

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

Only sixteen complaints against your Council were received during the year. In the two previous years we received 30 and 41. It is difficult to draw firm conclusions from such low numbers but this reduction in complaints is an encouraging indication that the Council's efforts to improve complaints handling are bearing fruit.

Character

As in previous years the subject attracting the highest number of complaints was Planning (seven). This is to be expected for a largely rural authority. Two complaints concerned Transport and Highways, two concerned Council Tax, two concerned Drainage issues, two were about the Waste Management service and one was about Land. We did not receive any complaints on Housing or Housing Benefit matters.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I did not issue any reports on complaints 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).

Local settlements were agreed by your Council on nine complaints during the year.

- § Following a complaint about the lopping of his trees which were overhanging a public pathway the Council offered compensation of £750 to recognise failures including a failure to serve notice on or consult the landowner, damage to his trees and inconsistent and incomplete explanations in response to his complaint.
- § Three complaints about planning enforcement issues were settled by the offer of payments of £300, £250 and £75. The Council also agreed to review relevant training issues for planning staff.
- § A payment of £250 was agreed for a complainant aggrieved about failures in recovery action for sewage treatment invoices for which he was not responsible. The Council also cancelled the

debt.

- § Two unrelated complaints about waste management concerned failures in communication about the service. In one, compensation of £250 was agreed for a citizen who had been pursuing for over two years a complaint about the introduction of a new three-stream waste collection service. In the other complaint, compensation was not necessary but the Council apologised to the complainant for providing misleading information, and agreed to review its policies and procedures and to consider producing new information about its collection arrangements.
- § In one complaint about a Council Tax and benefits matter the Council offered compensation of £400 and refunded benefit of £120 in recognition of failures over a period of three years to respond to complaints about claimed benefit overpayments and suspension of benefit. Another complaint about a Council Tax account was settled by the Council's agreement to provide a detailed breakdown of the account and to credit the sum of £65.39.

A total of £2,400.39 was paid by the Council to settle complaints made to my office.

Other findings

Decisions were made on ten other complaints during the year. One of these was about a matter outside my jurisdiction so could not be investigated. Four complaints were found to be premature because the Council had not had the opportunity to investigate and respond to them, so were referred to the Council to be considered under your own complaints procedure. Investigation of four complaints was discontinued because my investigators found no or insufficient evidence of maladministration, and one investigation was discontinued because the complainant had not suffered injustice as a result of the alleged fault.

Your Council's complaints procedure and handling of complaints

Records for the year suggest a marked improvement in the Council's handling of complaints. As noted above, the number of complaints received has declined. And only one of the premature complaints referred back to the Council has been resubmitted to my office for investigation; my investigator discontinued that investigation finding no evidence of maladministration.

Of the nine local settlements agreed following investigation of complaints by my office unsatisfactory responses by the Council to complaints was a recurrent theme. However, these generally concerned matters arising some time ago and it is to be hoped that the effort invested by the Council to improve complaints handling will prevent similar problems arising in the future.

The Council's own complaints procedure is clearly explained and offers a number of ways of making a complaint, in writing, by email, by telephone or in person. I am pleased to note that the option of referring unresolved complaints to me is also identified and a link is provided from the Council's website.

Liaison with the Local Government Ombudsman

The improvement noted above is reflected also in the Council's responses to enquiries from my office. Average response time has reduced from 43.7 days last year to 23.7 days this year. This is now within the target of 28 days and is to be warmly commended. I recognise the hard work that will have been needed by officers in achieving this and I thank them for it.

One of my investigators met with senior officers from the Council during December to talk about our procedures and clarify what was expected of the Council in responding to our enquiries. Discussion also covered appropriate remedies for justified complaints. Each year we arrange a seminar for Link Officers and we will write to you later in the year to invite your officers to join this year's seminar. I hope you will let the Assistant Ombudsman know if we can provide any further assistance with the Council's drive to improve complaints handling.

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 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'. Again, 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. I am happy to record above the improvements which have already been achieved in complaints handling and look forward to seeing this continue for the future.

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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	0	5	7	2	2	16
2006 / 2007	3	5	6	15	2	0	31
2005 / 2006	2	5	8	21	3	1	40

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	9	0	0	4	1	1	4	15	19
2006 / 2007	0	9	0	0	10	1	4	9	24	33
2005 / 2006	0	4	0	0	13	5	6	14	28	42

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	23.7
2006 / 2007	16	43.7
2005 / 2006	16	47.1

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