

Local Government OMBUDSMAN

The Local Government Ombudsman's Annual Letter Fareham Borough 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 Fareham Borough 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

The number of complaints I received against your Council during the year increased from nine to 13. We expect to see these fluctuations year on year and I see no significance in the rise.

Character

Five of the complaints were about planning and building control matters. Two complaints were about transport and highways, and two were about benefits: there were no complaints in the previous year about these service areas. The remaining four complaints covered a number of different service areas, with one complaint in each of the following areas: adult care services, housing, public finance and anti-social behaviour.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued one report against your Council this year, with a finding of maladministration causing injustice.

In this case the complainant alleged that the Council failed to prevent the unauthorised cutting down and clearance of trees which were the subject of Tree Preservation Orders (TPOs) on land near to his home. The investigation showed that the Council had failed to act on government guidance which stresses the importance of reviewing old TPOs and replacing them with Orders defining individual trees or groups of trees. In addition I found the Council should have contacted the Forestry Commission about planned works on the site, given the status of the land as Ancient and Semi-Natural woodland. As a result of these failings, the Council's position in respect of the lawfulness of the works was weakened. The complainant now looks over open space towards a main road, where previously there was dense woodland. I did not conclude that the Council's failings were wholly liable for this as the landowner could have legitimately brought about some change in the appearance of the site. But the complainant did have a justifiable sense of outrage and I therefore recommended that the Council pay him £750 and review the likely effectiveness of replacement planting put in place to act as screening along the site boundary, and if necessary fund the provision of further planting.

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 nationally 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 against your Council were settled locally this year and no compensation was necessary in either.

In the first of these the Council had failed to clearly explain in a letter to the complainant how Council Tax benefits and banding affected a person's liability. The Council settled this complaint by visiting the complainant to explain the position properly, and following this up with a confirmatory letter.

In the second case the Council failed to reply to the complainant's correspondence in connection with a planning matter. The Head of Development Control wrote to the complainant, addressed his questions and apologised for the previous lack of response.

Other findings

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

In a further case I took the view that the matter complained about was outside my jurisdiction.

The remaining six complaints were not pursued because no evidence of maladministration was seen.

Your Council's complaints procedure and handling of complaints

The five complaints referred back to the Council as premature represented a third of all complaints made to me this year about your Council. This proportion is higher than the national average. Although the Council's website makes the complaints process easily accessible for users with access to the internet, the Council may wish to look at accessibility for other service users, especially whether offices are signposting the process early enough to service users with a grievance.

One of the complaints which was referred back to the Council as premature was resubmitted. This complaint was not pursued as there was no evidence of maladministration.

Liaison with the Local Government Ombudsman

Enquiries were made on six complaints during the year. Your Council's average response time of 30 days is an increase on last year's figure of 25.7 days. However, the response times individually were less than the target timescale of 28 days in all subject areas apart from planning and building control where the average was 36 days. I hope that the Council will make a determined effort in the coming year to effect improvements in this area.

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 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 2008, 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, has 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 2007 which also came into force in April 2008. 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
Local Government Ombudsman

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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	Adult care services	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	1	2	1	1	5	1	2	13
2006 / 2007	0	0	1	5	3	0	0	9
2005 / 2006	0	1	4	3	11	0	0	19

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	1	2	0	0	6	0	1	5	10	15
2006 / 2007	0	0	0	0	2	2	1	3	5	8
2005 / 2006	0	2	0	0	8	1	3	6	14	20

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	6	30.0
2006 / 2007	3	25.7
2005 / 2006	6	25.8

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