his right to make representations. The complainant was surprised therefore to receive a demand from the Council's debt collection service several months after the alleged offence. The Council also delayed in replying to the complainant and continued to pursue the complainant for the debt even after it had been paid. The Council accepted, somewhat reluctantly, my recommendation to make a payment of £100 to the complainant for his time and trouble and the worry of receiving a demand the bailiffs for a debt of which he was unaware. It has also put in place a number of improvements to ensure that reminder letters are sent out and is in the process of applying to combine the management of off-street parking with Devon County Council.

Other findings

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

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

The remaining 20 cases 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 number of premature complaints (17) against the total received (43) is slightly higher than the national average of 27%. Although it is evident that the Council's complaints process remains accessible to its customers and that staff have generally signposted the complaint handling procedure to complainants when they are not happy with what the Council has done, I would be grateful if the Council would consider whether there are any other steps it could take to publicise its complaints procedure in order to reduce the number of premature complaints to the levels in previous years. Ten of these complaints were resubmitted. Eight of these were not pursued either because no evidence of maladministration was seen or because it was decided not to pursue them for other reasons. Of the remaining two, one was considered to be outside my jurisdiction and the other is still under investigation.

Liaison with the Local Government Ombudsman

Enquiries were made on 18 complaints during the year. Your Council's average response time of just over 27 days is similar to last year's, with only two responses narrowly failing to meet the target timescale of 28 days. This is a very commendable performance.

The quality of responses is generally satisfactory and where a matter has been particularly complex, the Council has evidently taken time and care in setting out and clearly annotating its responses and accompanying documentation. This effort is very much appreciated.

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 have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

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

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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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	5	6	29	6	1	47
2006 / 2007	1	7	10	20	1	1	40
2005 / 2006	0	5	12	33	0	1	51

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	1	0	0	18	2	5	17	26	43
2006 / 2007	0	6	0	0	13	5	5	11	29	40
2005 / 2006	0	2	0	0	27	9	6	8	44	52

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	27.4
2006 / 2007	12	26.4
2005 / 2006	24	41.2

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